Religious Diversity and Human Rights-Clashes and Convergences in Asian-European Dialogues


Elisabeth Gerle

Reader in Ethics, Lund University and at the Research Department, Church of Sweden, Professor of Ethics, esp Human Rights, Uppsala University,

Elisabeth.Gerle@svenskakyrkan.se

Are human rights universal or not? Or are they a Euro-American notion? In the ongoing debate on human rights and universality the Europe and the Asia are often set up against each other as opposites. While Europe and the United States seem preoccupied with rights of the individual Asia is said to have an understanding of life built upon a collective way of living. Family, local community, religious identity and nation shape the life and role of the individual. His or her position is given in a fixed system.¹

The question in this paper is, however, whether this dichotomy is optimal for the very complex relationships between cultures and human rights due to religious, historical and socio-economic diversities. Late-Modernity and several features of globalization highlight diversities and asymmetries not only between civilizations and regions but also within nations and various religious traditions.² This has an impact also in relation to which dimensions of human rights are emphasized. My argument in this paper is that Asian and European religious traditions have a

¹ This paper was first presented at a workshop “In Search of a Humanized Globalisation” at the Institute for Religion and Culture, April 27-29, 2004, Nanzan University, Nagoya, Osaka, Japan
potential in collaborating around important human rights issues. Today the most visible alliances between religions emerge as resistance to certain human rights. A collaboration to support and advance human rights may reveal that certain aspects of human rights are associated with modernization processes more than with specific cultural aspects.

Pre modern societies, in varying degrees, all have some kind of respect for Human Rights and human dignity. My thesis in this paper is, however, that such respect for Human Rights are different from what we today mean by Human Rights. In pre modernity Human Rights were mainly understood in relation to social position, age and sex. Slaves, workers, non-philosophers and women were not considered to be real citizens in ancient Greece. Democracy and Human Rights were the entitlements of free, independent, male citizens. Women were not seen as legal subjects or as citizens in Palestine at the time of Jesus the Nazaree. This is why his way of treating women with full respect for them as persons was considered revolutionary by his contemporaries.

Also today there are some real tensions around Human Rights within traditions as well as between them that need to be acknowledged. As the title indicates I want to reflect upon clashes as well as on convergences in the dialogue between Europe and Asia.

These clashes and convergences will be discussed in a context where postmodern thought is challenging the rights discourse for being unaware of its cultural biases. ”Rights” are seen as emerging out of natural law perspectives and a belief that there is a fundamental nature or human essence. It is argued that the understanding of human beings as bearers of rights is connected to the Enlightenment tradition in the West and its focus on autonomy and egalitarian values. Autonomy came to be associated with the individual man, understood as first of all a mind and as an island. Modern pursuits of egalitarian values have, therefore, often made the white, European male a prototype of the human being. Everybody else was supposed to become similar. Colored women and men, white women, everybody was supposed to become the same as the white, heterosexual man valuing independence, autonomy and freedom. The egalitarian emphasis came to be “sameness”, not

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respecting “difference” or “alterity”. Hence, post modern key words are “difference” and “asymmetry”.

This challenge and critique against a European hegemonic discourse has been liberating and made at least some European intellectuals aware of cultural biases. The critique in itself can, however, easily side with cultural and ethical relativism undermining all forms of emancipatory ambitions. Difference and asymmetry can be launched in defense of inequality and injustice as well as against European or American blindness and preoccupation of self. Hence, sensitivity of cultural preconditions and assumptions need to be combined with a continued discussion and recognition of core values. Values need to be understood in their context and often renegotiated. If a postmodern critique of sameness could lead to ethical relativism and to the undermining of egalitarian values as such it appears important to highlight contradictory trends.

While many philosophers and politicians in Europe seem to abandon the value of egalitarianism and equality as a societal vision, social movements in various parts of Asia are pursuing justice based on egalitarian values between cultures but also within cultures. Some draw on ancient Asian philosophers to underline that the value of the person is integral and indigenous in Asia.

In my view a radical skepticism against egalitarianism can only be to the disadvantage of marginalized groups. Neither women nor people of the Global South or in the so-called two third society that is spreading as part of globalization will benefit from the undermining of the rights discourse by postmodernism. It is like an ironic gesture by fate that when people in Africa and Asia are invoking principles of equality, non-discrimination and rights and are using them against their former rulers, new philosophical teachers emerge in Europe undermining the basis of argumentation for women and for people in poorer countries. Resistance to equality and defense of authoritarianism has namely deep roots also in Europe. In the 18th century counter revolutionary philosophers argued, in the name of religion, against the Enlightenment and “the philosophers of the Encyclopedia”. Similar values emerged in the anti-modern fascism in Europe and in contemporary populist right-wing movements in Europe and United States, defending the patriarchal family as the center of a hierarchical society. As part of globalization such values are now quite central in the Indian Hindu-nationalism and in militant political Islamism. Resistance to Modernity and to human rights is a modern phenomenon.

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4 See e.g. Seyla Benhabib, 1992, Situating the Self, Gender, Community and Postmodernism in Contemporary Ethics, Polity Press, Camebridge, especially the chapter "Feminism and the Question of Postmodernism", s. 209, 217 ff
However, other theoretical underpinnings of a rights discourse have emerged among the critics of Modernity in Europe. Explorations into how the human being is constituted and which forces shape the life of the individual is a preoccupation of many philosophers and sociologists concerned with critical constructivist theory. One theme is the critique of the Enlightenment tradition and the Cartesian focus on individual intelligence as constituting the human being. The French philosopher Maurice Merleau-Ponty (died 1961) was one of many pursuing an anti-Cartesian project arguing that the dichotomy between body and mind is false. Instead he bases his understanding of human nature in an ontology that stresses unity and interconnectedness.

