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THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: TASKS FOR RELIGIOUS EDUCATION

Introduction

Shortly before midnight on 10 December 1948, the General Assembly of the fledgling United Nations passed the Universal Declaration of Human Rights. Approval for the Declaration's thirty articles was overwhelming: forty-eight nations for, none against. Despite eight abstentions in the voting process (South Africa, Saudi Arabia and six Soviet bloc countries) few national governments then or since have been willing to publicly oppose the human rights cause. Yet, while the Declaration established human rights as the prevailing ideal of the post-war era, one commentator has characterized this ideal as "holy writ to which all pay homage, even if sometimes the homage of hypocrisy" (Henkin, 2000, p. 11). Some of the loudest supporters of human rights have been guilty of the most egregious breaches. International resolve to convert human rights principles into binding covenants and conventions has been sluggish. Violations of fundamental human rights have continued despite the presumed consensus about the universal ideal. Regrettably, a roll call of the past decade offers dim prospects for the immediate future: Kosovo, Kuwait, Rwanda, East Timor, Somalia and September 11 are only some of the more prominent examples of the failure to observe a universal ideal.

The progress of human rights is the focus of this paper; the role of religious education in furthering the cause of human rights is its aim. The discussion is in three parts. A short description of each part will indicate my purpose and direction. In the first section, I discuss the formation of the Universal Declaration of Human Rights in order to provide some context for understanding the document. In the second section I offer some critical commentary on the place and significance of religion in the document and in the scholarship of the human rights community. In the final section, I describe some implications of this for religious educators. This paper argues for a range of conversations within and between religious communities and human rights organisations in order to achieve the aims of the human rights community.

A brief history of the Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) achieved something new in world history. Never before had an international organisation attempted to define a universal and comprehensive code for all its members. The idea that human beings have rights because they are human beings (not simply because they are citizens of a particular State) was a new approach in global politics (Patman, 2000, p. 1). The UN's Human Rights Commission, charged with the responsibility of drafting the UDHR, appointed a committee that comprised some of the most able and committed people of the immediate post-WWII era. The drafting committee was chaired by Eleanor Roosevelt, a formidable diplomat in her own right and one whose motivations included incorporating in the Declaration Franklin D. Roosevelt's four freedoms: freedom of speech and belief, and freedom from fear and want. These freedoms are repeated in the Preamble to the UDHR.

The first feature to note about the UDHR was that it was written and adopted at all. The global and regional realignment between established and emerging nations immediately after World War II might have militated against it. Civil conflicts were erupting in Palestine, Korea and Greece. Anti-colonial rumblings were coming from South-East Asia (particularly Malaya and Indonesia). Disputes between India and Pakistan were increasing. The South African government was preparing to codify its policy of racial apartheid in national legislation. These developments were occurring within the escalating tensions of the Cold War between the United States and the Soviet Union. Representatives from opposing sides of these various conflicts either served on the United Nations committee that drafted the UDHR or provided input and responses at significant stages in the drafting process. A motivating force that propelled the resolve of key players was the atrocities of WWII, especially the *Shoah*. Awareness of the shame of these events tended to override regional and global rumblings between nations.

The prevailing political tensions did, however, influence the nature and direction of the UDHR. To understand how, some appreciation of the status of UN documents is necessary. A United Nations declaration has a particular status within the realm of UN documentation. A declaration is a statement of principles. It takes the form of a resolution that has no legal force of its own: it does not compel member states of the UN to act in a specific manner. According to the preamble, the UDHR aimed to describe "a common standard of

achievement for all peoples and all nations." Eleanor Roosevelt characterized the UDHR as a bridge upon which people of differing viewpoints could meet, but it was not designed as a document with legal force. UN covenants, conventions, and treaties are legally binding agreements that oblige nations to undertake commitments outlined in a declaration.

