

SECULAR RIGHTS *and* RELIGIOUS RESPONSIBILITIES

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No other issue in the twenty-first century may be more crucial than human rights, and no other aspect of more practical importance for this issue than the positive role that religion can play in human rights. While the stirrings of war and, even more, the nuclear posturing that have already marked the beginning of the century remind us of the one issue that might supersede human rights – that is, war – paramount issues of human rights and responsibilities are at the heart of any ethics of war. And just as the sincere religious perspective has done much to mitigate the call to war, sincere religious perspectives can greatly lessen the violation of human rights. The lives and work of Mohandas Gandhi and Martin Luther King, Jr. are paradigms of the powerful transformation toward a just world which secular law and religious sensitivity can achieve together as positive partners. The work of Gandhi and King (and others like them) should serve as examples of the means to an interrelational global community, a means which recognizes both human rights and human responsibility.

In the last century, the exemplary leadership of figures like Gandhi, King, Archbishop Tutu, Mother Teresa, and the Fourteenth Dalai Lama set a positive tone for the contribution that the spiritual and moral resources of the world religions could bring to human rights in the secular and political world. Yet, as we enter the twenty-first century, religion is now often seen as an enemy of human rights. “Religion is the cause of wars” has become an unfounded but frequent mantra of the anti-religious, and religion has moved from its characterization in the anti-religious imagination as “opiate of the people” to “cause of oppression.” But this attitude

not only belies the actual history of the religious life of humankind, it also stands as an impediment to accessing the rich positive resources for human rights and responsibilities that the world religions do have to offer. And while secularism is meant to provide the negative function of protecting everyone's individual rights in society, the world religions are meant at their core to provide a positive vision of human interdependence and a compelling motivation for moral responsibility. Both may fail at their respective core goals. But it is a tragedy of our contemporary world that the moral/legal structure of the secular and the moral/spiritual commitments of the religious might be seen as acting in opposition even as they need each other if we are to move toward a better world of global justice and care within the community of humankind.

Humankind forms a global community, a community of persons with inherently shared needs and interests, even if those shared needs are approached through often opposing and culturally diverse desires and attitudes. In order to achieve a stable society, any community must develop consensus on a unified vision both of the common good and of the good in common. If the global community of humankind is ever going to achieve a vision of the common good, if global humanity is ever going to see itself as a "community of ends," as Kant would say, we must not only (1) seek commonality on a global scale but (2) tolerate and even cherish human differences.

Genuine religion supports global community on both counts, and as such, genuine religion is not only a necessary part of, but will also make a significant contribution to, a just world incorporating both human rights and human responsibilities. For despite the bad press in the popular media about religion, despite violence and oppression and acts of hatred carried out in the name – but not the spirit – of religion, I will argue that what I shall call "the religious point of view" provides a foundational understanding of the commonality and interdependence of humankind. In my own country, the United States, there is a particular phobia about allowing the "private" concerns of religion into the "public" spaces of law and social ordering. As the thoroughly secular U.N. Declaration on Human Rights of 1948 evidences, this pattern is paralleled in contemporary international law. So to convince the skeptical about the role of religion, the question is whether religion has anything important to add – and not just reinforce – about human rights and responsibilities.

THE IDEA OF RIGHTS

The first modern use of the term “rights” to designate a legal status – that is, to designate something enforceable under law – can be found in the English Bill of Rights of 1688. By 1779 Thomas Jefferson had turned this political/legal/philosophical notion into a cornerstone concept of the nascent American Republic: “We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that amongst these are life, liberty, and the pursuit of happiness.”¹ To this theistic – or at least deistic – view of the origin of rights, Alexander Hamilton added in 1787: “The sacred rights of mankind are not to be rummaged for amongst old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature by the hand of divinity itself, and can never be erased or obscured.”²

However, these pious underpinnings to early American “rights” talk³ carried the early seed of the danger of identifying state ends with God’s ends, an identification which not only suffers from hubris and the epistemological problem of whether humans can ever actually know with certainty what God intends, but also has more recently run headlong into the claim that the contemporary United States is a pluralistic nation, a nation with sizable populations of both religious and non-religious citizens who do not believe in the God of the Judeo-Christian tradition. Moreover, as the British philosopher Jeremy Bentham said in the nineteenth century: “When I hear of natural rights, I always see in the background a cluster of daggers and pikes introduced into the National Assembly...for the avowed purpose of extermination of the King’s friends.”⁴ It is all too easy to use talk of “rights” as a cudgel against others, either to upset or to sustain the status quo. And of course even in the early American Republic, the “inalienable” rights of all men as created equal did not apply to slaves in America or to American women.

