RELIGIOUS AND SECULAR FOUNDATIONS AND PERSPECTIVES OF HUMAN RIGHTS

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Abstract

The article concerns the problem of relationship between religion and human rights. It is aimed at considering the religious and secular foundations and perspectives of human rights, clarifying the reasons for differences and contradictions between them, as well as revealing the possibility of their interconnection. To implement the research tasks, the authors use the methods of analysis and synthesis, the comparative method, which facilitates the comparison of religious and secular positions regarding the content of human rights, their basis, and their role in human life and society. Attention is focused, first of all, on the following aspects of the relationship and interdependence of religion, human rights and secularism: religion sees in human rights an important means for protecting human dignity and for ensuring freedom of religion and strengthening its influence in society; human rights need religion as an important source of spiritual and moral values and a factor in the mobilization of believers; religion needs secularism to balance relations between religious and non-religious communities within the existing sociocultural space; human rights need secularism to ensure and protect the rights of both believers and non-believers, for social stability and peace. The opinion defended in the article is that between religion, human rights and secularism there should be interdependence, a constructive relationship, and not confrontation and mutual exclusion; lastly, religion, democracy, and human rights must support and complement each other.

Keywords: religion, human rights, secularism, secularization, desecu1arization

1. Introduction

In today's globalized world, the problem of standards of human behaviour and milestones, which a person should be guided by in one's life and following what can become the basis of social balance and stability, is actualized. An important component in ensuring a dignified life is the ensuring of human rights. In this context, the issue of the value and worldview foundations of human rights, in particular the role and place of religious and secular factors in their conceptual design and practical implementation, acquires special importance.

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Contrary to secularist predictions, in most countries of the world, including the Western countries, there has been a constant surge of religion in the public space, especially in recent decades. The world is experiencing the institutional, sociocultural and value-oriented return of religion. This is the trend that P. Berger described as the 'desecularization of the world'. He argues that "the assumption that we live in a secularized world is false. The world today ... is as furiously religious as it ever was, and in some places more so than ever." [1] Thus, despite any yearning to view contemporary national and global orders and problems from a purely secular viewpoint, it is quite obvious that religion remains an important system of social ordering in many societies and, accordingly, a significant factor in global problems including the promotion and protection of human rights, as well as determining their perspectives and forms of asserting in society. Thus the idea of human rights continues to feed on the inherited moral capital of its religious roots. However, despite these intellectual ties to religion, particularly the Christian tradition, human rights claims - as in many of their dominant expressions - are now often based on a secular basis. The opening of an autonomous secular sphere created a space for the assertion of human rights outside of any necessary connection with religious concepts and categories. In turn, the post-secular challenge to the existing socio-cultural and legal meanings and orders problematizes the idea of universality of human rights.

The purpose of the article is to analyse the relationship between religious values and existing theories of human rights, the problem of religious and secular principles of human rights in the modern world, and outline trends and prospects for the further development of these factors in their relationship.

2. Religious foundation of human rights?

Proponents of the idea of a religious foundation of human rights stress that the need for the interdependence of religion and human rights is not only theoretically substantiated, but also empirically significant, and it can be developed and improved only through a better understanding of the relationship between them. And although there is tension between religion and human rights, they sometimes face serious moral problems. One cannot but agree with A. An-Na'im's remarks that the implementation of human rights norms in most modern societies "requires thoughtful and well-informed engagement of religion" [2]. Religion and human rights, as important forms of social ordering, must be interconnected to achieve global relevance and appropriate objectives. In the context of the growing role of religion in society, its attitude to human rights is one of the criterion for their ethical confirmation or non-confirmation, social relevance or irrelevance, as well as recognition or non-acceptance at the public level. Proponents of this view argue that religious arguments are too important to the vast majority of the world's population to be considered problematic or irrelevant to human rights. The emphasis is on the fact that almost all cultures of the world include a kind of religious component within which people

experience, comprehend and embody the transcendental dimensions of their own experiences. Under these conditions, religious symbols are very important in forming the moral and legal priorities of communities, even if these priorities are often expressed in language that is not obviously religious.