He sees body and mind as necessary dimensions of each other. A subject is a unity that cannot become a person without a social world of language, meaning and work. In reaction to the Cartesian emphasis on the mind he argues that truth does not “inhabit” only the “inner man”. He argues that “there is no inner man, man is in the world, and only in the world does he know himself”. He finds not a “source of intrinsic truth, but a subject destined to the world”.  

Hence being a social subject is something you learn by acquiring the ability to practice one-self as one’s life world. Knowledge is acquired through bodily existence in and with an already existing world. A subjectivity like this, focusing on the intermode between the subject and other subjects and things might be an opening where Europe could transcend its previous, secular emphasis of the individual as a mind. This might create a new understanding of Asian traditions focusing on the collective, community and people living in interaction. Yet, also here there might be tensions, even clashes in relation to Asian dichotomies of mind-body as well as in relation to the strong emphasis on the given, i.e. on static positions of the individual. This tension is something I will return to in my concluding remarks.

I. Emergence of Secular Human Rights in Europe and America

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5 Maurice Merleau-Ponty, Phenomenology of Perception, 1962, p xi, Routledge, New York
So-called Western ideas focusing on autonomy, personal integrity and rights of the individual in relation to authorities are closely connected to the Enlightenment era. A new understanding of the relationship between the individual and the state transformed the role of the individual from being a subject under a Divine King to being a citizen with rights to choose whom to be governed by. Contract ethics connected with philosophers such as Rousseau, Hobbes and Locke are basic in the emergence of liberal democracies as they developed in Europe. Needless to say, the individual citizen, described as born free and equal in the American Declaration of Independence from 1776 was a white, property owning man. Citizenship at that time was not supposed to be for black people or for women, who still are not mentioned in the American constitution except in amendments. The Western universality of the rights of citizens obviously was not as universal as it has been said to be. Yet, it has been an ideal inspiring the citizen’s rights movement led by Martin Luther King in the 1960’s as well as for many women and liberation movements in various parts of the world.

An understanding of personal dignity and autonomy also influenced the relationship to religious authorities. Christian Reformation movements connected with Martin Luther in Germany and John Calvin in Switzerland in the 16th century gave religious underpinnings to what was later developed as Enlightenment philosophy. For Martin Luther the personal capacity to read and to interpret the Bible led to an understanding that everybody was able to relate to God without mediators such as the clergy or the Church as an institution. Under the banner “Sola Scriptura” he challenged the Pope and the Roman Catholic authority to excommunicate those searching salvation outside of its religious ”jurisdiction”, i.e. the Roman Catholic Church and its clergy.

From the 16th century the Lutheran churches in Scandinavia had become the established churches. Every Swedish, Norwegian, Finish and Danish citizen was supposed to be Lutheran and active in the state church. Other denominations emerging as Calvinist, reformed religious movements in the 17th and 18th century started to make claims that they wanted to express their Christian faith in their own way. Under the banner of individual rights they pursued group rights for their new congregations. Hence, the rights to freedom of expression and of association were crucial to these reformed, revitalist religious movements that often were inspired from the UK and the USA. In Europe and the United States there is, therefore, a close link between such religious claims for pluralism and the freedoms expressed in the Universal Declaration of Human Rights from 1948, as ”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 in public
or private to manifest his religion or belief in teaching, practice, worship and observance” (UDHR, 1948, Art 18). Article 19 expressing the right to ”freedom of opinion and expression”, the right to ”hold opinions without interferences and to seek, receive and impart information and ideas through any media and regardless of frontiers” as well as article 20 affirming the ”right to freedom of peaceful assembly and association” are often labeled the first generation of human rights.

The International Covenant on Civil and Political Rights, (ICCPR,1966) that expresses these rights in a covenant, was actually the second of the two covenants that emerged out of the declaration from 1948. ICCPR and The International Covenant on Economic, Social and Cultural Rights, (ICESCR, 1966) were both done at New York, December 16, 1966. The ICCPR was, however, the first to enter into force in January 3, 1976 while the ICCPR was postponed until March 23, 1976. This legal curiosa knowledge is, however of minor importance. More significant is the debate in relation to these two covenants. The United States immediately launched an understanding of civil and political rights as being the basic human rights. People in Asia, Africa and Latin America on the other hand, pointed out that economic, social and cultural rights were the crucial ones. These two covenants from 1966 became part of the political struggle between the Soviet Union and the United States during the Cold War. While the US never ratified the Covenant on Economic, Social and Cultural Rights the Soviet Union did not ratify the Covenant on Civil and Political Rights. Both sides accused the other of violating human rights. Many governments from Africa and Asia sided with the Soviet Union in claiming the superiority for economic, social and cultural rights. ”What is the point with freedom of expression and the right to vote if you don’t have food and shelter?” was one of many questions asked during this period. European well fare states that themselves pursued economic and social rights for their citizens often took a middle position in this struggle, trying to connect the two covenants as well as the two sides.