As Geoffrey Robertson observes in *Crimes Against Humanity: The Struggle for Global Justice* regarding these earlier attempts to give a metaphysical grounding to the notion of rights:

“Natural rights” were of uncertain provenance: if from God, their content (apart from biblical injunctions) was unknowable; if from “nature” they were unprovable and unpredictable. The force of Bentham’s arguments was partly responsible for “natural rights” falling out of fashion in the nineteenth century and the first half of the twentieth century. When they returned, it would be as “human rights” rather than “natural rights”, sourced in the nature of humans rather than in the laws of God or the seasons.⁵

Moreover, “The force of this early critique [also] led Marxist thinkers in the next century to characterize human rights as a device to universalize capitalist values, notably freedom of enterprise without social responsibility.”⁶

However, war, as I observed, forces us – perhaps more than anything else – to think about rights. After the disheartening world disaster of the “war to end all wars” and the rise of the Axis powers only two decades later in the 1930s, Robertson suggests:

The revival of the human rights idea in the twentieth century really began at the instigation and inspiration of the British author H.G. Wells, in the months immediately following the declaration of the Second World War. It can be traced to letters he wrote to *The Times* in October 1939, advocating the adoption by “parliamentary peoples” of a Declaration of Rights – a fundamental law defining their rights in a democracy and drafted to appeal “to every spirit under the yoke of the obscurantist and totalitarian tyrannies with which all are in conflict.”⁷

This new talk of human rights spread, so that by the end of the Second World War, the victorious Allied Nations were to declare that “complete victory over their enemies is essential...to preserve human rights and justice in their own lands as well as in other lands.”⁸

After the horrific slaughter and mass violation of rights during the Second World War, the U.S. was one of the leaders in placing the language of human rights in the U.N. charter. The preamble affirms “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women,” and article I sets out this purpose of the U.N.: “To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.”⁹ In an important further development in this international support for human rights, the Universal Declaration of Human Rights was adopted by the General Assembly in 1948.¹⁰ However, the continued large-scale violation of human rights forced a continual reassessment of these documents so that a number of specific types of rights needed to be more exactly delineated in a series of refinements rooted in the U.N. Charter and the 1948 Declaration. These conventions and declarations notably included:

- 1959 – Declaration of the Rights of the Child
- 1963 – Declaration on the Elimination of All Forms of Racial Discrimination

- 1967 – Declaration on the Elimination of Discrimination Against Women
- 1987 – Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religious Belief
- 1992 – Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

However, even the 1987 and the 1992 Declarations, which deal specifically with religion, offer a secular or extra-religious prohibition against discrimination, not an appeal to religions as an ally of the legal and moral. As the 1987 Declaration states:

For the purposes of the present Declaration, the expression “intolerance and discrimination based on religion or belief” means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

While many of the framers of these international rights documents were themselves either religious or influenced by the religious traditions of their cultures, these are purely secular documents. As Abdullahi A. An-Na'im suggests in his essay, “The Synergy and Interdependence of Human Rights, Religion, and Secularism” (chapter 2 in this volume), the notion of human rights articulated in the 1948 Declaration is that such rights

are universal claims of rights that are due to all human beings by virtue of their humanity, without distinction on such grounds as race, sex (gender), religion, language, or national origin. The key feature of human rights in this specific sense is universality, in the sense that they are rights due all human beings, everywhere.¹¹

This secular conception of rights which has been developed in the modern era offers the restrictive legal and moral parameter that there should be no discrimination on the basis of religion. It offers a protection for religion, but it does not envision a positive rights role for religion.

