



Role of Secularism in Democracy

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Abstract:

When looking back at history we see ample evidence that freedom of religion or belief is neither the first nor the only historical project aimed at eliminating discrimination, religious intolerance, and hostility against religious minorities or religiously motivated violence. However, I would claim it is a very specific project particularly suitable for the modern world and its inherent pluralism. In order to highlight the specific features of freedom of religion or belief as an internationally binding human right, it may be useful to briefly compare it with other attempts to overcome manifestations of religious intolerance.

Unlike the various attempts to overcome religious intolerance by defining a common theological or metaphysical denominator, an opposite approach rests on the assumption that all religious truth claims finally amount to mere illusions. In the opinion of those holding such a skeptical position, an awareness of the uselessness of absolute truth claims can have liberating effects, as people may decide to give up an enterprise that ultimately would only lead to false pretence, self-deceit, frustration or fanaticism. The human right to freedom of religion or belief essentially differs from those two approaches in that it takes diversity seriously. Diversity in the area of religion or belief cannot be marginalized as a mere variety of external rites, nor should denominations be treated as out-dated relics of the past, and the search for meaning should also not be denounced as just a waste of time and energy. Moreover, diversity is not only an irreversible fact, especially in the modern world; it can and should be appreciated as a manifestation of the potential of human responsibility and hence as something intrinsically positive. People may have most different views on the ultimate meaning of life, on the existence or non-existence of a divine being, on how to achieve happiness for themselves and for their fellow humans and on countless other questions—is not this very diversity in itself a



manifestation of moral earnestness? Should we not respect such diversity also beyond the positions that we personally think to be true or at least reasonable? And cannot this respect become the common normative denominator on which to base a peaceful coexistence?

Indeed, respect is a keyword for any understanding of human rights in general and freedom of religion or belief in particular. It does not primarily refer to this or that concrete religion or belief which we still may consider wrong or unreasonable. Rather, respect is due for the underlying ability of human beings to have and develop deep convictions in the first place. People can exercise this ability in most different ways, for instance, by searching for an ultimate meaning or by giving up such an enterprise, by adopting a belief or by changing it, by communicating on religious questions with others or by disagreeing with their convictions, by building communities or by leaving a particular group, by manifesting their religion or belief publicly or by insisting to be left alone. What all these possibilities, and countless others, have in common is that they all are manifestations of the human ability of responsible agency and for this very reason deserve respect.

The main concept defining the status of human beings as subjects of a basic respect is human dignity. Just like respect, human dignity is also an indispensable keyword in the context of human rights. Both of these terms are closely intertwined and, in a way, mutually presuppose each other. The concept of human dignity has a long history and strongly resonates within most different religious, philosophical and cultural traditions, including the Bible, the Qur'an, the work of Confucius or Stoic philosophy, to mention just a few examples. For the concept of human dignity to function as the ultimate normative reference in international human rights law, however, it is crucial to make sure that the notion of dignity is not claimed as a monopoly by any of those traditions.

Freedom of Religion or Belief as a Universal Human Right

Needless to say that the fundamental features of human rights in general—universalism, freedom and equality—must also guide the interpretation of freedom of religion or belief as laid down, for



instance, in Article 18 of the UDHR, Article 18 of the International Covenant on Civil and Political Rights (ICCPR), or the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. First, freedom of religion or belief is a universal right which all human beings have a claim to just because of their inherent dignity as ‘members of the human family’. Secondly, given its liberating thrust as a right to freedom, it aims at empowering people to realize their potential of responsible agency and thus freely find their ways in the field of religion or belief, as individuals and together with others. Finally, in keeping with its universalistic nature, freedom of religion or belief must be respected and implemented in a non-discriminatory manner, since equality in human dignity necessarily implies equality of all in their basic rights.