The option for a declaration rather than a more binding instrument was politically expedient given the political climate. Hostile nations were unlikely to agree to binding arrangements, yet were also generally unwilling to risk international censure by opposing a statement of "universal" principles outlined in a declaration. Failure to join the international community would serve as a sign that your opponents had achieved a significant moral advantage in the eyes of the world. In any case, political leaders tend to be skilled in applying Baron Von Bismark's aphorism that "when you say that you agree to a thing in principle you mean that you have not the slightest intention of carrying it out in practice." Accordingly, behind the scenes some representatives worked to limit the force of the proposed Declaration and even to delay its consideration by the UN General Assembly. Alexander Bogomolov, the Soviet Union's representative on the drafting committee, wrote to his Foreign Minister Vyachesslav Molotov in December 1947 saying: "The little Anglo-Saxon orchestra has been well organized and harmonious, but not to the degree that our work has been useless. Somehow we will shake that little orchestra apart" (Glendon, 2001, p. 97).

Discussions in the drafting committee bounced between two competing models of human rights. The dominant Western capitalist model emphasized individualism, property rights, and civil and political rights. The opposing Soviet socialist model stressed group rights, individual duties, collective ownership of property and social and economic rights. In its final form, the UDHR accepted the importance of individual liberty *and* the collective unit within which people live. So, for example, individual liberty was recognised (in Article 19 on freedom of expression), whereas, the right to an adequate standard of living (Article 25) was more amenable to the socialists. Despite their differences, both sides accepted that the human being - alone or in community - was the source and foundation of the notion of human rights.

The lack of legislative force behind the UDHR has been well recognised. Even during the drafting stage, concerns were registered that the UDHR risked being seen as meaningless if supporting legislation was not put in place. Binding covenants and conventions with legislative force were slow to emerge and difficult to implement. Notwithstanding this, the UDHR has been a source of encouragement for those involved in human rights struggles. To cite one example, Nelson Mandela claimed that, in the struggle against apartheid, the Declaration "served as a shining beacon and inspiration to many millions of South Africans. It was proof that they were not alone, but rather part of a great global movement against racism and colonialism, for human rights, peace and justice" (Robinson, 1998, p. 119). Any assessment of the validity of the UDHR needs to take into account its function as a source of inspiration, despite its lack of legal force.

The place of religion in the formation of the UDHR

For many in the human rights community, religion is seen as part of the problem that confronts them rather than a source of solutions. Religion, when not openly attacked, has tended to be ignored by many involved in the human rights cause. Critics of religions have pointed to the historical indifference of religions to human rights. Religions, it is argued, have promoted and been used to vindicate oppressive forms of hierarchy, patriarchy, authority and inequality. Religions have provided enthusiastic justifications for slavery, torture and genocide (Howard, 1992). Louis Henkin of Columbia Law School describes how the world of religion and the world of human rights have not always coexisted comfortably:

> Religion, and some religions, have not been comfortable with human rights as an autonomous ideology that is not necessarily rooted in religion. The human rights ideology, on the other hand, has resisted the claims of some religions to disregard the claims of other religions. Some religions have invoked religious dogma to justify distinctions based on religion, gender, or sexual orientation, distinctions that may be contrary to the human rights idea. The rise of "fundamentalism", sometimes brigaded with political authority, has awakened adherence by some governments to the human rights ideology and to international covenants and conventions (Henkin, 2000, p. 29).

For the most part, human rights scholarship and practice in the past fifty years has developed in an atmosphere of separation between social science and religion. Religion was seen as hindering the task of naming a "universal" set of human rights that applied to all human beings. This separation between religion and the guiding theories of human rights is embedded in the UDHR. When framing

the draft document, Charles Malik observed how arguments about religion among the drafting committee "are often concluded silently by sheer sensing that the prevailing climate of opinion will never admit such terms" (Glendon, 2001, p. 161). The drafting committee lacked an acceptable language in which to discuss and describe the relationship between the world's diverse religions and their impact on thinking about human rights.

Paradoxically, many of those who drafted the UDHR were happy to admit their own religious sentiments and the way in which these shaped their views on human rights. Eleanor Roosevelt spoke for herself, but also indicated the depth of religious influence among her colleagues, when she explained why the UDHR contained no reference to religion:

> Now I happen to believe that we are born free and equal in dignity and rights because there is a divine Creator, and there is a divine spark in men. But, there were other people around the table who wanted it expressed in such a way that they could think in their particular way about this question, and finally, these words were agreed upon because they … left it to each of us to put in our own reason, as we say, for that end (Roosevelt, 1995, p. 559).