It is often pointed out that even the Covenant on Economic, Social and Cultural Rights has the individual person at its center. Except for the opening part, Article 1 on people’s right to self-determination, which is the same in the two covenants, the rights expressed relate to state responsibilities in relation to the individual, not in relation to groups or peoples. Furthermore this first paragraph, which was formulated as a gracious gesture in relation to demands from the South, has never been legally invoked in the UN system. Independently of the covenant’s

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6 Covenants are legally binding. See Burns H. Weston & Richard A. Falk & Anthony D’Amato, 1990 Basic Documents in International Law and World Order, West Publishing Co. St. Paul, Minn.
formulations, there seems to be a different emphasis in the human rights discourse between various cultures. As Bas De Gay Fortman points out:

It is noteworthy that while in their Western historical context human rights developed as a protective concept - to defend the autonomy of individual citizens against particular threats from sovereign (states) that wished to extend their power into the citizen’s own realm - in the cultural context of Africa, Asia, South and Central America the idea of human rights is of a much more emancipatory character: a struggle for rights of the have-nots.7

One of the more serious argument against how the human rights discourse is being used, not only by Euro-American, liberal democracies but also by social movements in the West, is the accusation that they overemphasize the right of the individual at the expense of the collective and shared. This often results in focusing only on civil and political rights while neglecting social, cultural and economic rights, thus leading to double standards as civil and political rights have had a longer life in the Europe and the US. Even more important, however, is that the greatest challenge for the future has to do with caring for what is shared, locally and globally. Bas de Gaay Fortman points out that

it is exactly those cultures in which possessive individualism has strong roots - and that includes the global village as such - that experience great difficulty with economic and social rights, already at the stage of standard-setting. While individualism may offer a sufficient moral foundation for respecting everyone’s freedom, it is inadequate as a basis for accepting other people’s needs as grounds for justified claims. Economic, social and cultural rights presuppose not just free individuals but a community that accepts responsibility for the fulfillment of everybody’s basic needs. 8

To accept responsibilities requires more than just a legal basis. To ratify conventions, to establish courts for human rights and to develop the jurisprudence

8 Bas de Gaay Fortman, "Religion and Human Rights: Mutually Exclusive or Supportive?” in Studies in Interreligious Dialogue, 6/1996
of human rights is not enough. The moral foundation for responsible living needs to be nurtured by a worldview.⁹

From a European perspective the Cold War is over and we live in a world often described as being in a new phase of globalization. The accusations against Europe and the United States for universalizing their concerns and enforcing them upon other cultures and regions in the world are, however, very much part of the globalization debate. Which values are really universal? Is the Euro-American concern for personal autonomy and rights really being shared globally? Or are these proclamations just another version of hegemony and global imperialism where social, cultural and economic rights are being neglected?

The relationship between states and citizens has been the focus for legal developments of human rights. Now there is a growing interest in what kind of responsibility other actors have for the implementation of the International human rights regime. The legal International Law framework of the United Nations is challenged by strong transnational actors that operate above and beyond state legislation. The pursuit of human rights is therefore, as well, taking other routs. As a consequence of globalization non-governmental organizations increasingly work within transnational networks. They are also, sometimes together with states, addressing transnational corporations pushing them to pursue human rights.¹⁰ In this development values and norms are getting more of attention. Cultural values are often invoked by governments to explain different emphases or to excuse lack of implementation of human rights. Reality is, however, filled with complex and intriguing relationships between power structures and references to deep cultural or religious values. My analysis here of some religious and cultural value hierarchies involved in the discussion aims to point out that religious values may be invoked in many directions. Clashes or convergences do not necessarily follow only geographical or cultural regions. They are associated with time and context and political interests as well.

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¹⁰ The UN initiative to form Global Compact is an interesting example.
II. Clashes and Tensions

*Individual - Collective*

In this paper I have chosen to discuss religious diversity in relation to human rights in an understanding that cultures are permeated by religious thoughts and practices that influence ways of life and how to understand the position of the human being.\(^{11}\) Existence is interpreted by various religious concepts of humanity, where the individual person has a given place and position within a larger context. Depending on the religions, this can be the tribe, the Jewish people, the Kingdom of God, the Umma, dharma, rita, karma and the chain of causality. The understanding of the person is related to ”a view of reality as it really is”. This includes ontological and metaphysical statements as well as anthropology and instructions on how to live. Henrik M. Vroom claims:

> Insofar a concept of humanity is present, it is an anthropology that is universally valid, an anthropology that consequently, holds true for all people.\(^{12}\)

Vroom points out that Hindus who believe in reincarnation do not exclude Christians from being reborn. Muslims believing in a final judgment after death expect also non-Muslims to be judged as well. Jews who observe the Halakah hold that also non-Jews are created in the image of God and that they must observe the Noahitic prohibitions. ”Each ideological tradition makes universal claims about personal human existence, society and morality”.\(^{13}\) What is of interest here is how these diverse universal claims relate to human rights.

The discourse of human rights is in many aspects a heritage from the Enlightenment and therefore a part of the Modern project. All major World Religions on the other hand emerged during pre modern times. Traditional religion has often been connected to agrarian epochs in which God’s demands are understood in a vertical, authoritarian, exclusive, hierarchical system with religious leaders on the top, followed by political leaders, men, and finally women. Modernity, on the other hand, brought a mechanical faith in reason and secularism,

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11 I am not discussing the relationship between religion and culture which in itself is an intriguing relationship.
13 Vroom, 1995, p 32
which often was just as absolute. The pre modern and the industrial, modern cosmology have in common their conviction that there is only one Truth. While the agrarian worldview was enchanted and spiritual and life had a meaning in which everything had its proper place and purpose in a context given by God, Modernity meant that the world was despiritualized as part of secularization and faith in rationality.

