

## **International Human Rights, Religions, and the Discipline of Religious Studies**

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Human rights is largely a modern concept, and a recent category in international law and world affairs. The concept, as a form of moral appeal and as a subject for agreements between nations, became prominent during the twentieth century, especially with the Universal Declaration of Human Rights formulated in 1948. (It is worth noting that Japan attempted to have a clause protecting just treatment of all races and national peoples included in the Covenant of the earlier League of Nations—prior to such atrocities as the Holocaust and the Nanking massacre—only to have it blocked by the British and Americans, who could not expect their own legislatures to ratify this ideal, now considered a ‘universal right’!)

Religions, on the other hand, tend to derive from much older traditions, systems of social organization, and frames of reference. Almost all societies’ concepts of morality, for instance, are based on or deeply informed by one or more religion’s concepts of human beings, interrelationships between beings, the ultimate destinies of beings, the meanings and purposes of life on earth, and distinctions between good and evil, right and wrong.

In general terms, the academic discipline of religious studies contributes to the study of human rights by bringing these two realities—the *longue durée* of and expansive ‘cosmic’ visions of religions through history, and the modern perspectives of human rights discourse—into dialogue, mutual critique and understanding. By considering

religious phenomena from all cultures and historical periods, religious studies expands our perspectives beyond those of any one culture or hegemonic ideology shaping what constitute ‘human rights,’ and beyond the confines of standard human rights discourse itself. Comparative religious studies gives pause to the notion that ‘human rights’ are, or have ever been, ‘self evident’ or recognized as ‘universal.’

Human rights activities may be subdivided into the *theoretical* (philosophies, concepts, theories), the *practical* (organizational work, protests, solutions, and so on), and bridging these two, the *legal* (laws, courts, the UNDHR, international agreements, and law enforcement efforts to apply legal requirements ‘on the ground’).

Religions, when thought of primarily as systems of *belief*, apply most directly to the first area: the *theoretical*. In almost all cultures, religions establish not only the moral norms, taboos, motivations and ideals accepted in society, but also specific concepts of the person, liberty and liberation, human goals, and the maps of reality that integrate all these concepts into a given culture’s life. Religions are therefore extremely important for finding persuasive ideals that are shared across cultures, for common ethical principles that support the concept of human rights, and equally for deeply entrenched principles and practices that present obstacles to claims that particular rights can be considered ‘universal’ or applicable in all cases.

But religions are not merely conscious beliefs. They also inform people’s assumptions, expectations, behavioral norms and ways of being. Religions therefore contribute much to the *practical* arena also. Moreover, religious laws and institutions have shaped the legal systems and principles of justice, retribution and punishment in most of the world’s societies. So religions have done much to inform the legal sense of

‘rights’ and expectations that preceded the more secularized modern notion of ‘universal human rights.’ Thus they play some role in the *legal* area of human rights as well.

Paradoxically not all these elements, in any given religion, are likely to support human rights. As one significant example, the principle of *universalization* is both supported and resisted by the presuppositions of different religions. A very hierarchical religion like Confucianism (the dominant influence in almost all East Asia) tends to distinguish between close (family-based) relationships and more distant members of society or other societies. Religions with roots in tribal societies, including Judaism, often distinguish between its own members’ rights and those outside, a distinction also reflected in Islam—although modernized forms of Judaism and Islam present universalization as an ideal.

‘Universal’ ethics also play out less than universally in distinct religious cultures. For example, virtually all Chinese traditions assume a strongly ‘top-down’ management of the social order, tending to privilege the rights of those above over the majority below. Indian religions’ universal ideals are often complicated by India’s traditional and rigid caste-based social system, and much the same could be said of Christian societies too—race, gender and social status have often caused ‘rights’ and laws to be applied very unevenly. So in regard to both principles and actual practices, religious studies can be called upon to probe religious traditions through sympathetic critique. That work enlarges our understanding of both the historical and theoretical *foundations* of the principles of human rights, and practical *obstacles* to their acceptance in particular cultures and situations.

Finally, religious adherence is itself subject to protection as a ‘human right.’ Some differences may arise as to whether protection is granted to the cognitive dimension of personal *belief*, or the public dimension of *practice* and *ritual* (as in the U.S. Constitution’s First Amendment of ‘freedom of worship’—unless that involves something the Supreme Court regards as a drug, like peyote), or both. Religious studies can again play a role here, not only through astute analysis and sympathetic critique, but also by raising people’s awareness of what other cultures and religions believe and do—and why. That should further the sense of all citizens that religions are worthy of protection, whether or not their beliefs and practices appear, at first blush, to deserve such a status.

For all these reasons, the relationship between the discipline of religious studies and the principles of human rights should be understood as dialogical, and dialectical. Religious studies examines historical contexts and provides valuable nuance to the often essentialized notions of human rights. It also explores possible limitations to both the theory and application of this noble ideal. Human rights for its part challenges religious cultures to live up to their highest ideals, to examine presuppositions and blind-spots, and also to consider carefully what *qualifies as religion* under this protection of a valued human right.