In view of this, a number of scholars around the world – including those in the Global Ethics and Religion Forum – have worked under the leadership of Arvind Sharma to produce a counterpart to the 1948 U.N. Declaration on Human Rights, namely A Universal Declaration of Human Rights by the World's Religions.¹² The purpose of the framers of the latter document is neither to circumvent nor to counter the 1948 U.N. Declaration (and the refinements in subsequent declarations), but to enhance

the moral force and broaden both the appeal and the perview of the 1948 Declaration. This raises the question of the proper relationship between religion and morality regarding questions of rights, i.e. the proper relationship between the religious point of view and the moral point of view.

RIGHTS AND THE MORAL POINT OF VIEW

To answer this question, let us look first at morality itself. Individual moral decisions are often difficult, requiring a weighing of alternatives. When we think globally, the situation is made more complex by the fact that particular moral imperatives and values vary among individuals and cultures. As a result, considerations of global morality should not be conceived of in terms of a set of categorical imperatives. For example, the 1993 document "Towards a Global Ethic: An Initial Declaration," which came out of the Second Parliament of the World Religions, echoes Kant when it states that "No woman or man, no institution, no state or church or religious community has the right to speak lies to other humans." But surely such a categorical imperative is mistaken, as ethicists as diverse as Aristotle and W.D. Ross have pointed out. Normally humans should not lie, but if I am a woman of the underclass and mercenaries come to my door, demanding to know where my child is in order to kill him or her, I not only have a right but a moral duty to lie and misdirect the mercenaries away from my child. As this example demonstrates, categorical imperatives do not provide any means to resolve moral dilemmas in which two *prima facie* moral duties – such as not lying and protecting a life – come into conflict.

However, the very possibility that moral dilemmas could be adjudicated presupposes a foundational ethical commonality. Underlying the various moral systems – or else they would not be systems of the same type – is what we may call "the moral point of view." The most important feature of what it means to take the moral point of view is to take others into account in one's actions because one respects them as persons.¹³ But what is the origin or source of this obligation to take others into account because one respects them as persons?

I do not think that respect for others as persons amounts to their possession of moral rights.¹⁴ It seems to me that there are objections on both ethnocentric and egocentric grounds to treating rights as the most foundational element of morality. To take the ethnocentric objection, the notion of inalienable moral rights is, as we have seen, historically a fairly recent Western conception – highly motivated by politics and based on a notion of humans (at least some humans) as a community of rational,

autonomous individuals with competing interests which need to be adjudicated. Moreover, this notion of rights is not even a Western concept, for it is decidedly European Christian. Even Islam, one of the great Western traditions and the second-largest religious tradition in the world with a billion adherents, did not figure importantly in the development of this notion. And as Khaled About El Fadl notes in “The Human Rights Commitment in Modern Islam” (chapter 21 in this volume):¹⁵

Muslims did not first encounter Western conceptions of human rights in the form of the Universal Declaration of Human Rights of 1948, or in the form of negotiated international conventions. Rather, Muslims encountered such conceptions as part of the “White Man’s Burden” or the “civilizing mission” of the colonial era, and as a part of the European natural law tradition, which was frequently exploited to justify imperialistic policies in the Muslim world.

In contrast to the European Christian language of “rights,” in the South and East Asian societies of Hinduism, Buddhism, Jainism, Confucianism, and Taoism, the elemental moral notion traditionally is not one of rights but rather of one’s role in society, a matter of obligations to the society and so to others. I am not suggesting that “rights” is an unimportant moral category – indeed, it might be among the best moral categories for articulating some salient features of morality. But, as close attention to the great Asian cultural traditions of humanity helps us see, I am suggesting that the notion of rights should not supersede other moral notions such as obligation or role or moral responsibility. Indeed, I would suggest not only that possessing rights implies having duties to others and having duties to others implies rights, but that the notion of responsibilities should be given precedence as the moral wellspring of rights, though I will not specifically argue for the last point here.