Another important feature of Modern anthropology is to see the human being as an independent actor, somebody entitled to make choices about how he, and gradually also she, would like to live. Change, movement and transition are charged with positive value within Modernity. If there are tensions between the individual and the group, the individual, according to this understanding, has a right to personal choice of group belonging, even to descent from a religion. \(^{14}\) In most pre modern worldviews this is seen as dubious not only in relation to the collective, be it family, tribe or nation, but also in relation to a Divine cosmic order.

**Autonomy - Theonomy**

One crucial tension between the idea of human rights and many religious traditions has had to do with an understanding of life that sees the role and the position of the individual as given and static. The idea of autonomy is at odds with the idea of theonomy, i.e. a faith that God knows what is best and where therefore the person lets him or herself be guided by the laws of God.\(^{15}\) For Hindu thought everything is based on the cosmic order. The caste or the lineage determines each person’s place in the hierarchy\(^{16}\). In contrast, the Jewish and the Christian traditions base the value of the individual on creation where every human being is created in the image of God\(^{17}\). Islam shares this understanding of the human being as created with duties and responsibilities first and foremost in relation to God but also in relation to the community. The Qur’anic vision of human destiny is embodied in the classic proclamation: ‘Towards Allah is thy limit’.\(^{18}\) Many of the clashes between the

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\(^{14}\) In the UDHR (1948) the right to “change” religion or belief was pointed out (Art. 18). This has never been repeated, neither in the Covenants from 1966 nor in the Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief, UN Doc.(A/36/684(1981) due to resistance from especially Muslim countries.

\(^{15}\) Hendrik M. Vroom, 1995


\(^{17}\) Genesis 1:27

\(^{18}\) Surah 53:AnNadjm:42
Muslim law Shari’ah and human rights have to do with what is experienced or described as a tension between autonomy and theonomy.\textsuperscript{19} Vroom claims:

Thus, each religious tradition determines the values of the human person within the whole of a view of human beings and the world. It still makes a difference whether one holds than one lives only ones, has a special place in the whole of creation and furthers the cause of righteousness in the world or whether one views humans from the perspective of their karmic connection to the cosmic order, or from a humanistic understanding of human beings. If the basic idea is that the task of the human is determined by the \textit{rita}, than his own perspective and preference is secondary in comparison with the insight into \textit{dharma} that is transmitted by the religious spokesman.\textsuperscript{20}

It does make a difference if the human is understood as somebody that may be reincarnated as a plant, animal, human or divinity or if the human is understood as sharply distinguished from other non-human beings. From such a perspective the emphasis on the individual as a bearer of rights seems closer to Western cosmologies. Here as well, however, duties and obligations rather than freedom and rights have been the focus of religious authorities.

David Novak, professor in modern Jewish studies at the Virginia University in the United States bases the idea of human rights in the relationships between on the one hand the commandments, ‘misvot’ and the obligations ‘hovat’, and on the other side, what is permitted ‘reshut’. He claims that classic Hebrew actually lacks an equivalent to the notion ‘rights’, although there is a word for “right” both in biblical and prayer Hebrew namely “zechut”, zechiot in plural.

Novak argues that Hebrew certainly has notions and terms corresponding to the concept of ‘obligations’. Closest to our term ‘right’ is ‘permission’. Thus, he holds that what is allowed in practice becomes everything that the law does not mention, requisites that are left for the individual choice. Yet, as a duty is something one owes somebody else it, in practice, becomes a right for the other. Duties imply rights. Novak points out that the whole Jewish system of duties is understood in the context of God’s absolute right as the Creator. Thus, individual freedom has

\textsuperscript{19} For a discussion of three different Muslim hermeneutical positions in relation to the Quran and Shari’ah see Jonas Svensson, 2000, \textit{Women’s Human Rights and Islam, A Study of Three Attempts at Accommodation}, Lund Studies in History of Religion
\textsuperscript{20} Vroom, 1995, p.33 ff
traditionally been understood within a framework of God as the absolute who sets the limits.\textsuperscript{21}

**Hierarchical Social Ordering - Democratic Ideals**

One obvious clash between human rights and some components of religious traditions has to do with accepting hierarchies as something Divine or given by nature or implicit within natural law.

Traditional Lutheranism for centuries had an almost feudal understanding of life. Martin Luther’s anti-authoritarianism and democratic understanding of the right to read and interpret the bible and of the individual person with direct access to God without mediator was channeled as critique of the clergy in the Roman Catholic Church. However, it was not applied in relation to hierarchies in Society or in the family. Official Roman Catholic interpretations of natural law still hold on to various hierarchies as Divine or natural.

The Confucian tradition in its early phase first emphasized the relations between father and son, minister and ruler. Later the five relationships (\textit{wu-lun}) between parent and child, husband and wife, elder and younger siblings, ruler and minister, friend and friend were developed.\textsuperscript{22} Virtues in this tradition have to do with fulfilling ones social role, a precondition for good government. Harmony, balance and complementarity are important notions.

Hence, democratic ideas that emphasize personal autonomy and pursuit of individual happiness have been met with suspicion in all these traditions. One of the most visible tensions in contemporary international debate occurs in relation to family values. Claims for democratization, equality and mutuality within the family are often rejected by referring to nature, cosmic order, biology or Divine laws.