Those who drafted the UDHR did not directly disavow the significance of religion in the quest to articulate a set of universal rights. But, they lacked the will to pursue the issue. They also lacked a language that did not exclude from the discussion those who did not share the presumptions of the dominant Jewish and Christian traditions that influenced much of the development of the language of human rights in the West. The result was silence about the religious dimension of the human rights cause.

The UDHR was unable to describe or define the religious roots of the human rights movement nor articulate the connections between religion and human rights. Because of the inability to deal with the diverse claims of the religions, the final draft of the UDHR *implicitly* denies that religion plays a role in the way that billions of people around the world conceptualise their understandings of such issues as justice, rights, equality, morality, freedom and personhood. In attempting to achieve a "universal" tone, the UDHR leans in the direction of standards for human rights drawn from Western, eighteenth century, rationalist orthodoxies. Largely because of this choice, the document is a statement of abstract legal principles that lacks the specificity and grounding in the ways human beings live.

It should be noted that religion *is* mentioned in the UDHR, but only in Article 18 and only in terms of religious toleration as one of a series of rights. Article 18 grants that "everyone has the right to freedom of thought, conscience and religion." It allows for individuals to practice their chosen religion free from persecution and to freely change their religion or belief. While welcomed for its recognition that people had suffered under the dictates of those who used religion as a criterion to deprive people of their rights, Article 18 did not go far enough. It failed to recognise and articulate the importance of the religions for the majority of the world's people. It understates the role of religion as a source of conflict within human communities. It similarly underestimates the capacity of religious leaders and communities to resolve local and global conflicts and advance the cause of human dignity and mutual understanding.

This way of conceiving and describing "universal" human rights has meant that some shine has been removed from the quest for unity and consensus among the world's nations. Powerful Western nations have exhibited a propensity for "exporting" human rights (i.e., telling other, less powerful countries how they should behave) while simultaneously ignoring many human rights violations perpetrated on their own citizens and on their neighbors.[1] On the other hand, cultural relativists have argued that the UDHR is Western in nature and represents a new form of imperialism when applied to non-Western societies. They have argued for distinctive local – as opposed to universal - priorities for human rights. In the extreme, claims of cultural relativism have allowed certain national leaders in developing countries to select out particular articles of human rights and use them as a weapon of punishment or control against their enemies. Notwithstanding these extremists, cultural relativists closer to the mainstream have been important in raising questions as to whether the language of rights is the only or best way to deal with the concerns of injustice and violations against humanity (Goldewijk & Fortman, 1999).

A significant problem exists since both sides in this discussion have a share of the truth. The argument that all human beings share a common humanity and an abhorrence of evil and violence carries persuasive force. Also persuasive are the claims that all human beings live out those common commitments in a variety of contexts that shape and foster their particular responses. The cause of human rights requires a balance between those who accept the idea of a "universal" set of human rights and those who argue for distinctive local concerns. A focus on the relationship between religions and human rights may provide a necessary corrective to overcome any impasse. The cause of a "universal"

human rights agenda faces the same hurdles traditionally confronted by the world's religions.

Religions have long histories of balancing universal and local claims. As Max Charlesworth (1997, pp. 83-84) reminds us, "religion is a 'practical' business where general or universal considerations are brought to bear upon concrete and particular matters, and this requires a judgement based upon imaginative interpretation ('this is what God's revelation, or the Buddha's teaching, or the Taoist 'Way' means in these circumstances in which our community lives')." Each religion, for the sake of its health and survival, must find ways to balance its general truth claims with the way that these are received, interpreted and lived in specific contexts. The situation of the Roman Catholic community in the wake of Vatican II is one of the most interesting examples of this idea. Efforts to 'inculturate' Church teachings (for example, liberation theologies, Basic Christian Communities, culturally appropriate liturgical celebrations...) have been met with the desire to maintain orthodoxy and centralised control in the name of unity and catholicity. A judicious balance of these competing claims can avoid schism on one hand and a stifling authority on the other. Religions require both universal principles and the practical wisdom to make creative judgements in applying those principles. And so does a conception of human rights.

