RELIGION-BASED-VIOLENCE AND THE MORAL FOUNDATION OF HUMAN RIGHTS

Mikhael Dua
Atma Jaya Catholic University, Indonesia

ABSTRACT

The relation between religion and human rights has becomes ambiguous. In the past, religion had inspired the idea of human rights. Most religions acknowledge that human rights are the rights that a person has due to his status as a human entity created by God. This identity was substantial for his dignity as an individual and his ethical obligations as a member of a community. But after religion was suppressed or replaced by modernity and ideological regimes, the idea of human rights began to be based upon the concept of the good life, the common good, or human flourishing. With this disconnect, human rights needs to be re-evaluated according to different religious traditions. This paper deals with the complexities of the ethical question concerning the ideal of good life under the norms of human rights. It proposes the idea that secular societies should take into account the historical role of religion in shaping the idea of the human to provide a moral foundation. But since religion cannot break away completely from fundamentalism, a new moral foundation inspired by religion but beyond religion is needed. The paper, then, will deal with the problem into three stages: the religious roots of human rights, religion-based-violence, and suggestions for a moral foundation of human rights beyond religion.

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Human Rights and Its Religious Roots

In his essay on *Glauben und Wissen (Faith and Knowledge)*, J. Habermas claimed that the tension between secularization and fundamentalism will become one of the main characteristics of post-secularized society.[1] The secular world has created one pole in which reason, science and technology are taken as its foundation. Meaning, values, morality, and the good life must all relate to the concept of human well-being. By promoting reason, the secular world demands that each religion should be harmonized with modern civilization. Religion on the other hand, creates its own gounding. It has its own truth which sometimes rejects reason. Habermas reminds us that by rejecting reason, the fundamentalists can use violence and terrorism as ways to defending their truth against the secular world.[2] In such cases, the resurgence of religions in the secular world does not always constitute a blessing for humanity. Our civil and global relations are often overshadowed by religious conflicts and the violence.

This tension between fundamentalism and secularization has its implication to the meaning of human rights. In the past, religion can be regarded as an important factor that brings about human rights. Although its formal formula emerged in the 20th century, the basic inspirations of human rights have been found in ancient religious beliefs and practices such as the concept of agreement with God in the Jewish tradition, Quranic texts on peace and mutual benefit, Hindu's concept of *dharma* and *atma*, the Catholics' concept of *ius* and *libertos*, and the Protestant ideal of freedom and law. All these traditions claim that human beings are given basic rights by the Creator.

The relationship between religion and human rights has a new emphasis in the post-secularized society. In the first place, under the principle of the freedom of religion,[3] each religion claims its own right to exist. In this post-secularized society, religion can play its role in reminding people about the problematic aspects of modern lifestyles. Among other

things, religion shows that the modern world which reduces reality into a rational, scientific, economic, and technological framework will end with failure. Spiritual life is something that is intrinsic to being human and cannot be ignored.

Also religion reminds us that the modern secular state system with its democratic, economic and technological aspects has not really succeeded in providing an authentic sense of national and cultural identity. Ernst Gellner has pointed out that, in the post-colonial era, developing countries faced a dilemma: whether to imitate Western patterns to achieve equality in life, or remain in their own cultural traditions, with the result that material conditions of life did not develop. Initially, many developing countries followed the Western pattern in building their societies, but after some decades it turned out that the Western model was not successful because it led to authoritarianism, corruption, and a return to a primordialism that endangered national integration.[4] All these conditions brought forth a need for a more authentic sense of identity. Based on human rights every country and culture affirms its own authentic identity. A new understanding of Human rights became the philosophical basis for the political recognition of national identity in many countries.

This philosophical affirmation of the function of human rights in a society to define the authentic identity, however, goes hand in hand with anti-foreign movement which creates excessive suspicion and hostility towards anything foreign. In such a situation of total disillusion and paranoia, human rights as modern norms for the good life have been heavily criticized. From a philosophical point of view, some philosophers consider human rights as an unsuccessful experiment. They regard it as a fiction and an instrument of neocolonialism used by the Western world to control the non-Western world. They also claim that human rights become a strategy to give birth to cultural conflicts, social instability, and religious wars so that the world remains dependent on the West. Marry Ann Glendon says: "right talk is the wrong talk for meaningful debate about debate deep questions of justice, peace, and common good."