\textsuperscript{21} Novak mentions seven different relationships with obligations and, implicitly rights; (1) God to person (2) persons to God (3) God to community (4) community to God (5) persons to persons (6) persons to community (7) community to person. David Novak,1996, "Religious Human Rights in the Judaic Tradition" in John Witte, Jr. and Johan D. van der Vyer, eds. Religious Human Rights in Global Perspective: Religious Perspectives, 1-16, Martinus Nijhoff Publishers

Male-Female Hierarchy

While hierarchical structures in the West have been challenged for a long time within public space there is more complicity about such structures within private spheres. This has also influenced the human rights debate. There is a tendency to describe issues such as justice, democracy and equality as belonging to the public sphere of justice while the private life has to do with diverse expressions of the good life. Most traditional political philosophers have, therefore refrained from discussing such issues in relation to families and in relation to women. Through the private-public distinction women who socially and historically have been associated with the private domains have been expected to accept gender hierarchies within the family. The ethical challenge to democracy and justice that is taken seriously in public affairs has often been neglected in family relations.

Further, family law has often become a symbol of the right to diversity in the interpretation of the good life by religions. Issues concerning the ”good life” are not supposed to be discussed. They have been situated outside of the domain of justice also in most inter-faith dialogues. Hence, there are many alliances, for instance in the United Nations, between the Vatican, conservative Muslim countries and right wing Protestant groups.

In a critical analysis of John Paul II’s encyclica Centigesimus Annus, Vrooms points out that the idea of human rights is accepted by the Roman Catholic Church, but not without qualifications. In the first half of the nineteenth century the Roman Catholic Church, RCC, rejected freedom of conscience. In Rerum Novarum this was changed. Freedom of association as well as the right to a just wage were acknowledged. In the Centigesimus Annus there is a ”prioritizing and interpretation of human rights” that brings the understanding in line with the Catholic concept of humanity:

Thus the emphasis is on the unborn, young children, and the family as an institution, over against both a view of the rights of women that implies that they can terminate their pregnancies and the freedom of

23 This is for instance pointed out by Seyla Benhabib, 1992, Situating the Self, Gender, Community and Postmodernism in Contemporary Ethics, Routledge, New York, s.109
married couples to end their marriage. (Cf. Congregation of the Doctrine of the Faith, 36). Another caveat is that the encyclical recognizes the responsibility of the state to guard the exercise of human rights in the economic sector but at the same time limits this role - in line with the principle of subsidiarity - through giving primary responsibility to individuals and different social groups rather than to the state\(^\text{25}\) (CA, 39).

This is according to Vroom an example of the Roman Catholic Church’s ambivalent view on human rights when they are formulated by other institutions. The Church claims to know the truth and out of this understanding it ”constructs a hierarchy of human rights and a specific interpretation of them”.\(^\text{26}\) Vrooms points to the contraception debate as an example of discrimination against women. In my view the rejection of women as autonomous subjects and moral agents runs much deeper. The procreation debate is just the top of an iceberg. It can be seen as a contemporary example of a discussion about whether the woman really is created in the image of God or as the second human in a social order that since creation has given man the first position in a hierarchy next to God. This discussion has taken place within Christianity since the early Christian period. Some Church fathers argued in favor of hierarchy and complementarity while others as Augustine (died 430) argued in favor of original equality based on the first chapter in the Bible.\(^\text{27}\)

Clashes between human rights for women as formulated in the Convention on the Elimination of all Forms of Discrimination Against Women, CEDAW, 1979, and in the Universal Declaration on Human Right, UDHR, 1948, regularly occur in relation to traditional Muslim interpretations of Sharia’s emphasis on women and men as complementary rather than equal. The notion equity instead of equality was pursued by many Muslim states at the UN Women Conference in Beijing 1995. The alliance between the Vatican and conservative Muslim states was active also there. Further, Julia Kristeva among others has pointed out that the Confucian appreciation of right relations has had its focus on various male relationships.\(^\text{28}\) Complementarity between women and men are interpreted within cosmologies that assume male hierarchy.

\(^{25}\) Vroom, 1995, p.36
\(^{26}\) Vroom, 1995, p36
\(^{27}\) For an analysis on gender and exegesis in the Latin Fathers see Kari, Elisabeth Borressen, 2003, *From Patristics to Matristics*, Herder, Rome, also 2000, *Augustinianum, Periodicum semestre Instituti Patristici ”Augustinianum*
During the preparation process of the UN conference on Human Rights in Vienna 1993 many Asian countries pursued somewhat of a relativistic agenda while affirming the universality of human rights. In a regional meeting for Asia of the World Conference on Human Rights governments stressed

“the interdependence and indivisibility of economic, social, cultural, civil and political, and the inherent interrelationship between development, democracy, universal enjoyment of all human rights, and social justice, which must be addressed in an integrated and balanced manner;…” 29

In the same document, called the Bangkok declaration, 1993, they expressed that although

“human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm setting, bearing in mind the significance of national and regional particularities and various, historical, cultural and religious backgrounds;” 30

Other non-governmental voices in the Asian-European dialogue express a concern about possible misuse of references to religious or ethnic particularity. The Bangkok NGO declaration on Human rights from a meeting of 110 NGOs from Asia and the Pacific 1993 states:

"In the Asia-Pacific region women’s rights are violated by increasingly militant assertions of religious and ethnic identity." 31

This declaration states that universal human rights are rooted in many cultures. While advocating cultural pluralism such cultural practices that derogate from universally accepted human rights, including women’s rights, must not be tolerated. The formulations are sharp:

Patriarchy which operates “though gender, class, caste and ethnicity, is

30 Ibid. p. 48, Emphasis added.
integral to the problems facing women. Patriarchy is a form of slavery and must be eradicated. Women’s rights must be addressed in both the public and private spheres of society, in particular in the family. To provide women with a life in dignity and self-determination, it is important that women have inalienable, equal economic rights (e.g. right to agricultural land, housing and other resources, and property).  