Another point is this. Rights talk is egocentric, and if it is taken as the primary moral category, then it is egoistic. For a salient emphasis on one’s rights presents a self-interested and self-centered conception of the self and a conception of society as a group of individuals each protecting their own self-interest and each a victim of the greed of others. This is not to say that self-interest is immoral, just that it should not be taken as the essential and unregulated generative principle of morality. A good ethics slogan would be “no rights without responsibilities and no responsibilities without rights.” Indeed, with respect to the project to develop a rights document which takes account of the religious perspective, my own view is that we

should be more explicitly developing a “Universal Declaration of Rights and Responsibilities by the World’s Religions.” For the individual should not be subject to the tyranny of the “rights” of the majority (or the powerful minority masquerading as representing the universal), and the claim to universal rights should not be taken as a substitute for the call to universal responsibilities.

This still leaves us with the question of the source for the obligation to take the moral point of view. Now, one often-recognized characteristic of moral agency is autonomy. The ability to make rational and responsible decisions on one’s own obviously does not in itself produce a moral point of view or a sense of obligation or sense of moral responsibility; an amoral, sociopathic person such as Stalin can be perfectly autonomous. However, as the Christian ethicist Margaret Farley argues, “the capacity for relationship is as significant a characteristic of human persons as the capacity for self-determination.”¹⁶ Relationality, which requires autonomy – or, perhaps better, is the morally and spiritually appropriate expression of autonomy – is a defining characteristic of persons as social beings. Relationality is a character trait, the willingness to be open and interact fully with others as persons. Relationality is the wellspring of the felt obligation to take others into account as persons in one’s actions.

The character trait of relationality is encapsulated in the imperative to do unto others as you would have them do unto you, a universal moral principle found in variant forms in all the world’s great religious traditions. In the *Analects*, Confucius says, “Do not impose on others what you yourself do not desire.”¹⁷ The monumental Hindu epic the *Mahabharata* expresses a similar idea: “One should never do that to another which one regards as injurious to one’s own self. This, in brief, is the rule of the dharma.”¹⁸ In the West, Kant’s ethical dictum to “always treat others as ends in themselves and not merely as means to an end” requires relationality, and an obligation to develop the character trait of relationality continually is reflected in the Jewish thinker Martin Buber’s justly famous notion of the “I–thou” perspective: “When I confront a human being as my You and speak the basic word I–You to him, then he is no thing among things nor does he consist of things.”¹⁹ For to relate to persons as persons is different in kind from treating something as an “it,” and Buber insists that anyone who treats everything as an “it” “is not human,” though we should amend this to “is not a fully realized human.” Nero, Stalin, Pol Pot, and Idi Amin were human, but not fully realized humans, lacking as they did a well-developed character trait of relationality.

Alan Donagan explicates Kant's ethics this way:

No rational being may be simply a means to benefiting another, but every rational being is required, so far as it is in his or her power, to be a means for the good of others. Yet the benefits anyone confers on anyone else must be in a system of social relations in which those who confer them are ends equally with those on whom they are conferred.²⁰

An obvious human rights example of this Kantian point about cases in which those who confer benefits are not equal with those upon whom they are conferred is slavery. Slavery precludes – in fact destroys – relationality and is not other regarding. This is why the early American Republic's avowal of a commitment to inalienable rights was contradicted by the possession of slaves, i.e. human beings who were not treated as persons, not treated as ends in themselves with rights equal to those of their "masters." To the extent that relationality is a defining characteristic of how a person exercises his or her autonomy, it is the wellspring of the person's felt obligation to take the moral point of view.

RIGHTS AND THE RELIGIOUS POINT OF VIEW

We are now ready to address the question of how religion relates to morality in general and to human rights in particular. While being moral is not sufficient for being religious, to be genuinely religious entails being moral, such that religion supervenes on morality. And just as there is a "moral point of view" which underlies the diversity of human moral outlooks, there is a "religious point of view" which underlies the diversity of religious worldviews among the world religions and which supervenes upon the moral point of view. I do not mean that there is only one correct or appropriate religious perspective, for religious values are, to some extent, irreducibly variant and relative to each particular religious worldview. But one does not have a specifically religious perspective unless one shares a fundamental "religious point of view" with others having quite different specific religious perspectives. The religious point of view is the point of commonality and the manifestation of universality in religion.