Implications for religious education

A number of people in the human rights community have recognised the lacuna that exists in the relationship between religion and human rights. A recent trend in the literature of the human rights community is to advocate for a more inclusive approach to religion. The direction of this scholarship has been to investigate "precisely how, and to what extent, various cultural, philosophical, and religious traditions have affirmed the universality of certain basic values" (Glendon, 2001, p. 223). These attempts to explore connections between human rights and religious traditions deserve praise, though they ought to be seen as limited first steps towards overcoming the problem. They risk turning into a game of "human rights jeopardy" in which the answers to the issues of human rights are already known while the religious traditions are seen as supplying relevant examples. However, the grounds for the confrontation between the human rights community and religion is the fundamental question of the source and foundation for human rights: are human rights grounded in a conception of the human being in society or in some other force beyond the humans? This is a larger task than simply identifying shared ideas about human rights among diverse religions.

What is also required is dialogue within religious groups about the relationship of religious people to a notion of 'human rights'. These discussions require a disciplined language that recognises and honors diversity and plurality within and between religions. Such discussion will be more open and sophisticated than was possible in 1948. Gabriel Moran (2000, p. 13) has argued that the implementation of the UDHR has reached a point where it requires dialogue with religions in order to provide substance and particularity to its provisions:

> what has become evident is that something that every religious group knows: namely universality has to have deep roots in a particular soil. The limitation of the United Nations' declaration does not mean it is useless. But it needs a context that includes the religious diversity in the world. The dialogue that was not possible in 1948 is still needed.

The kind of dialogue required is within the scope of the daily work of religious educators. It scarcely needs to be said that reform of the international human rights agenda is not the sole responsibility of religious educators. Nevertheless, they can take a share in responding to the issues raised in contemporary discussions about the limitations and possibilities for achieving the ideals of the human rights community. The following suggestions for teaching and learning approaches offer some possibilities for these discussions.

Documentary analysis

Students can be assigned the task of studying the UDHR document, its history, foundations, attempts at implementation and implications for the cause of social justice and human rights.[2] An extension of this study could be to compare and contrast the UDHR with Jewish and Christian documents that focus on the human person and morality, such as the Ten Commandments, the Sermon on the Mount, or official church statements on social justice. Adults and adolescents can study these documents to determine their value in understanding the issues raised by the UDHR. Study questions could be pursued, such as: Upon what/whom do human beings depend for their understanding of human dignity? What conceptions of the person seem to operate in each document? How do they differ between each document? What is the nature of the relationship between individual human beings and their communities? In what sense could the document be describing qualities and characteristics that are applicable to all people in all contexts? Are there aspects of the document that pertain only to people in particular cultural contexts? What binding force do such documents

possess? How do they affect their audience? What is the level of abstraction/concreteness contained in the document? How "true to real life" does the document seem and what impact might it have for ordinary people? How do the provisions of the document relate to the life experience of people such as minorities or indigenous communities?

Human rights dilemmas

Dilemmas highlight conflicting aims in the language of rights. Dilemmas resist easy solutions. Students can discuss dilemmas occasioned by the language of rights. An example of such a dilemma is: how does the right to bear arms conflict with my responsibilities to a friend, who has become psychotic and suicidal, who asks to borrow my firearm? Which "universal" principle applies in this case – justice or friendship? Evaluating such dilemmas can lead to a consideration of the utility and validity of a language of rights. Universal principles have to be lived out in concrete and particular communities. Adaptations and interpretations are necessary and desirable to account for local conditions. What alternatives might there be to a language of rights? In the above dilemma, what changes are apparent if a language of "needs" is used? What does my friend need (rather than have a right to)?

