
ROBERT TRAER

FAITH IN HUMAN RIGHTS

Our Challenge in the 1990s

Robert Traer, IARF General Secretary

We are challenged both by the events of our time and by our faith commitments to support human rights. Brutal warfare, starvation, ethnic cleansing, and religious intolerance make the struggle for human rights more necessary than ever. At the same time greater cooperation among people of different faith traditions and the support within their communities for human rights make the struggle for human rights more encouraging. Human rights are violated everywhere, but everywhere men and women of faith assert that very person has the right to human dignity.

I say "men and women of faith" are asserting human rights, because human rights are not simply a matter of law but of faith. The Universal Declaration of Human Rights, which was passed without dissenting vote by the General Assembly of the United Nations in 1948 and is the foundation of international human rights law, affirms that "the peoples of the United Nations have in the (UN) Charter reaffirmed their *faith* in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom." (Emphasis added) Human rights cannot simply be derived from legal precedents of the past, nor from empirical evidence or logic, but require a "leap of faith."

HUMAN RIGHTS IN THE 20TH CENTURY

This is obvious when we realize that prior to World II international law was the law of nations, and thus the rights of a human person were the rights granted by his

or her government. This understanding of rights was supported by modern legal theory which holds that laws are simply the decisions of governments and that there is no other "higher law". Faith in this theory and system of law was shattered by the acts of Nazi Germany, for the Nazis legislated the extermination of the Jews. These Nazi laws were clearly wrong, but how were they to be condemned by a system of international law which allowed for no standards by which to judge the authority of a state?

The Nuremberg trials asserted a higher standard, and the United Nations codified this as international human rights law. Since 1948 these laws have grown to include numerous covenants (or treaties) and international mechanisms such as the UN Human rights Commission and Subcommission. At the same time the number of nations in the UN has expanded rapidly, due to the liberation of peoples in Africa and Asia from colonial rule. The UN has become more prominent, if no less controversial, and assertions of human rights have continued to capture international attention.

In the last 45 years human rights have expanded conceptually as well. The Universal Declaration of Human Rights was dominated by notions of civil and political rights, which are most familiar to Westerners. But economic and social rights concerning employment, food, shelter, education and health care were also affirmed. More recently, accompanying the growing strength of formerly colonized peoples in the UN, cultural and peoples rights have been asserted. We see here a shift in emphasis from the individual to the group, from protection of the dignity of the individual *from state intervention*, to providing for communities the elements of life deemed necessary for human dignity *through state intervention*.

Agreement on the nature and scope of human rights is a matter of debate, of course, not only among political leaders and international lawyers, but also among religious leaders from a variety of cultures and traditions. As conflict between religious communities seems to be increasing in many parts of the world, support for human rights among religious leaders may prove ever more important.

RELIGIOUS SUPPORT FOR HUMAN RIGHTS

When we reflect on the historical development of human rights, we see immediately that for most of human history religious leaders resisted what we today describe as human rights. Traditionally, religious leaders have been primarily concerned with enforcing their authority and with the welfare of their community, rather than with the rights of its members, especially if recognizing these rights meant permitting dissent. Thus, religious people who now support human rights should in good conscience confess that their traditions and teachings have generally been used to deny many of these rights.

Yet, religious leaders were among the first to assert that the UN promulgate a Declaration of Human Rights, and Christian and Jewish leaders actively lobbied the UN Commission that drafted it. The World Council of Churches provided leadership among Protestant Christian groups, and after Vatican II members of the Roman Catholic Church have been in the forefront of the human rights struggle in Asia, Africa and Latin America. Jewish participants in the human rights movement are far more numerous than their small numbers in the world would lead one to expect. And more recently prominent Muslims have asserted that the Islamic tradition supports fundamental human rights.

Within the theistic traditions human rights are understood as God-given. Men and women created in the image of God are seen as having rights, because of the freedom of God. The nature of these rights is discerned from the scriptures of the particular tradition. As the word "right" rarely appears in these scriptures, notions of human rights tend to be derived from teachings about duty. The idea that rights are part of relationships is something that all religious traditions share, although the emphasis on individual rights may vary considerably. From the religious point of view a person has a right in relation to others, in the context of relationships and mutual obligations. These duties and rights are part of the fabric of community. Communities are constituted by religious teachings, common discipline, and (from the point of view of theistic traditions) by God. Rights are thus a fundamental part of the nature of communities.

This is different from the view which dominated the drafting of the Universal Declaration of Human Rights, and the development of human rights law in the first part of the second half of the 20th century. From this other point of view, which dominates modern, Western political thought, rights are inherent in the individual, who joins together with other individuals to form communities. Thus rights are brought into society by individuals, who in theory form a "social contract" with one another in order to live together. In this perspective the community is a voluntary association, which the individual can leave or join, as he or she chooses.