There is a growing movement in Asia as well as in Europe arguing that a notion such as complementarity is being used to disguise a gender hierarchy where men are able to choose, women are not. The American philosopher Marta Nussbaum argues that women in much of the world today are less well nourished than men, less healthy, and more vulnerable to physical violence and sexual abuse. She argues that international political and economic thought must be sensitive to gender difference as a problem of justice. A capability approach shows that many more men that women in the world are able to choose their lives, within certain limits.

Politics of Semantics

Hierarchical relationships be they European or Asian in origin all have some implicit tensions with ideals of participatory democracy and representative rights. It is easy to find examples of accepted or prescribed hierarchies from pre modern time within all religious traditions. However, it is often neglected that these tensions are reappearing in new forms in late or post Modernity. The position of the individual understood as determined by Divine, cosmic laws may be invoked against democratic participation not only in feudal times but also in the present phase of globalization. An important issue to rise in these very different contexts is, therefore, the question of power conceived as relations between individuals and between groups and regions in the world. Various cosmologies and philosophies are often used in such intricate power relationships.

Afro-American ethicists within a ”womanist” tradition have pointed out that economic interests and power relations behind colonialism and slavery went hand in hand with ethical theories emphasizing care. Colonialism was interpreted as

32 Ibid. p. 49
33 Marta Nussbaum, 2000, Women and Human Development, The Capabilities Approach, Cambridge University Press, Cambridge. A gendered dichotomy and hierarchy is, however, not the only one at work. Other hierarchies created around class and ethnicity are relevant as well.
34 For a deeper analysis of the concept of justice understood both as freedom of oppression and as a procedural concept that includes rights and possibilities of participating in political work and decision making see Iris Marion Young, 1990, Justice and the Politics of Difference, Princeton University Press, Princeton, N.J  p 33 ff
being in the interest of the colonized, it was the burden of the white man to care for the colonized. A paternalistic ethics of care is, therefore, met with great suspicion today. Hence, religious-cultural arguments in the service of political interests are being scrutinized also in contemporary Euro-Asian dialogues.

The human rights advocate Chandra Muzaffar in Malaysia holds that notions such as democracy and human rights may be used as "a mandate to intervene". He argues that human rights are part of a power game where the United States and the West are talking of human rights as a way of maintaining their dominant power in Asia. Muzaffar himself, however, still does not argue in favor of giving development precedence over democracy. He does not read Asian economic successes as an outcome of dictatorship and repression of labor. Rather he credits "parliamentary democracy":

It is this system of governance which legitimates both multi-party competition and political dissent that is partly responsible for social stability - which in turn has facilitated continuous economic growth and progress. The ability of the national leadership to balance the diverse, sometimes conflicting interests of the different communities... should also be given due weight.

To interpret tensions between Europe and Asia as a clash between human rights and authoritarianism is often misleading. Tensions between secular and more spiritual forms of live, between commitment to community versus individualist consumer greed and materialism are not mainly tensions between Europe and Asia but are part of internal struggles within most societies, regions and cultures. In these rhetorical setups communities are always described as more unselfish, negating that also communities may be greedy. Attempts to pursue more flexible and just gender relations are a challenge worldwide when many of the ideals of the traditional family from pre modernity do not suit a modern society any longer. According to an analysis of Edward Friedman the notion of Western democracy as well as Asian authoritarianism are rhetorical categories rather than analytical ones:

The usual contrast between a so-called ”West” and a so-called ”East” such that the West allegedly privileges the individual over the group

35 Chandra Muzaffar, 1994”High Comission for Human Rights”, in Just Commentary (Penang) no. 7, January 3, 1994
while the East privileges the group over the individual forgets that all nation-states put the national whole first.37

Friedman argues that the standard Anglo-American description of democracy as built on individualism and clashing interests is as much a mystification as the rhetorical references to soft Asian authoritarianism. A deeper look into one's own history might help reveal such mystifications. Non-conforming Protestants had to flee England in pursuit of religious freedom for their communities and English Protestants oppressed the community of Irish Catholics. The conventional self-understanding of democracy emerging out of a democratic culture of Protestant individualism is misleading and dangerous. Leaders of Asian democratic countries do not consider Asian cultures as "singularly anti-democratic".38 From Korea, one of the world’s most Confucian societies, President Kim Dae Jung points to the Asian "rich heritage of democracy - oriented philosophies and traditions" that were developed long before Europeans did.39 He points to the democratic elements in Mencius’ political philosophy that argues that "the people are the most elevated". After the people comes the state and then the sovereign. Chinese despots therefore saw Mencian philosophy as too democratic by putting the people first and by giving legitimization to the overthrow of tyrannical rulers.40

Chandra Muzaffar has increasingly been criticizing, not human rights as such, but the selective use and the Euro-American bias to describe human rights exclusively as individual, civil rights. The dominance of strong Western states within international financial institutions such as the IMF and the WTO, in the United Nations Security Council and in global media is in itself a lack of democracy.

