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MORE THAN MERE LAW: FREEDOM OF RELIGION OR BELIEF

Abstract

Article 18 of the Universal Declaration of Human Rights establishes that all people, simply because they are human, enjoy the right to freedom of religion and that governments have the obligation to ensure the protection of that right. Yet we witness a world increasingly divided by religious tradition. The failures of many governments to ensure and protect religious liberty, and the impunity with which violators of religious liberty carry out their agenda of violence, fear and hate are commonplace. The language of human rights is an integral part of the concept of our inter-connectedness as humans. To ensure that Freedom of Religion is understood as an unalienable principle of society, the Universal Declaration and the language of human rights should be integrated into the obligatory curriculum of schools everywhere.

Introduction

The Universal Declaration of Human Rights is unquestionably a landmark in the history of moral consciousness, one of the factors that have consistently given hope and purpose to political life throughout the globe since it first saw the light of day in 1948. It has offered a global benchmark for identifying injustices to those who have never been able to make their voices heard.

The Universal Declaration of Human Rights was the UN's first ambitious undertaking—nothing less than an international Bill of Rights. Article 18 of the Universal Declaration is our special mandate at the United Nations. It describes the right to freedom or belief very clearly: Quote, "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom either alone or in community with others, and in public or in private, to manifest his religion or belief in teaching, practice, worship, or observance."

And, for all the challenges facing Article 18, which I shall come back to in a moment, it has been an energizing force in more than one community of faith in their struggle against arbitrary oppression and for the protection of the vulnerable. Yet the language of freedom of religion has become more rather than less problematic in recent years. An illustration of this could come from one of several Western European countries where questions about freedom of religion have begun to give anxiety to some religious communities who feel that foreign cultural standards are being imposed – for example, in regard to religious attire. And so we face the worrying prospect of a gap opening up between the discourse of religious liberty, increasingly conceived as a universal legal code, and the traditional moral and religious cultures of diverse religious communities in our countries. I want to suggest ways to bridge that gap.

Actually, I want to do several things. First, as I've mentioned already, I will suggest some ways in which we might reconnect thinking about human rights and religious conviction – convictions about human dignity and human relatedness, how

we belong together. I believe this reconnection can be done by trying to understand freedom of religion against a background not of perceived injustices against a particular religion but of the question of what is involved in mutual recognition among human beings. The language of religious liberty gets difficult only when it is divorced from that awareness of belonging and reciprocity.

Second, I wish to suggest the urgency of Freedom of Religion or Belief. It is an urgency of our time and making. The urgency born of human suffering of the worst sort—the kind that humans inflict on each other—which differs from the suffering of natural calamities. The atrocities I speak are of our volition and they are preventable.

Third and finally, I hope to remind us as educators (whether we are classroom teachers or otherwise, we are educators) that human rights education should rise to the top tier of an international curriculum for the young who will indeed inherit the earth.

How Religion Unites Us

The **"universal"** aspect of freedom of religion or belief and all other human rights, is a central element in the bridge I would have us construct. What makes the gap between religion and the discourse of rights worrying is that the language of the Universal Declaration is unthinkable without the kind of moral universalism that the Universal Declaration safeguards. The presupposition of the Universal Declaration is that there is a level of respect owed to human beings irrespective of their nationality, legal status, gender, age, sexual orientation, religious affiliation, education attainment or worldly achievement. People have a status simply as members of the human race. The language of human rights takes for granted that there are some things that remain true about the nature or character of human beings whatever particular circumstances prevail.

This universal sameness is the bridge that connects religion and rights—however different we may appear to be in some ways, those differences are merely outer shells. We are all even more powerfully the same.

How Religion Divides Us

"Religion" is a fine word. It is not offensive. It is commonly accepted and used in all languages with the same meaning. As far as we know, religions and beliefs have always existed in human societies. But religion is, at least in its misapplication, a source of enormous human tension. Let us ponder the reasons.

Religious liberty means the right to choose what to believe and how to show or manifest your religion or belief. It means the right to change; the right to teach; the right to share what you believe. You would think that kind of statement would put advocates of religious freedom or belief in a strong moral position, but instead, we are seeing a shift in the world toward increasing religious persecution. The right to choose and to change are often at the root of the problem. We are apparently afraid that in an atmosphere of freedom, we will not be chosen.

Shahbaz Bhatti, Pakistan's Minister of Minorities, was killed in March of last year by his own guard because he was campaigning against the country's blasphemy law. He did not agree that speaking about Christianity was blasphemy and defended

a Christian woman who had been imprisoned. This is merely one example of many illustrating the harsh reality that freedom of religion or belief is currently under attack.