Dimensions of Freedom

Freedom is a main feature of human rights in general even occurring in the titles of many of those rights, such as freedom of assembly, freedom of association, freedom of opinion and expression, freedom of religion or belief and other rights. As a consequence of respect for human dignity, human beings should be empowered to freely find their own ways in all areas of human life, as individuals as well as together with others. In the field of religion or belief, for instance, they have the freedom to adopt or change a religion or belief, to try to persuade others including by engaging in missionary activities, to hold worship and other ceremonies either alone and together with others, to abandon a religious community, to manifest their convictions in private or in public, to educate their children in conformity with their own convictions, to import religious literature from abroad and to communicate across State boundaries. If people join together in religious or belief communities—old ones or new ones—such communities should be able to undertake important functions, such as owning property or employing staff, which may require a status of legal personality that should be accessible without undue bureaucratic burdens.

Equality and Non-Discrimination



Like the principle of freedom, equality also constitutes one of the basic features of human rights directly deriving from normative universalism. In the context of human rights, freedom and equality inextricably belong together: Without equality in the sense of non-discriminatory implementation, rights of freedom would amount to mere privileges of the happy few. Vice versa, without due account of the spirit of freedom underlying human rights in general, equality could easily be mistaken for uniformity or ‘sameness’, a misunderstanding that in fact has often occurred in the writings of conservative critics of human rights starting with Edmund Burke's polemics against the French Revolution. However, rather than making the world uniform, human rights represent the aspiration to empower human beings—on the basis of equal respect and equal concern for everyone—to develop and pursue their own specific life plans, to express their most diverse opinions and convictions freely and to generally enjoy respect for their irreplaceable personal biographies. There is not the slightest tension, let alone an inherent antagonism, between equality and diversity. Instead, working for an equal implementation of human rights for everyone will make societies more diverse and more pluralistic.

Violations

Abuses of freedom of religion or belief occur under different political auspices, in various regions of the world and from most different motives. They are perpetrated in the name of religious truth claims, in the interest of preserving national identity, for purposes of defending law and order or in the context of counter-terrorism agendas. The range of repressive means includes bureaucratic harassment, compulsory indication of religious affiliations in passports, formal or informal pressure to attend religious ceremonies, indoctrination of children in public schools, exclusion from basic societal services, discrimination in the labour market or in higher education, State imposed obstacles against interreligious marriages, the spread of negative stereotypes in private or public media, desecration of religious buildings or graveyards, confiscation of religious literature, legal or administrative prohibition of missionary activities, denial of the possibility of conscientious objection to military service, State surveillance of community activities, silencing of critical voices through blasphemy laws, stoking resentments against minorities and orchestrating mob violence.



In the face of regional, political, sociological, religious and historical complexities, one may doubt that it would be possible to establish a comprehensive worldwide typology of violations of freedom of religion or belief. Still, one important distinction that actually can be drawn is the distinction between abuses directly perpetrated by the State and abuses stemming from within society at large. In the latter case, the State also bears a responsibility, as human rights law obliges States not only to refrain from human rights abuses within their own institutions but also to actively protect people against human rights violations from third parties. However, in many situations of abuses, State institutions and societal actors even play into each other's hands.

Conclusion:

No doubt, freedom of religion or belief is a human right under pressure. On a daily basis we receive reports about harassment or persecution of countless people on grounds of religion or belief, sometimes connected with arbitrary detention or torture and ill-treatment. Houses of worship are torched and graveyards demolished. Blasphemy laws have a chilling effect on critics, dissenters or members of religious minorities. We read horrible stories about individuals who have to run for their lives because a fanaticized mob is throwing stones at them and cheering whenever a person is being hit. Sometimes members of minorities face difficulties to hold funerals in a quiet and dignified way. It also happens that parents, due to their dissenting convictions, lose the right to custody of their own children. Women often suffer from multiple or intersectional forms of discrimination.

References:

[1] This article has been adapted from testimony given by Leonard A. Leo to the Tom Lantos Human Rights Commission of the U.S. House of Representatives on 21 March 2012.

[2] U.S. Commission on International Religious Freedom 2012 Annual Report,

[http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf).

[3] Brian J. Grim and Roger Finke, *The Price of Freedom Denied: Religious Persecution and Conflict in the Twenty-First Century* (New York: Cambridge University Press: 2010).

[4] USCIRF 2012 Annual Report, 120.