Substantiating the importance of the exactly religious principles of the concept of human rights in the context of searching for the causes of today's global problems can be found, in particular, in Catholicism. Thus, characterizing modern realities, Pope Benedict XVI noted that "the spiritual development of the West has a tendency to constantly increase the destructive pathologies of the mind ... the mind is increasingly inclined to see in man no longer a gift of the Creator (or 'Nature'), but a product. A person is 'produced', and what can be 'produced' can also be disposed of. Human dignity disappears. But then what should human rights be based on? How to maintain respect for a person, including a defeated, weak, sick, suffering person?" [3] And immediately the pontiff offers an answer - the idea of human rights has its deepest reason in the fact that "Faith in God-Logos is at the same time faith in the creative power of the mind; it is a belief in God the Creator and that man is created in the image of God, and therefore one oneself participates in the inviolable dignity of God", "despite the fact that one's historical development and formation followed a different path" [3, p. 140]. Thus, from the point of view of the Catholic Church, democracy, in order to be sustainable and to be able to ensure the observance of human rights, must address the transcendental criterion of legitimacy; any attempt to solve the problem of the stability and viability of democratic regimes, ensuring the rights of the human person involves an appeal to the absolute. The absolute will of God is posited here "as the foundation for a set of natural laws that were supposed to provide guidelines to the democratic power of the people, in the interest of good government and the preservation of the democratic order itself" [4]. On the other hand, it should be noted that in general, in the Judeo-Christian tradition, the milestone of history is the growth of man and society, and in this growth, human rights play a fundamental role.

In Islam, God's right is much higher than human rights, and human rights are considered within the limits of God's rights, because only God is the ruler and, accordingly, the only legislator. The rights of God are the rights reserved to God as God's own. These rights belong to God in the sense that "only God can say how the violation of these rights may be punished and only God has the right to forgive such violations. These rights are subject to the exclusive jurisdiction and dominion of God, and human beings have no choice but to follow the explicit and detailed rules that God set out for the handling of acts that fall in God's jurisdiction." [5]

On the other hand, as J.J. Tamayo emphasizes, "religions have been, and continue to be, very occupied with the defence of divine rights. Only with great difficulty have they given any attention to human rights. Even when they do this, it is to subordinate human rights or contrast them with divine rights. In cases where the two rights conflict, the absolute rights of God generally predominate over the limited rights of mankind, the Truth of God over people, the Word of

God over science, reason and human logic." [6] In turn, there is sometimes a bias in the attitude of the developers of the concept of human rights to the role of religions in this area. It should be noted that "human rights bodies still tend to see religions as sensitive and alert only to threats to their own denomination, their own believers and institutional arrangements - or, at most, to threats to the religious rights of others, but not to other rights, to freedom of expression, or to political dissidence" [7]. However, in our opinion, there is a reason for convergence of positions. It is that religions and the human rights movement have some common ground, a commitment to a core of common morality that could provide a basis for joint action. Both human rights and religions make universal demands; basically they are "human rights and religion share a commitment to the dignity of the person in a way which manifests itself in a commitment to the dignity of others. This is one of the things that really links them." [8]

Max Stackhouse argues that the idea of human rights has to be grounded in the idea of God, or in the idea of 'transcendent moral laws'. On his opinion, human rights need a theology in order to explain why human beings have "the right to have rights" [9]. Michael J. Perry also stands for the importance of the religious basis in human rights, in particular in his study 'The Idea of Human Rights. Four Inquiries' [10]. The leading thesis of the book is that it is impossible to understand human rights provisions, particularly those contained in relevant international instruments using secular terms. Instead, "the idea of human rights is indeed ineliminably religious" [10]. The argument becomes that the idea of human rights requires affirming that every human being is 'sacred' in relation to a holistic view of the world. Accordingly, the only view of the world and the person in it, which is able to substantiate the idea of human rights, recognizing and affirming the sanctity of one's status, is a religious view, M. Perry believes. Based on this, the researcher emphasizes that R. Dworkin's attempt [11] to express the ideal of human rights in secular, philosophical terms is not convincing. Therefore, in another of his writings, M. Perry emphasizes that "there is no plausible or even intelligible secular argument that every human being is sacred. The only intelligible arguments to that effect are religious in character" [12].