In this critical condition, religion takes its role as an important

factor to balance the secular motive behind the application of human rights. In the theological perspective, without religion, human rights would be controlled by Western liberal ideals and political identity. Only in religion, we can understand that the concept of human rights is inherent with the concept of duty. Pope John XXIII wrote: "every fundamental human right draws its indestructible moral force from natural law, which, in granting it imposes a corresponding obligation. Those, therefore, who claim their rights, yet altogether or neglect to carry out their respective duties, are people who build with one hand and destroy with the other."[6] Under this theological understanding, human rights can impose moral requirements universally valid in the world of human experience and history since it is rooted in the nature of man and of human society.

Religion-Based-Violations

The recognition of the religious dimension in human rights or the recognition of human rights by the religious world is one thing, but the application of human rights in the praxis of religions is another matter. When human rights declare equality and teach freedom, the world of religion emphasizes hierarchy and authority; when human rights celebrate diversity, tolerance and pluralism, religion demands purity of orthodoxy, exclusivity and diversity; where human rights teach freedom of speech and expression, some religions suggest total surrender, restraint or silence; when human rights are embraced in such a way as to become universal values, religion as an institution is threatened. So it is hard to deny that behind the religious idealism that emphasizes peace, compassion, honesty, justice and brotherhood, religions actually emphasize a strong tendency towards radicalism, bigotry, group selfishness, megalomania, corruption, chauvinism, and various forms of violence that are diametrically opposed to human rights. Based on its some interpretations of religious doctrines, religion can become a motive for doing violence. We call this contradiction as religion-based violence.

This phenomenon can be empirically pointed out by some surveys. Besides bomb attacks in Bali, Surabaya, and Medan, SETARA Institute

reported that 3.177 cases of religious radicalism have been conducted in the last 12 years (2007-2018). Recently (October 2019), Indonesian Survey Institute's research shows that religious radicalism is a serious problem in living together among religious communities. The survey discovered that 53% of Muslims object to non-Muslims building their place of worship near them, but 54% are tolerant if non-Muslim people hold religious services near them. In the last four years, the trend of political intolerance towards non-Muslims has increased from 48% to 56% in a sense that the majority does not want non-Muslims to be their leaders. The survey also points it out that 23.5% of Muslim students in Indonesia support the movements of the Islamic countries of Iraq and Syria, and are even ready to strive to establish a *khilafah*.[7]

This tendency is formulated in another way by the National Commission on Human Rights of the Republic of Indonesia. In its 2015 report on freedom of religion and beliefs, the Commission found out some forms of violence: closing of existing places of worship, demolition of places of worship that had long been used, prohibition of using veil in school, intimidation and prohibition of religious activities. The National Human Rights Commission also notes that all religions have committed violence and potentially violate human rights.

A philosophical reflection on this phenomenon may help us to understand the fact. In her writings on the *vita activa* (*The Human Condition*), Hannah Arendt distinguished three fundamental human activities, namely labor, work, and action. These three activities are closely related to the most common conditions of human existence: birth and death, natality and mortality. Labor means that we humans maintain the survival of individuals and species as a whole. Work is the way we do every day activities which support life such as eating, drinking and other related activities. It is an activity related to biological processes which are necessary for the continuation of human existence. Different from labor, work is a productive activity in achieving certain material goals. With work humans can create the world around them in accordance with their plans and needs. Work gives us permanence and durability in gaining meaning

in our lives and warding off the futility of mortality. Human action is also a productive activity but has no connection to the production of material objects. It includes human communication with each other and which allows them to live together in a society. By such action, humans create history, honor the past, and look forward to the future.[9]

Of these three activities, violence is more visible in labor and work, and less visible at action. It is because violence is related to the needs to maintain human existence in facing environmental challenges. By identifying violence as labor, Arendt identifies three hallmarks of violence.[10] *First*, like labor, "violence is essentially instrumental and material."[11] It is governed by the categories of means and end. As an instrument, violence is designed and used to multiply strength. Its justification is derived from the end it serves. It can be "justifiable, but never will be legitimate." [12] Religion-based-violence is a kind of violence which uses religion as its propaganda. It is effective because only in religion we can find blind loyalty.