But it isn't only in Pakistan. People across the world are suffering from violent persecution. Coptic Christians in Egypt and Buddhists in Myanmar and Muslims and Christians in Nigeria, Protestants in Mexico. These are not dangerous people and they are not bad people. Most of the time they are good people. But they are being discriminated against and persecuted, often physically abused and killed every single day because of their beliefs. They are miserable and often helpless.

When you do not have religious freedom you cannot go to the church of your choice, or any church at all in some countries. You cannot hold or talk about different beliefs, especially if you are part of a minority. You are persecuted—not because you are a bad citizen but just because of your religion or belief. You are fair game for bullies and bigots and fanatics.

Three years ago, a Hindu monk and spiritual leader was attacked and killed. In the violence that followed, 59 people died and 18,000 were injured, including young children burned and maimed – simply because some fellow citizens didn't like what the monk and his followers were saying.

Last year in Mexico, 24 evangelical Christian families, all indigenous Native Americans, were forced to abandon their homes and farms because they would not participate in nor contribute financially to a traditional ceremony of another Christian religion. This was Christian on Christian violence. Unfortunately, this was not an isolated event, and the numbers are on the rise.

Why the increase? There are at least three reasons for the escalation in violent religious persecution.

First, some governments seek to control their populations by controlling their religious affiliation. People are not allowed to say anything critical of the majority religion. Punishment ranges anywhere from fines to death sentences. Second, some governments form partnerships with the majority religion against minority religions. The claim is that the state and religion work in unity to build up the nation. But in fact the government passes laws that help the majority religion get rid of religious dissenters and pesky competition from religious minorities and then rewards loyalty to the party though state subsidy taken, of course, from the public treasury. In return, the majority religion leaders support political leaders and policies from the pulpit and behind the scenes. Minority groups are left out of the partnership, subjected to harsh registration laws and are viewed with suspicion by fellow citizens and ignored when they are violently persecuted.

The third reason for increasing levels of religious persecution has to do with fear of proselytism or evangelizing, efforts by one group or person to convert or persuade other people to change their beliefs. Majority religions often see proselytism as an attack, and feel threatened, no matter who they are. Allowing people to change their religion is disruptive to the community, they say. Muslims feel under attack, so they propose a U.N. resolution on defamation of religion. But Western Christianity feels under attack, too, so we see governments voting to ban Muslim minarets, for example, as the Swiss have recently done, or the French law against headscarves. These are not good signs even if the intentions are good. In fact, they are signs of religious intolerance.

Research evidence does not support the conclusion that restrictions on religion are necessary to maintain order or preserve a peaceful religious homogeneity. Recent long-term studies show that religious freedom is the antidote to these conflicts, not the cause.

An excellent book by two prominent sociologists was recently published called "The Price of Freedom Denied." Their research shows that restrictions on religious freedom produce greater persecution and conflict. Denying people their right to religious freedom undermines democracy and contributes to terrorism and international instability. And it turns out that the opposite is also true. Where there is religious liberty, other rights also increase. There is greater satisfaction and more development and education and increased women's rights and better health and national wellbeing.

Did you know that 70 percent of the world's population live in countries where they have no religious freedom? At the same time there are many countries that protect religious freedom. This is good news. But religious freedom is being more frequently challenged across the world. This is not good news. We can lose freedom of religion or belief. We need to send a strong message that we love religious liberty and we want to keep it.

Perhaps the most important step we can take today toward reducing religious conflict is in how we teach each other through our conversations and our behavior toward fellow students and people in our community. Make friends with people who do not share your beliefs. We can't promote religious freedom if we have no contact with religion or beliefs other than our own. Freedom of religion is currently facing its greatest challenges in its 63-year history.

Why Freedom of Religion Must be Part of School Education

From one point of view, freedom of religion has to do with the individual person, establishing the status of the person as something independent of any society. Take away this moral underpinning, and language about religious liberty can become either a purely aspirational matter or something that is simply prescribed by law. The same is true of religious practices, observances and preferences of all people. Whether or not a person has achieved formal citizenship in the land where she finds herself, the fact that she is human endows her with the right to freedom of religion.

It is important for the language of freedom of religion not to lose its anchorage in a universalist secular ethic – and just as important for religious believers not to back away from the territory and treat rights language as an essentially secular matter, potentially at odds with the morality and spirituality of believers. The preservation of secular language of religious liberty is the province of the school and the vocabulary of religion the province of the Church or Synagogue or Mosque or other establishment of religious education—both are complimentary and necessary.