Michael Perry's position causes disagreement and opposition among many researchers. Thus, according to L. Cahill, it is difficult to understand how it can be argued that international law should protect human rights, based on the fact that the only possible form of justification and protection is religion. At the same time, not agreeing with the categoricalness of M. Perry on the issue of the religious basis of human rights as the only possible one, L. Cahill nevertheless recognizes the role of religion in this sphere, asserting that "something like 'human rights' can and should be given broad recognition and protection, across cultural traditions and in the political as well as religious sphere" [13]. Human rights or their functional equivalents must be recognized and implemented in a manner consistent with specific religious and cultural traditions. In the meantime, despite the role of religious values in forming the conceptual

frameworks of human rights, the realm of human rights cannot be based only on religious grounds; human rights should rather be considered as part of a comprehensive socio-cultural system, from which the 'secular' is not easy, but even impossible to remove.

3. Secular ground of human rights - pro et contra

Since historical experience has shown that the assertion of the exclusivity of religion tends to undermine the principles of solidarity and peaceful coexistence between different communities of believers, one of the means of balancing the interests of existing religious associations, ensuring the possibility of their distancing from state institutions, is the sphere of the secular. In essence, "secularism can be defined as a principle of public policy for organizing the relationship between religion and the state in a specific context" [5, p. 30]; it is not against the fact of religion but against Churches and religious structures. Its key feature is the ability to defend worldview pluralism in society, to the extent of significant differences in how this can be achieved in practice. Secularism, as noted by C. Calhoun, "is not simply a creature of treaties to end religious wars or the rise of science, or the Enlightenment. It is informed by a long history of engagements with the temporal world and purposes that imply no transcendence of immanent conditions." [14] Secularism has contributed to political stability and public security, which provides a practical context for analysing the specifics of the relationship between human rights and religion in society. Therefore, in our opinion, it is inappropriate to deny the positive influence of secularization on modern society, the results of which are freedom of thought, coexistence, social peace, and justice; it rejected the imperative imposition of moral and behavioural rules from the above and for everyone, "the value of freedom had to be raised over and against Christian religious exclusivity" [15].

It should be noted that the mainstream of modern human rights thought in the West is dominated by a secular approach to understanding human rights. Jeremy Waldron characterizes this state of affairs as follows: "In the circles in which I move, it is not infrequently asserted that secular morality, secular ethics, secular conceptions of human rights, and secular jurisprudence can all get by perfectly well on their own without any input from religion" [16]. This viewpoint is widely reflected in the writings of leading researchers. According to L. Henkin, for example, in its modern form, the ideology of human rights striving for universality, distances itself from references to any religious authority. The scientist comes to the conclusion that human rights are not grounded and cannot be based on religious convictions since "the ideologies of religion and of human rights differ in their sources, the bases of their authority, their forms of expression, and even their substantive norms" [17]. Hilary Putnam also recognizes the existence of fundamental differences between the particularist requirements of religion and the universal secular attitude toward human rights: "that if any one of the major faiths holds on to its triumphalist and supercessionist claims, then indeed religion is part of the problem, and not part

of the solution" [18]. After all, the secular denial of religion finds its logical conclusion in the assumption that the very project of finding any basis for human rights norms, whether religious or secular, is outdated. Under such conditions, in line with R. Rorty [19], it is better to go beyond all such problems in order to start work on promoting a culture of human rights.