This ability to force others to submit to their will is backed by the West’s -particularly the United States’-global military dominance. It is a dominance which bestows upon the West effective control over high-grade weapons technology and most weapons of mass destruction. The dominant West also controls global news and information through Reuters, AP, UPI, AFP, and most of all CNN. Likewise Western music, Western films, Western fashions, and Western foods are creating a global culture which is not only Western in character and

38 Friedman 1999, p. 57
39 Kim Dae Jung, 1994, "A Response to Leo Kuan Yew” in Foreign Affairs, November -December, pp 199, 192
40 Friedman, 1999, p. 77
content, but also incapable of accommodating non-Western cultures on a just and equitable basis. Underlying this Western-dominated global culture and information system is an array of ideas, values, and even worldviews pertaining to a position of the individual, inter-gender relations, inter-generational ties, the family, the community, the environment and the cosmos which have evolved from a particular tradition- namely the Western secular tradition.\footnote{Chandra Muzaffar, 1999, "From Human Rigths to Human Dignity" in Peter Van Ness, Debating Human Rights, Routledge, London, New York, p 26 f}

This long quotation shows a style of argumentation that combines a critique against American hegemony through the military, global media and international financial institutions with defending traditional family structures. It also portrays Asian cultures as less secular and more concerned about societal ties. While this critique against military, economic and cultural hegemony is quite relevant, the intriguing relationship between modernization and changing social roles is completely excluded in the analysis. The argument, therefore, becomes part of a "we-them discourse" where the pre-colonial is described as an ideal and the former colonies as the enemy. He, therefore, comes close to what many post-colonial writers have pointed out as nostalgic descriptions of the Past. Such idealized memories of a golden past often function as an easy escape from many complexities of life.\footnote{See e.g. Gayatri Spivak, 1999, A Critique of Postcolonial Reason, Toward a History of the Vanishing Present, Harvard University Press, Cambridge}

However, The Third World Network have argued that many human rights campaigns against, for instance, child labor seem to be launched when market and labor in European countries are threatened. The question in this context therefore can be raised if this is a new form of colonialism disguised as "paternalistic ethics of care" but less interested in just relations or a free trade that may threaten markets in Europe or United States. If some Asian governments are using "soft authoritarianism" and nostalgic descriptions of a homogenous, pre colonial Past as a shield against Western infiltration, Western liberal democracies and social movements are using human rights as a rhetorical discourse that may have implicit political interests as well. It seems to be so much easier to expose deficiencies when they are far away and in another context.

For both sides I think that the challenge for the future is to take democracy and human rights seriously, within the family and the close community as well as in relation to international institutions, business and trade regulations. A private-public dichotomy may not be used to excuse the lack of democracy in one or the
other. What is considered private or public and what is understood as culturally Asian or European is constantly renegotiated. Not only social hierarchies but also traditional hierarchies of values are in transition both in the Europe and in Asia.

III. Convergencies

There are many historical clashes within all religious traditions between authoritarian interpretations and claims of human rights. At the same time many of the basic thoughts around human and communal dignity originate from religious traditions as well. As the examples above show neither clashes nor convergencies between traditions and human rights follow geographical or cultural lines. It is, therefore, too simplistic to describe human rights as ethnocentric and connected to Europe or United States. Some ideas that use to be associated with Europe can also be found elsewhere even though they might be formulated differently. Even for values with a more specific origin it is important not to conflate validity and genesis. That is a mistake that need to be avoided.

However, not to emphasize religious motivations regarding human rights widens the gulf between European and Asian theories on rights. Many traditions with their origin in Asia, especially those that have to do with Islam, Hinduism, Buddhism and a variety of traditional religions cannot imagine, and even less accept, a system of rights that excludes religious dimensions since religion is understood as an aspect of the totality of life.43

Further, religious worldviews often offers a more profound language as they are based on the transcendent, something that Hans Küng often points out.44 The challenge to implement human rights therefore may be expressed stronger. Religious traditions not only offer resistance in relation to greed, the ”religion of secular modernism”. They also offer inspiration and background for notions such as human dignity as well as for personal and communal responsibility. This inspiration is very important, as implementation is crucial in the context of human rights with so many beautiful words, statements, declarations and conventions. Many of these declarations carry ethical challenges and create visions of a good society. Yet, many of them still remains to be implemented.

Last but not least, most religions have a greater emphasis on community. This emphasis is, however, often limited to one's own ethnic or religious community. The discourse of human rights is, in this context, able to facilitate cohabitation and collaboration between religions. We are far from the faith of liberal theology that world religions would develop ever-greater similarity. Dissimilarities in worldviews and life horizons are here to stay. On the other hand, we as human beings have only one planet and therefore some shared interests to solve problems inspired by the opening words of the UN Charter “to live together as good neighbors”. In the contemporary world this is a challenge not only for states but even more for civilizations, cultures, and religions that often coexist within the same states and regions. Neighbors are not necessarily fond of each other. Yet, respecting differences facilitates cohabitation.

Such a respect, however, ought to be especially focused on the person. Cultures consist of human beings worthy of respect. Cultures in themselves are not entitled to respect. They consist of liberating as well as oppressive elements that in most cultures are being evaluated and renegotiated by individuals belonging to this very culture. Such evaluations are also undertaken interculturally.

Within communicative Ethics as developed by Seyla Benhabib in the tradition and spirit of Jürgen Habermas there are two basic conditions to make communication meaningful.

i. One is that we respect the right for each person to participate in the moral discussion.

ii. The second is the right for each person to raise new issues and to discuss the preconditions of the discussion.