As James Kellenberger has argued, what is fundamental to the moral point of view is the realization of a "person–person relationship" which creates "a sense of duty grounded in a recognition of the intrinsic worth of persons."²¹ So to be genuinely religious requires both a realization of this person–person relationship, which underlies the moral point of view, and also a supervening sense of a relationship of humankind to the Transcendent.

Consequently, the ultimate grounding of spirituality is the felt realization of a single universal relationship among all persons as spirits – what we might call a spirit–spirit relationship – and the Transcendent.

Taking the religious point of view in one's thought and actions means treating others as having the same spiritual value as oneself, as being on the same spiritual quest as oneself, and with the same potential for salvation or liberation.²² This underlying religious point of view among the world religions entails both religious tolerance and an acceptance of diversity within the spiritual community of humankind; as such it can provide one of the underpinnings for a universal or global ethics of human rights and responsibilities.

RELIGIOUS EXCLUSIVISM AND RELIGIOUS EGOISM

However, as we noted, religion is now often seen not as a force for understanding and global justice – the model presented by Gandhi and King – but as a divisive force. The potential for divisiveness can be seen even in the characterization of religion offered by a sympathetic voice like that of Abdullahi A. An-Na'im:

Religion can be defined as a system of belief, practices, institutions and relationships that is used by a community of believers to identify and distinguish itself from other communities. The key feature of religion in this specific sense is the exclusivity of the community of believers, as defined by its own religious faith and practice.²³

So if the religious ethics of the world religions is to be taken seriously and have any chance of being ultimately efficacious in the global arena of secular ethics, religious ethics needs to have a global outlook and be universally applicable. And no religious ethics could be universal unless in some sense religion can be universal.

The adherents of each of the great religious traditions naturally believe that their own religious worldview is correct, yet despite the historically and geographically limited locus of each of the world religions, religious commitment is often promulgated as religious exclusivism, the view that only one religion is correct (one's own) and all others are mistaken. It is one thing for a religion to be distinctive, quite another for it to be exclusivist. Indeed, An-Na'im concludes that the very solidarity that religion brings to a community is exclusive, while the solidarity that human rights can bring is inclusive. While I recognize the problematic exclusivist tendencies in religion to which An-Na'im is pointing, the notion of human "rights"

without the counterbalance of articulated responsibilities toward others is just as problematically exclusivist. Moreover, religious worldviews, while producing a communal solidarity in their specifics, can take a non-exclusivist outlook regarding other communities. Two non-exclusivist views of the relationships among the world religions which have been well articulated and which counter exclusivism are:

- religious inclusivism: only one world religion is fully correct, but other world religions participate in or partially reveal some of the truth of the one correct religion.
- religious pluralism: ultimately all world religions are correct, each offering a different path and partial perspective vis-à-vis the one Ultimate Reality.

To these two traditional positions, I would add another:

- henofideism: one has a faith commitment that one's own world religion is correct, while acknowledging that other world religions may be correct.²⁴

Exclusivism simply does not take into account the degree to which all religious truth-claims are human constructs, subject to the limitations and fallibility of the human mind (a point which is fundamental to Abou El Fadl's analysis of Islam and human rights). For it is largely a matter of history, geography, and genetics whether one grows up as a Hindu or Sikh, Buddhist or Christian, Muslim or Bahá'í. Consequently, religious exclusivism makes a religious elite of those who have privileged knowledge, or who are socially fortunate, or who benefited from the historical serendipity of the age into which they were born. And, as is so often the case, when religious exclusivism is conjoined with the political power of the state, the result is religious egoism – the idea that what is right for a particular religious community in a society is right for all members of society. Global justice requires that humans be freed from the tyranny of religious egoism as much as from the tyranny of non-religious forms of ideological exclusivism.

Of the alternative ways to respond religiously to the conflicting truth claims of the world religions, religious exclusivism, especially in the form of religious egoism, would be actively opposed to attempts to achieve a concurrence among diverse religious and non-religious ethics. Inclusivism, pluralism, and henofideism are more conducive to the possibility of a universal religious ethic, and so the possibility of a universal ethic, and they support article 18.3 of the proposed Universal Declaration of Human

Rights by the World's Religions that "everyone has the duty to promote peace and tolerance between different religions and ideologies."