The urgency of inclusion of human rights, especially freedom of religion or belief, in the school curriculum can be illustrated in many ways. Today, the protection of religious minorities, not only from very specific kinds of practical discrimination but also from demeaning public speech, reflects a reactive move, not an educational one. "Civics education", instruction about moral and awareness of a society, leads young people to recognize that certain ways of speaking and behaving

may restrict or enhance the possibilities of certain groups. Where it may have been commonplace to use stereotypic words and images of others, young people come to see that by using such words and mental images, they are in effect treating some person or group as people we need not fully recognize as fellow-humans and fellow-citizens, people who do not belong in the same way that they do. But religious freedom education creates a culture of acceptance before the law must step in to do what should be done in the first place.

Again, in the last century or so, human rights education in schools has advanced the idea that women must be treated equally in society and in law. Bit by bit, schools in many countries have identified some of the ways in which women receive less than full recognition in society, how employment opportunities are skewed by assumptions about the superiority of men, how the imbalance of power leaves women vulnerable to sexual exploitation or harassment. Education ideally precedes the law, asserting that women have received less than is due to them, and that practices that perpetuate this should be proscribed. The law then follows naturally. Probably more rapidly than anyone expected, the same principles have led, in many parts of the world, to various enactments for the protection of sexual minorities. At the moment, the vulnerable position of religious minorities is fast becoming a matter of urgency in many contexts. Schools can and should exert their influence to advance the powerful notion of the universality of humankind.

School education should, I suggest, include the following elements in a curriculum of human rights.

1. **Make explicit the connection between religious belief and the discourse of human rights.** The existence of laws discriminating against religious minorities as such can have no justification in societies that are serious about law itself. Such laws reflect a refusal to recognize that minorities belong, and they are indeed directly comparable to racial discrimination. Laws that criminalize belonging to certain religious denominations need the most careful scrutiny: legislation in this area is very definitely to do with the protection of the vulnerable from those with power to exploit and harm.

2. **Acknowledge the dignity of another person by admitting that there is something about them that is, something beyond me: something to which my individual purposes, preferences, fears or hopes are irrelevant**. The other is involved with more than me – or indeed, more than people that I think are just like me. Mutual respect in a society, paradoxically, means both the recognition of another or another's religion as mattering in the same way that I matter or that my religion matters. It is an understanding of sharing the same human condition, and the recognition that this entails their religion not being at my disposal, respecting their independent right to pursue their faith.

3. **Establish a global account of what human dignity means and how it is grounded.** It cannot be left dependent on the decision of individuals or societies to ensure freedom of religion: that would turn it into a particular bundle of cultural options among others – inviting the skeptical response that it is just what happens to suit the current global hegemonies. It has to establish itself as a vision that makes sense of the practice of law within and between societies – something that provides a general template for looking critically at the claims of any particular society to be equitable and inclusive, not something that just represents the preferences of the

powerful. A credible, sustainable doctrine of religious freedom must therefore be both modest and insistently ambitious. It must be modest in seeing itself as the legal solution to all problems arising in the context of a broad-based struggle for social equity and justice; but it must be ambitious in insisting on the dignity of every religious minority and their consequent claim to protection, to be allowed to make their contribution, to have their voice made audible.

4. **Religious liberty must be understood to belong to the entire human race.** It is essential that, in an age that is often simultaneously global and self preoccupied we do not allow the language of religious liberty to wander too far from its roots in an acknowledgement of the sacred—common to the whole of the human race. This means, on the one hand, that would-be secular accounts of religious liberty need to hear the arguments against an excessively abstract legalistic model of clearly defined claims to be tried before an impartial or universal tribunal. On the other, it means a warning to religious bodies not to try to make anxieties about their freedom to make religiously based ethical judgments an excuse for denying the unconditionality of the language of rights for religious groups with whom they disagree. Too much is at stake for the world's well-being.

Conclusion

In her recent address to the United Nations in Geneva, U.S. Secretary of State Hillary Clinton, spoke of the forgotten LGBT community, calling it a human right not formally included in the universal declaration and made a cogent and passionate appeal for our involvement. We today, have talked about Article 18, an included but neglected part of the universal rights, but we can do no better than to end by repeating Secretary Clinton's final sentence: "We are called once more to make real the words of the Universal. Let us answer that call. Let us be on the right side of history, for our people, our nations, and future generations, whose lives will be shaped by the work we do today."

Human Rights are universal and indivisible. We cannot pick those we like and discard the rest. The understanding of religious liberty as a human right is essential medication to heal the factious world we live in. It must find a place alongside other great truths that are passed from one generation to the next through inclusion in the formal curriculum of our schools. Echoing once more the inspiring words of Secretary Clinton, "I come before you with great hope and confidence that no matter how long the road ahead, we will travel it successfully together."

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