These two different understandings of the nature of human rights can lead to disagreements. For example, the more individualistic perspective dominates the formulation of religious freedom in the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights. In the words of the Universal Declaration, it is "freedom of thought, conscience and religion" which is protected and this includes the freedom to change one's religion or belief as well as the freedom to join with others in teaching, practicing, worshipping, and observing the religious disciplines of one's tradition. Thus freedom of religion is primarily an individual right, although it may be asserted by a group of individuals.

This understanding of the right to religious freedom reflects the Western notion of religion, as a voluntary activity of individuals who join together to practice what their individual consciences tell them is right. Because this is largely a modern, Western notion of religion, it is not surprising that more traditional religious communities are less than enthusiastic about this emphasis on the rights of the individual believer. In their view, if rights are given by God to the community of the faithful, then individual rights are secondary not primary. The rights of the entire community take precedence.

For example, many Muslims are loath to support the right of an individual to convert from Islam to another religion. They believe that God has constituted the Islamic community to rule in his stead. To convert from Islam is thus to reject God and those who are charged to rule for God. It is inconceivable, for many Muslims, that

one can have a right to turn away from God, to err, and to go astray.

This position is not unique to Islam. Prior to the 18th century it was the view of most religious communities, at least among the theistic traditions. It was the position of the Roman Catholic Church until the latter part of this century, and it is affirmed in slightly different ways by many Christian groups today. What is neglected in such a position, of course, is the idea that God wants obedience to be freely given. Muslims who support the right of conversion quote from the Qu'ana: "Let there be no compulsion in religion." Such a text, however, envisions the religious community more as a voluntary association of believers, rather than as a community constituted by God which must be protected from deviation by its leadership. And this view of religious community is strongly opposed by the leaders of many religious traditions.

It is not helpful to characterize a position which stresses community interests over individual interests as counter to human rights, for those who assert such a position believe they are affirming the community's right to religious freedom. The claim of the Unitarian Church in Romania may put this perspective in a more sympathetic light for many of us. The Unitarians in Romania, who are part of the Hungarian minority community, claim the right to operate confessional secondary schools in their own language, for their own people, but to have these schools supported by the state. The Romanian government asserts the right to integrate Romanian students (who are neither Hungarian nor Unitarian) into state supported schools, claiming that the right to religious freedom is protected by freedom of worship and religious education in the churches and that the government has no obligation to support confessional schools for minority students so that they may study their religion with one another in their own language.

The IARF has supported the Unitarians in this struggle with the Romanian state, as it is clear that integrating Romanian students into the confessional schools, which have for centuries nurtured the minority Hungarian Unitarian community, is part of the government's plan to destroy the minority Hungarian community by assimi-

lating it into Romanian society. Denying places for the public education of young people in the Hungarian Unitarian tradition would make it much more difficult for that minority community to pass on its religious traditions and identity to its young people.

Yet, the issue not a clear-cut one, and thus assertions of the right of religious freedom may genuinely be made by those who stress community rights as well as those who recognize only individual rights. What is needed here is communication between the two, respect for their differences, and protection within the society for minority views whatever the law may decide about the balance between the two positions.

Notwithstanding these differences, it must be stressed that support for human rights among leaders of different religious traditions is substantial. Given the history of conflict between religious communities, both in different religious traditions and within the same tradition, we might well conclude that this agreement is astonishing. Certainly it is unprecedented, as is faith in human rights as expressed in the Universal Declaration of Human Rights and as affirmed by men and women of faith all around the world.

HUMAN RIGHTS ENFORCEMENT

The religious communities have played and can now play a significant role in the enforcement of human rights law. This is particularly the case because of the unique nature of international law in our time. Unlike the laws of a state, international human rights law has no coercive authority to back it up. The United Nations does not have enforcement powers, except as granted by its member nations, and then only for very limited purposes.

For many, this fact suggests that human rights law is merely a legal fiction, a romantic idea, until a world government with enforcement powers is created. Others argue, however, that the enforcement of international human rights law is an experiment in nonviolent community building. Nonviolent methods for enforcing human rights laws include exposing human rights violations to public scrutiny and shame, economic and political sanctions, and forms of cooperation among community groups including religious organizations.