Inclusivism has become the official view within Roman Catholicism since Vatican II²⁵, and it might be argued that, of all the world religions, Hinduism has always been the most inherently inclusivist. Fundamentally, inclusivism supposes that there is a specific sort of religious experience and understanding of the Transcendent which is elemental to all religion (indeed, is elemental for all humans). Still, each world religion will tend to see *itself* as the culmination of the elemental apprehension of the Transcendent, as for example when the Roman Catholic theologian Karl Rahner says that the Christian has, "other things being equal, a still greater chance of salvation than someone who is merely an anonymous Christian,"²⁶ and this undermines the sense that religious inclusivism can be truly global. This may lend support to pluralism or henofideism. Unlike pluralists, a henofideist is not necessarily committed to the veracity of other religious worldviews than his or her own; however, while having fidelity to a single religious worldview, a henofideist, aware of other cultures and their religious perspectives, acknowledges that other religious worldviews might be correct. But in any case, once one has moved beyond exclusivism, what matter is the shared, underlying religious point of view, the manifestation of universality in religion, and one's willingness to relate to and to treat all others equally as spirit.

Humans need to make transforming choices against self-centeredness, and to do so, they need to cultivate attitudes and habits that will eventually enable each person better to act relationally. As one avenue to this desirable end, even the secular must agree that all humans must be free to cultivate in themselves religious habits of action and learning which reflect the religious point of view. As the Universal Declaration of Human Rights by the World's Religions says in article 18.2, "everyone has the right to retain one's religion," for the pursuit of religion in a spirit of love and compassion is a universal right. Importantly, giving others the freedom to pursue religion – because one recognizes their intrinsic worth as spirit – is not only a responsibility from the religious perspective, it is, from a religious perspective, foundational to all responsibility and all rights. In spite of the dangers of any slide toward religious egoism, freedom of religion remains a fundamental human right. The free pursuit of religion has to do with not just what kind of people we want to be, but what kind of a global community we want to live in. To achieve a just global society, we need both tolerance and a shared sense of commonality, and both are strongly supported by the

religious point of view. To see the spiritual potential in others, despite their differences from our own selves, is both to share our common humanity as well as to accept, and cherish, the uniqueness of other persons.

THE ROLE OF RELIGION IN RIGHTS

The twentieth century saw a great outpouring of work in secular ethics. A *Theory of Justice* by John Rawls is probably the most influential book on ethics in the twentieth century. The essence of Rawls' view is captured in the dictum "justice is fairness." As a method to eliminate prejudice and achieve objectivity in order to be fair, Rawls proposes that moral judgments should be made from behind a self-imposed "veil of ignorance." That is, he proposes that we should treat others simply as human beings, quite apart from any unique properties or special circumstances they may have.

This sounds good, but it ignores our real personhood, which is particular, not general. It ignores gender differences and, as women have long known, to be ignored as a full person, and so objectified, is worse than being recognized as the individuals we are, even if opposed. And it ignores the religious distinctiveness of each human. This is also, in part, a gender issue, for while men control religious hierarchies, often part of women's identity is caretaker of religion in the home. Moreover, if we take away the Judaism, Buddhism, Jainism, Confucianism, Christianity, and so on from our neighbors, we treat them as "its," not persons. And if we only consider justice and rights and not the relationality that the religious point of view enjoins, we will be left to deal with each other only through the rules of law. The consequences are obvious. Litigation is out of control in many Western countries. My own country, the litigious United States, certainly does not provide an ideal model for global human relations. This is where the world religions come in, for they can provide guidance, in the twenty-first century, with their various means and modes, to go beyond ego concerns to a centeredness on the personhood of others. Genuine religion offers relationality, not mere rules.