Celebrations of human rights

In schools, colleges and parish religious education settings, attention can be turned to policies and practices in celebrating or commemorating human rights. Various events sponsored by the UN and other international organisations mark the progress of human rights. Examples are International Children's Day, World Food Day as well as those years dedicated to issues such as the inclusion of people with a disability. Church agencies can evaluate their participation in these events. In what ways do these issues affect our particular group? What does our group have to contribute to a fuller understanding of this issue? They can also include appropriate references to religion when these may have been unnecessarily removed. What part did religious people play - positively and negatively - in highlighting the significance of this issue? In what ways are religions mentioned, both explicitly and implicitly? The resources of the religious community, for example, the heritage of liturgical celebration, can be used in commemorating the event.[3]

Schools and human rights organisations

School communities can evaluate their own relationship to issues of human rights. For example, exploring whether sweatshop labour has been used in the production of school and sports-team uniforms may provide encouragement to examine this issue (Callahan, 1999). Policies for cooperating with human rights organizations can be reviewed. The school, for example, may choose to sponsor a human rights group such as Amnesty International, or some other campaign of interest to the human rights community. Such involvements contribute to students' citizenship education. As the United Nations High Commissioner of Human Rights Mary Robinson claimed: "Without national institutions to promote and protect human rights, critical comments by international human rights bodies simply hang in the air. Unless justice systems and democratic procedures function at the domestic level, human rights cannot be addressed in a sustainable way" (Robinson, 2000, p. 354).

Human rights heroes and villains

Students can analyse and evaluate the contribution of Church people and groups to the cause of human rights. Students could assess the contribution to the understanding of human rights of people such as Oscar Romero in El Salvador during the civil war, or Ximenes Belo in East Timor, Mary Robinson in Ireland and Desmond Tutu in South Africa. Comparisons might also be made with the work of others such as Nawal El Saadawi and her work on the treatment of Muslim women or with Rigoberta Menchu and her work with indigenous Guatemalans. Among the questions and issues that could be explored are: In what ways do/did their religious commitments impact on their human rights work? What are the implications for religious groups? For the human rights community? A related study could be a critical evaluation of involvement of church people in violations of human rights. Teaching and learning on the role of the church in the spread of colonialism and fundamentalism can balance studies of human rights heroes[4]. Some examples could be the religious rationalizations given for the South African policy of *apartheid*, the contribution of the Christian teaching of contempt for the Jews to the Nazi *Shoah*, or the involvement of Christian churches in European imperialism and colonialism.

Conclusion

Krister Stendahl, when Dean of Harvard Divinity School, once noticed how members of the World Council of Churches responded to particular issues in distinctive ways. When an issue was brought to the WCC table, it received four characteristic responses: Latin Americans responded with customary passion, Africans asked what the implications were for the community, Asians reflected quietly in contemplative mindfulness, and North Americans asked, "What are we going to do?" (Harris, 1996, p. 11) The discussion about how to advance the cause of human rights needs to take into account the variety of ways that religious people respond to issues of concern to the human rights community. The Universal Declaration of

Human Rights has brought undoubted benefits to the global community. But its progress has been uneven. In ways similar to those that Krister Stendahl noticed, people around the world have sought to respond in ways that diverge from the human rights agenda authored in the liberal Western democracies. One way to resolve the "universal" scope of the UDHR might be found in resolving the historical separation between religion and the guiding theories of human rights. An encounter between the human rights advocates and religious traditions may challenge fundamental conceptions of key human rights agenda, such as the nature of the human person, justice, freedom and responsibility, and the way these are lived out in particular human communities. As the UN Decade for Human Rights Education draws to a close (United Nations, 1998), all religious educators can take some part in this response.

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[1] See, for example, Noam Chomsky's sustained attack on the US human rights record in, *The umbrella of U.S. power: The Universal Declaration of Human Rights and the contradictions of U.S. policy.* New York: Seven Stories Press, 1999. His criticisms could also be leveled at other Western champions of human rights who only in recent years have been the subject of challenges on issues such as the treatment of minorities, indigenous and environmental issues.

[2] A helpful resource in the study of the UDHR is the book by Carol Devine, Carol Rae Hansen, & Ralph Wilde, (1999). *Human rights: The essential reference.* Phoenix: Oryx Press.

[3] James McGinnis, (1999). The Catholic school as a peacemaking community: Seven key ingredients. *Today's Catholic Teacher, 32*(6), 38-42 describes a number of useful strategies for commemorating these events.

[4] Gearon, L. (2002). Human rights and religious education: Some postcolonial perspectives. *British Journal of Religious Education, 24*(2), 140-151 offers a critique of domesticating pedagogies in religious education that ignore political implications and consequences. He suggests inclusion of teaching about human rights can add relevance to religion programs.

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