Second, violence is mute. Arendt points out that in essence violence is speechless. There is no speech in violence. It is "incapable of speech."[13] Therefore, Arendt can say: "where violence rules absolutely … not only the laws … but everything and everybody must fall silent." This muteness makes violence destroys precisely the solidarity of word and deed that is necessary for action. Without speech, action degrades into a merely productive, technological activity.

Third, violence is characterized by its preference for isolation. Tyranny may become its extreme form. Without speech, violence places man into the mass in which no body can exist as somebody. As consequence there can be no longer any process of uncovering of the who. Because of its instrumentality and muteness, violence creates a solitary man who has no capability to bring relations into existence.

By these descriptions of violence, we can say that in Arendt's perspective, all forms of religious violence are the instrumental reaction to the process of alienation, especially alienation from the secularized society. By using religion as its justification, violence destroys human

communication and togetherness. Behind violence grows the most effective command which produces the most instant and perfect obedience. By this way, it overlooks power which is fundamentally based on communication and togetherness. Violence, then, will not create human communication, togetherness and power but alienation. The religion-based violence then is a result of religious purification by each religious group to strengthen its stronghold of identity and territory. This isolation process results in paralysis of communication and social dialogue.

Religion-based-violence has occurred since the crusades in the medieval times. Today Christians, Jews and even Hindus also have a record of violence due to deviations of religious values. In this case, religion is used as a propaganda tool for blind loyalty. Arendt then concludes that all violence, includes here the religious-based-violence - is a *actus hominis* rather than *actus humanus*. For her, humans are conditioned beings since everything that is contacted and exposed to humans, immediately becomes a condition of human existence; it becomes a condition of our existence as far as it becomes a part of us. As far as it can humanize labor and work, communication can also become the basis for human rights. And as far as communication becomes the basis for human rights, all practical efforts to promote human rights cannot be pushed by violent actions.

Moral Foundation of Human Rights

The inability of the world's religions to promote the good life became one of the reasons for secularists to try to replace religion with a new model of good life which can be taken into account by science. Sam Harris may be one of the scientists who mercilessly and relentlessly attacks religion. For Harris, instead of developing ethical sensitivity, religion tends to confuse people's ethical perceptions of the good and the bad. Their people are moral when they conquer or kill; they feel holy precisely when they self-destruct; they feel loyal to their religion precisely by promoting discrimination. According to Harris, religion is one of the biggest barriers to sound moral reasoning, although ideally the use of reason is always obligatory.

Harris proposes that ethics or morality does not require religion as its basis. "Research on people's response to unfamiliar moral dilemmas suggests that religion has no effect on moral judgment." He reasons that each religion claims to be based on certain revelations, but the contents of the revelations and scriptures are different and can be contradict one another. Religious revelations also legitimize inhumane violent practices such as slavery, misogyny, patriarchy, mutilation, self-immolation, and practices such as Sati. So it is clear that not all revelations can be regarded as truth. Instead of religious revelations, Harris contends that human moral intuition is developed in a long evolutionary process. It is not a gift from something we call God. Such things as soul or spirit does not exist. Our awareness is only a product of brain performance. When the brain is damaged, mental abilities are damaged. For the continuity of the ethical life of the human species what is needed is a picture of the good life that should be taken into account by science alone. This is what he calls the moral landscape.

In *Moral Landscape*, Harris criticizes the modern dualistic way of thinking that separates science and ethics: science talks about the world of facts, ethics talks about values of how we ought to behave. This distinction was developed by David Hume and G.E. Moore. To Harris, the separation of facts and values is an illusion, due to three causes. *First*, anything that can be known about prosperous life must be related to the facts of the world and the facts of the brain's performance in its interactions with the world. *Second*, what we called as objective scientific knowledge about facts is in fact always built on certain principles that are considered valuable such as logical consistency, supporting evidence, simplicity of theory, etc. *Third*, it is proved that in the brain's performance, belief in facts and values derived from one and the same internal neural process, the process of judging about right or wrong.[17]

Harris is of opinion that values are the ideal problem of a prosperous life or well-being which basically is based on facts and can be learned by science, especially neuroscience. The parameters of prosperous life are universal and can be assessed objectively wrong and right. They are

transcending any cultural or religious tradition. Just as the facts about disease are universal - cancer is cancer, cholera is cholera – so are ethical norms - compassion is compassion. There are no ethical norms which can be verified by religions such as by Hinduism, Islam, or Christianity.