Religious ideals and discipline may help keep the human rights struggle nonviolent, may encourage political leaders to live up to the higher aspirations of their religious and cultural traditions, and may help build trust between minority and majority communities in a society. We see examples of this in the movement led by Gandhi in India, in the role of Christians and Jewish leaders during the civil rights movement in the United States during the 1960s, in the leadership of Christians and Muslims in fighting apartheid in South Africa, and in the martyrdom of religious leaders in the struggle for human rights all around the world.

Thus support in religious traditions not only provides a foundation for human rights, which may otherwise appear to be merely the consensus of a particular culture or a particular time, but translates the imperatives of human rights into the moral and spiritual language of different religious and cultural traditions, allowing more people to claim these rights as their own heritage.

OUR CHALLENGE NOW

What then is our challenge now? Often human rights issues seem beyond our control, involving governments and political forces that are hard to influence. Yet, the human rights struggle is compelling, because it affirms the fundamental human dignity of each person. This is a radical assertion and deserves our active support. It is a leap of faith to claim that each person, regardless of his or her intelligence, morality or circumstances, is a human being who deserves to be treated with respect. There is little in the history of civilization to support this claim and much to deny it. It is simply wonderful that this claim even has a hearing today.

In the IAFR we support the claim to human dignity both as a legal claim under international law and as a religious claim, which has found support within many of the world's religious traditions. As an Association of religious and humanist groups, the IAFR does not hold to one theory of the nature of human rights, but urges members within all the religious traditions to find their own way of understanding and supporting human dignity. It acknowledges that different conclusions may be drawn

within different religious communities, and that these different conclusions deserve to be taken seriously and discussed in good faith.

This is why the AIRF supports interfaith activities which bring together people of different religious traditions. It seeks to discover areas of agreement and cooperation among members of diverse religious communities. Conceptual differences may not necessarily inhibit cooperation among different religious communities in support of human rights. In fact, it is the experience of the IARF that members of all the major religious traditions are able to join together in support of many fundamental human rights.

Because of its heritage as an Association of minority groups, who have suffered ostracism and oppressed, the IARF focuses on the human right of religious freedom. Moreover, as its constituency of religious and humanist groups includes a diversity of traditions, the IARF has developed a particular methodology emphasizing support for constructive community leadership.

Specifically, the IARF assists religious communities, rather than taking up individual cases in the way that Amnesty International does. It seeks to help local religious leaders create the social conditions necessary for the enforcement of laws protecting religious freedom. Wherever there are cases of individual violations of religious freedom, there are religious communities that are oppressed. But in these same communities, there are religious leaders struggling to create viable alternatives to being victimized. The IARF supports the initiatives of these local leaders.

Thus, the IARF supports efforts to develop respect among the different religious and ethnic communities and the enforcement of international law in the society. It sponsors interfaith activities to develop the social understanding and consensus necessary for the protection of religious freedom. It promotes and publicizes constructive programs in divided societies, programs which bring together people of different faith and ethnic traditions.

For example, at the IARF Congress in Bangalore, India in August 1993 Muslims, Hindus, Christians, Bud-

dhists, members of indigenous traditions, and others talked and ate and prayed together. Muslims who had not previously been involved in interfaith dialogue invited more than 200 visitors to their College in order to share their views and to listen to those who might disagree with them (and some did, rather vociferously). Visitors went to a village of Muslims and Hindus, where the AIR has supported efforts to improve agriculture and education and to care for orphans.

As an Association of religious and humanist groups, the AIRF is founded on the belief that people of different faith traditions and philosophies can become friends, can share in eating and celebrating, can act in solidarity with minority religious communities which are being persecuted, and can help religious people of different traditions understand each other and cooperate together. The work of the IAFR puts this belief to the test.

In the end, this all comes down to what you and I do in our own communities. All life is local. There is no global or international life, although today there is a global or international dimension to all local life. We are all affected by what is happening all over the world. But we live our lives in the world of our friends and neighbors and communities and voluntary association and societies.

Our religious traditions are real for us in our fellowships and churches and synagogues and mosques and temples and, for some, in our interfaith activities as well. But it is here, among people we know and others we hope to know, that the human rights struggle goes on and will either be won or lost. The IARF is thus nothing other than the local activities of people like you and me, people who care enough about the whole world to care about their part of it, people who care enough about human dignity to care about the persons in their own communities, people who care enough about those yet to be born to care about what kind of neighborhood and community they will inherit.

The IARF methodology is basic to every religious tradition. It involves reaching out in friendship, getting to know others who are different, sharing by listening as well as talking, respecting differences and building on agreements, supporting constructive leadership, being

ROBERT TRAER

compassionate, and standing by our friends when they are in trouble. Support for religious freedom is as simple, and as challenging, as that. I heartily recommend it to you all.

1 November 1993.