Another normative ethics which saw considerable development in the twentieth century is utilitarianism. The basic idea of morality on this view is to act so as to produce the greatest good for the greatest number. Again, *prima facie*, this secular ethics sounds good. However, minority interests are all too easily overpowered by the "great good" to the majority. In Japan only about one percent of the population is Christian. Should specifically Christian needs be legislated against if they are inconvenient or even

repulsive to the majority? Or to turn the example around, should the dominant religion in the world, Christianity, with nearly two billion adherents, have more say in global society because there is a greater good for a greater number? Clearly the answer is “no” to both questions. Furthermore, unchecked utilitarianism can lead to some appalling ideas, such as Peter Singer’s notorious conclusion that child infanticide could be justified on utilitarian grounds.

At the start of the First World War, the Carnegie Endowment for International Peace stated, regarding war between Greece and Bulgaria, that:

Day after day the Bulgarians were represented in the Greek press as a race of monsters, and public feeling was roused to a pitch of chauvinism which made it inevitable that war, when it should come, should be ruthless...Deny that your enemies are men and you will treat them as vermin.²⁷

This is reminiscent of Raskolnikov’s characterization of the pawnbroker whom he kills in Dostoevsky’s *Crime and Punishment* as a mere “louse.” As Gerrie ter Haar argues in her masterfully titled “Rats, Cockroaches, and People Like Us” (chapter 5 in this volume), it is easy to violate the rights of – and even wantonly kill – those whom we do not see as persons. In place of the objectification and even verminification of others, the contribution of the world religions can be an affirmation, from the religious point of view, of the unique personhood of each and the spirituality of all. Thus, as just two examples, we find this reasoning in the Jewish and Islamic traditions, respectively:

It was for this reason Adam was created alone: to teach you that anyone who destroys a single life, it is to be accounted to him by Scripture as if he had destroyed the whole world, and whoever preserves a single life, it is accounted to him by scripture as if he had preserved a whole world.²⁸

Why should a Muslim commit himself/herself to the rights and well-being of a fellow human being? The answer is because God has already made such a commitment when God invested so much of the God-self in each and every person. This is why the Qur’an asserts that whomever kills a fellow human being unjustly it is as if he/she has murdered all of humanity – it is as if the killer has murdered the divine sanctity and defiled the very meaning of divinity.²⁹

Religion is a virtually universal and authoritative resource for humanity’s understanding of morality. Thus, with respect to any purely secular human rights declaration, adherence will be limited and opposition expanded because opposition will be based not on the moral quality of the proposals

but on the final authority of the proposals. As Abou El Fadl argues with respect to Islam:

To propose secularism as a solution in order to avoid the hegemony of Shari'a, and the possibility of an abuse of power, in my view, is unacceptable. There are several reasons for this. First, given the rhetorical choice between allegiance to the Shari'a and allegiance to international human rights, quite understandably most Muslims will make the equally rhetorical decision to ally themselves to the Shari'a. Second, secularism has become an unworkable and unhelpful symbolic construct. In the Muslim world, secularism is normally associated with what is described as the Western intellectual invasion, both in the period of colonialism and post-colonialism. Furthermore, secularism has come to symbolize a misguided belief in the probity of rationalism and a sense of hostility to religion as a source of guidance in the public sphere.³⁰

The logic of Abou El Fadl's point will apply equally well to all the other world religions. It is fatal for human rights declarations to ignore the moral authority (among other sources of moral authority) of religion. For as Gerrie ter Harr notes, "For most people in the world, religion is an integral part of their existence, inseparable from the social and moral order, and it defines their relations with other human beings."³¹

A secular document on human rights such as the U.N. Declaration ultimately lacks the potential moral authority and adjudicatory power of a document like the proposed Declaration on Human Rights (and, I would add, Responsibilities) by the World's Religions. The task of the latter is to draw on the authoritative power and wisdom of the world religions without diminishing or contravening either the core features of each particular religious ethic or the core goal of secular human rights projects, which are summed up by An-Na'im in the notion of "secularism:" "The key feature of secularism is its ability to safeguard the *pluralism* of political community."³² The secular protection of pluralism against, among other dangers, religious egoism, is crucial to a just society, and so the secular must not be subservient or held captive to religious theory. But what is needed is the construction of a social ethic which takes account of *both* the secular and the religious. It is all too easy for humans to favor themselves, to give more weight to their personal circumstances, in moral questions. So it is no surprise that secularism and religion are both poor at self-regulation. Each can, though, provide a measure of accountability for the other, achieving a partnership of regulation through balance. In particular, the secular has a key role as a constructive voice against the dangers of religious egoism, and

the religious can add a powerful voice to the call to other-regarding action which lies at the heart of both the religious and the moral life.