Benhabib calls the first the principle of universal moral respect, the second the principle of egalitarian mutuality. Benhabib claims that the Modern project only can be reformed from within through the intellectual, moral and political resources at our disposal and by developing some crucial values globally:

Among the legacies of Modernity which today need reconstructing but not wholesale dismantling are moral and political universalism, committed to the now seemingly “old-fashioned” and suspect ideas of universal respect for each person in virtue of their humanity; the moral autonomy of the individual; economic and social justice and equality;

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democratic participation; the most extensive civil and political liberties compatible with principles of justice; and the formation of solidaristic human associations”

As modernization is a contemporary global process the values listed above may be some of the most important ones to gather around from various points of departure.

**IV. Toward the Future**

Later developments in the discussion on human rights e.g. the formulations at the UN conference on HR in Vienna, 1993, express the indivisibility of all human rights. The research of Amartya Sen has pointed to an intimate relationship between civil and political rights and the right to life. He is arguing that, for instance, some of the large famines in Asia would have been impossible had people had access to free information and political participation.

In Late Modernity the production of knowledge, politics and spirituality is understood in less polarized terms as either or. Just as human rights are seen as indivisible and interdependent so cultures, religions and regions are interdependent in new ways. People within cultures and religions that are secure enough to respect others and to engage in dialogues with the other are able to argue for crucial values also interculturally. Continuing discussions within cultures and religions on how to understand and interpret values may then be combined with interreligious explorations.

Could we possibly be mature enough today for a new kind of spirituality built on mysticism with greater humility in relation to the inner core, God? Interpretations would then be more open and democracy and human rights be central values. In the post-industrial Society where information is replacing industrial production we are facing a new fundamental transformation that Luyckx describes:

Analytic logic, which is linear and “modern” has been called into question by the new complexity and non-linearity and by the possibilities of horizontal communication and networking. Although reason is not being discarded, its hegemony (and, in the words of Max Weber, its “disenchancing” function) are on the way out. The quest for meaning is being extended into areas until now reserved for reason.

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46 Benhabib, 1992, p.2
One might therefore be heading towards the “re-enchantment” of the world. The epistemology is actively tolerant. Nobody owns the Truth, but is does exist. Post-industrial cosmology envisages thus a “post-secularised world” in the sense that it is open to the transcendental but opposed to any authoritarian or vertical imposition of religious authority. It acknowledges that it is important for all civilizations to be receptive to that which is alien, whatever form this may take.  

For the future there is a possibility that the tensions between authoritarian religion and human rights that existed in pre-Modernity and that within Modernity developed into a kind of rivalry may be replaced by a new creative relationship inspired by the openness of late- or post-Modernity.

**Human Rights and Postmodern Critiques**

The view of human nature as being shaped and constructed in the intermode may provide a path for Europe to transcend its previous “over”-emphasis on the individual as an island constituted by independent reason. A growing European interpretation of the human being as shaped in relation to other human beings and other things in the world may be closer to Asian values, stressing harmony and interconnectedness.

It is, therefore, possible to relate to the post-modern discourse positively also in the context of human rights. The critique against the great narrative of Europe and America has helped dismantle monolithic solutions. Euro-American hegemony based on Enlightenment self understanding to be ‘right’ in all its cultural expressions and to have a ‘right’ to force its way of life on others is being challenged. Further, when the great narrative of a victorious West is met with skepticism the deep asymmetries between people, countries and regions become visible. Many of the disagreements about how to interpret human rights in various contexts have to do with asymmetries between cultures and religions where many people in Africa, Asia and Latin America resist and challenge the Euro-American secularist hegemony that they experience as economic and cultural oppression. To criticize the other by describing them as alien as a culture is often used to escape inner tensions. Yet, no cultures are monolithic. European or American ways of life or systems of value are not radically different from those of other civilizations.

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With Seyla Benhabib I think that it is important to recognize that most cultures are “polyvocal” and “multilayered” rather than holistic and monolithic.\(^{48}\)

While most pre modern societies consider human rights in relation to, and even depending on social positions, age and sex the Modern era argued that human rights ought to be related to each human person, independent of “race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (UDHR, Art.2) Equality is here seen as an issue of justice and morality. When post modernity emphasizes difference it is important not to undermine the pursuit of justice and equal value of each person while recognizing various forms of differences. The moral and political ambition of universal equality and justice needs to be pursued within all cultures. To accept an understanding of social positions as something given and static is to allow the powerful to prescribe the value of other persons. Human Rights need to be related to the person, not to social position, age, color or sex.

In my view we constantly need to pursue basic values such as respect for the individual person. We need to deconstruct American hegemonic use of the human rights discourse to advance its own interests. We also need to deconstruct various rhetorical games that refer to asymmetry, diversity, Asian or European values as a disguise for other interests. However, we also need to develop the constructive sides of postmodern thinking. In this case it might be better to talk about late modern thinking where we combine elements from pre modern life horizons with the best of Modernity in a path forward. We need to nurture positive aspects of the pre modern including a sense for what is shared as well as recognizing our responsibilities to others, to nature and to generations to come. Here, various religious and spiritual traditions may provide inspiration. Positive features of pre modern understanding of life need to be combined with a deeper respect for the individual that is a heritage of Modernity.

Finally, the postmodern critique may help us develop a more dialogical and humble attitude in relation to other cultures and religions and to understand that the world is multidimensional. Thus, in the discussion about religious diversity and human rights my conclusion is that religious thought and practice as well as the rights tradition both may be important sources of inspiration in the Asian-European dialogue. Such a perspective may create a new openness; for different languages,

for religious contributions in terms of old and new symbols, spirituality, transcendence and for mysticism that is able to unite human beings in a shared understanding that neither God, cosmos nor human beings may be fully portrayed by words.