Just as the concept of health is changed according to the increasingly complex of knowledge and experience, the notion of human rights is indeed dynamic. But it does not mean that the notion of human rights is relative. People's preferences for food can be diversified, but we can investigate which foods are healthy or poisonous. So is the concept of human rights. Each community and institution has its specific concept of human rights, but we can determine its objective measures, at least a minimum condition of practice of human rights, such as: non-discriminative and equality, religious tolerance, the level of security etc. From the perspective of human rights, we can criticize the darker traditions in certain cultures. From this point of view, people who practice these things are conditioned to want what they should not want. So they can be reformed.

Harris's criticism of religion's claim as the foundation of human morality and human rights is a good step to define that morality is not an emotional and subjective fact but must be rational and universal. But by using science as the tool to describe the moral landscape, Harris falls into the trap of scientism which proposes that the truth of morality depends on scientific discovery. Harris seems to negate the practical reason of each subject to know the good and the bad of the actions on the one hand and the ability of the cultural community to reach consensus regarding common goals which must be realized in the community on the other side.

Harris seems to define morality in a mechanistic way of thinking in which good and bad action depends on the mechanism of neural system. There is no freedom in morality and no ability to weigh the maxim of legitimate action as Kant pointed it out in his categorical principle: "Act only on the maxim where you can at the same time will that it should become a universal law."[18] But, why we must have an obligation to respect the rights of others?

In the Kantian perspective, the moral foundations of human rights lie in the categorical, universal and rational obligations to the rights of others. He argues that there is something about a human being that makes him resent and resist being treated as a means instead of an end. The individual human being becomes the basis for the supreme principle of morality: "the foundation of this principle is: rational nature exists as an end in itself. All men everywhere want to be considered persons instead of things for the same reason that I do, and this affirmation of the absolute worth of the individual leads to a second formulation of the categorical imperative which says: So act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as means only."[19] The categorical imperative, therefore, speaks of the universality of the moral law and affirms the supreme worth of each rational person.

Kant's categorical imperative on treating 'humanity as the end not as the means' has a similarity to the golden rule: "do to others what you want others to do to you." In a sense that the concept of human rights is not just a claim about rights but also about duty. "the recognition of the right not to be reduced to slavery implies the responsibility of those who own others to give them their freedom. The right not to be tortured implies the responsibility of the torturer not to torture. The exercise of rights and freedom is subject to duties."[20] The moral foundation of the human rights then rests on a philosophy rooted in the subject.

Beside the philosophy of subject, the moral foundation of human rights rests on the internal relationship between the practical reason and the intersubjective cultural community. In these intersubjective cultural communities, all citizens, both religious citizens and secular citizens, have the same right to communicate and be heard. For these reasons religion can be accepted as one part of the "*oeffentliche Gebrauch der Vernunft"* (public use of reason). And because human reason no longer depends on the religious legitimacy, but on consensus that is built together through discourse, the contribution of religion must be translated into publicly acceptable language. Meanwhile, the secular citizens must also learn something about normative truth as religious revelation by re-recognizing

their own intuitions which are often not examined. Thus the arrogance of religious exclusivism which values secular citizens as infidels and the arrogance of secularism which condemns religion as irrational can be avoided. Religion and secularity are two components of our civilization and therefore components of our value systems in our communication and intersubjective world.[21]

Conclusion

Mary Ann Glendon once said that the Declaration of Human Rights "is the single most important reference point for cross-cultural discussion of human freedom and dignity in the world today."[22] The statement summarizes the historical fact of promulgation of the human rights in the United Nations. When human rights were about to be endorsed by the United Nations, the question of the foundation of human rights was raised. The background of question was the conflict of value orientation between liberalism which characterized the Western world and collectivism which characterized the eastern world, between universalism and cultural difference, between those who are secular and those who are religious.