NOTES

1. Thomas Jefferson, 1776, quoted in Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice* (New York: Penguin Books, 2000), p. 6.
2. Alexander Hamilton 1787, quoted in Robertson, *Crimes Against Humanity*, p. 8.
3. For a comparison, more recent and fuller articulations of rights can be found in the Indian and South African constitutions.
4. Jeremy Bentham, *Supply without Burthen or Escheat Vice Taxation* 1794, Object V.
5. Robertson, *Crimes Against Humanity*, p. 12.
6. *Ibid.*
7. *Ibid.*, p. 21.
8. H.G. Wells, 1942, quoted in *ibid.*, p. 23.
9. *Ibid.*, p. 24.
10. *Ibid.*, p. 27.
11. See p. 29 below.
12. See part III of this volume, esp. chap. 9.
13. In "Being Religious and Doing Ethics in a Global World," in *Ethics in the World Religions*, ed. Joseph Runzo and Nancy M. Martin (Oxford: Oneworld, 2001), p. 23, I argue that there are at least four identifiable characteristics of the moral point of view: (1) taking others into account in one's actions because one respects them as persons (benevolence); (2) the willingness to take into account how one's actions affect others by taking into account the good of everyone equally (justice or impartiality); (3) abiding by the principle of universalizability – i.e. the willingness to treat one's own actions as morally laudable or permissible or culpable only if similar acts of others in comparable circumstances would be equally laudable or permissible or culpable; and (4) the willingness to be committed to some set of normative moral principles.
14. I first argued for this in "Ethical Universality and Ethical Relativism," in *Religion and Morality*, ed. D.Z. Philips (London: Macmillan, 1996), where I defended the idea that the use of torture is always immoral.
15. See p. 305 below.
16. Margaret Farley, "Feminism and Universal Morality," in *Prospects for a Common Morality*, ed. Gene H. Outka and John P. Reeder, Jr. (Princeton: Princeton University Press, 1992), p. 182.
17. Confucius, *The Analects* (London: Penguin, 1979), p. 135.
18. Christopher Key Chapple, *Nonviolence to Animals, Earth and Self in Asian Traditions* (Albany: State University of New York Press, 1993), p. 16.

19. Martin Buber, *I and Thou*, trans. Walter Kaufmann (New York: Scribner's, 1970), p. 59.
20. Alan Donagan, "Common Morality and Kant's Enlightenment Project," in *Prospects for a Common Morality*, ed. Outka and Reeder, pp. 65–66.
21. James Kellenberger, *Relationship Morality* (University Park: Pennsylvania State University Press, 1995), pp. 42 and 53.
22. This can also be put in terms of two other features of the religious point of view which parallel the moral point of view: recognizing the spirit of everyone equally; and accepting the universalizability to others of one's own treatment of oneself as spirit.
23. See p. 29 below.
24. I discuss henofideism in more detail in *Global Philosophy of Religion* (Oxford: Oneworld, 2001), chap. 2.
25. See the dogmatic constitution *Nostra Aetate* from Vatican II.
26. Karl Rahner, *Theological Investigations*, vol. 5 (London: Darton, Longman & Todd, 1966), p. 132.
27. Carnegie Endowment for International Peace, *Report of the International Commission to Inquire into the Causes and Conduct of the Balkans War* (1914), quoted in Jean Seaton, "The New 'Ethnic' Wars and the Media," in *The Media of Conflict*, ed. Tim Allen and Jean Seaton (London and New York: Zed Books, 1999), p. 46.
28. Michael Fishbane, "The Image of the Human and the Rights of the Individual in Jewish Tradition," in *Human Rights and the World's Religions*, ed. Leroy S. Rouner (Notre Dame: University of Notre Dame Press, 1988), p. 19.
29. See p. 338 below.
30. See p. 321–322 below.
31. See p. 80–81 below.
32. See p. 30 below.