Today human rights have been accepted and amended in many countries as practical response to the war crimes and various forms of violence against humanity. But violence is still carried out around the world, as witnessed in genocide in Rwanda and former Yugoslavia, civil wars in many corners of the world, terrorist attacks, and human trafficking.

How can we explain the failure of human rights?

One of the most determining factors for the decline of human rights is a selective and pragmatic approach that ignores the ethical foundation of human rights, namely the human person. The human rights discourse is used whenever there is oppression, slavery, conflict, war, human trafficking, and genocide. In facing all these problem, the concept of human rights is used as an instrumental justification of political and social action. The pragmatic approach may be useful in facing the problem. But the act of pragmatic judgment should be morally accepted. Without ethical underpinning, human rights will have no legitimation.

Religion can play its role in overcoming mere pragmatism. Through its understanding of human nature as rational and free being, religion can provide moral basis for the necessity and universality of human rights. But in doing this, religion must learn how to develop its own beliefs in a rational way. In dialogue with science, it can play its role more productive. In this new public sphere, both science and religion can develop a rational and democratic commonsense which is accepted by all. By doing this, religion does not only gives moral legitimation to human rights but also creates an emancipatory world.

ENDNOTES

[1] Jurgen Habermas, *Glauben und Wissen* (Frankfurt am Main: Suhrkamp, 2001)

[2] Otto Gusti Madung, "Toleransi dan Diskursus Post-sekularism," *Jurnal Ledalero*, Vol. 15, No. 2 Desember 2016: 313

[3] United Nations, *Universal Declaration of Human Rights*, Article 18

[4] Ernst Gellner, *Postmodernism, Reason, and Religion* (London: Routledge, 1992).

[5] Marry Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse* (New York: Free Press, 1991).

[6] Pope John XXVIII, *Pacem in Terris*, n. 6, 1963

[7] Lembaga Survei Indonesia, Tantangan Intoleransi dan Kebebasan Sipil Serta Modal Kerja Pada Periode Kedua Pemerintahan Joko Widodo, Temuan Survei Nasional 8-17 September 2019, Jakarta Pusat, 2019

[8] Komisi Hak Asasi Manusia Republik Indonesia, Laporan Akhir Tahun Pelapor Khusus Kebebasan Beragama dan Berkeyakinan, Jakarta: 2015

[9] Hannah Arendt, *The Human Condition* (New York: Double Day Anchor Books, 1958), 9-18

[10] Remi Peeters, "Against Violence, but not at any Price: Hannah Arendt's Concept of Power" *Ethical Perspectives: Journal of the European Ethics Network* 15, No. 2 (2008): 181-183

[11] Ibid.

[12] Hannah Arendt, *Crises of the Republic* (New York: Harcourt Brace Jovanovich, 1972), 151

[13] Hannah Arendt, *On Revolution* (Harmondsworth: Penguin Books, 1973), 19

[14] Hannah Arendt, Ibid., 18

[15] Sam Harris, *The Moral Landscape, How Science Can Determine Human Values* (New York: Free Press, 2010), chapter 4

[16] Ibid., 98

[17] Ibid. Chapter 2

[18] Kant, *Grundlegung der Metaphysik der Sitten,* 52

[19] Kant, *Grundlegung der Metaphysik der Sitten*, 67

[20] Romuald R. Haule, "Some Reflections on the Foundation of Human Rights – Are Human Rights an Alternative to Moral Values?" in A. van Bogdandy and R. Wolfrum (eds.), *Max Planck Yearbook of United Nations Law*, Volume 10 (Koninklijke Brill N.V.), 391-392

[21] Juergen Habermas, *Zwischen Naturalismus und Religion* (Frankfurt am Main: Suhrkamp, 2005), 139-143

[22] Mary Ann Glendon, "Knowing the Universal Declaration for human Rights" Notre Dame Laws Review, Vol. 73, Issue 3., 1154

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