At that time, the problem arises in the fact that the same minimal normative content making secularism favourable for interreligious coexistence and solidarity, reduces its ability to support the universality of human rights, it is too narrow to provide cross-cultural and interreligious basis for such universality. This necessary quality of secularism also does not correspond to the need of believers to express the moral instructions of their faith in the public sphere, it shows its "inability to inspire or motivate believers, who are the vast majority of the world population" [5, p. 35]. The possible negative impact of a purely secularist understanding of human rights regarding the relationship between religion and the rights of the human personality is emphasized by E. Hurd, who says that "in an interdependent world in which individuals draw from different sources of morality, an indiscriminate secularism leads to three risks. There is the potential of a backlash from proponents of non-secular alternatives who are shut out of deliberations on the contours of public order. There is a risk of shutting down new approaches to the negotiation between religion and politics, in particular those drawn from non-Western perspectives. Finally, there is a risk of remaining blind to the limitations of secularism itself." [20] In other words, secularism in itself is a necessary but not sufficient condition for ensuring social stability, human rights, freedom of conscience, and religious freedom.

As L.S. Cahill emphasizes, since most historical societies are internally pluralistic, "public discourse need not and indeed cannot be purely and intransigently 'secular'" [13, p. 45]. After all, religious, political, moral, aesthetic and other spheres of social and individual life are not isolated from each other, but rather exist in the format of constant interaction and mutual influence. Likewise, various dimensions of human life intersect with the transcendental or religious. In this connection, it should be noted that "the tension between religion and human rights is not really in, and should not be held down to, whether or not direct reference is made to God in human rights instruments, but rather in the capacity to interpret the religious into the secular and the secular into the religious" [21].

Indeed, the limited character and inadequacy of secularism have led to the fact that the current interest in the relationship between human rights and religious values is especially motivated by a new phenomenon: the awakening of religions. This phenomenon contradicts many forecasts and casts doubt on the theory of secularization as an important categorical tool for analysing the peculiarities of evolution in the religious sphere. The interaction between the processes of secularization and desecularization in the globalizing world complicates and diversifies the worldview palette of both individual and social consciousness. There is a gradual transformation in the understanding of the

principle of the secularity of the state, which is one of the important guarantees of the realization of human rights and freedoms. Secularization, on the one hand, can be considered as a natural process of the withering away of religion and its loss of authority in society as a result of the development of the human spirit, and on the other hand, the consequence of secularization processes is the transformation of the social and cultural functions of religion and not its disappearance from social and spiritual life. In general, we can talk about two interrelated, albeit divergent, development vectors in the post-secular world: the deployment of secularization processes, which are associated with the decline of the institutional influence of traditional religions and the absence of a monopoly on truth, with the growth of religious pluralism and religious syncretism; growing scale of desecularization and resacralization processes.

4. Human rights as a modern form of religion

It is noteworthy that in recent years there has been a tendency to consider human rights as a kind of modern form of religion, in particular, in order to give them special meaning, social significance and universal status. The human rights discourse is replete with a large number of religious metaphors, and "human rights norms became an alternative theology that advanced a totalizing account of the human person and the person's place within the Cosmos" [22]. In this connection, M. Cerna emphasizes that, in a certain sense, the international law of human rights "become the substitute for religion in secular societies" [23], and human rights themselves have become the 'secular religion' of the modern world.

The fact is that human rights should be immutable, inviolable and endowed with a status that surpasses the transient, and temporary. Therefore, when human rights are compared with religion, it is done in a sense close to the one given to the religious phenomenon by the French sociologist E. Durkheim. He sees religion as "a unified system of beliefs and practices relative to sacred things, that is to say, things set apart and forbidden - beliefs and practices which unite into one single moral community called a Church, all those who adhere to them" [24]. In this connection, it is important to note that the development and conceptual consolidation of human rights in the Universal Declaration of Human Rights and other international documents reveal them as a system of values that aims to unite humanity into a single moral community. This gives some researchers grounds for interpreting human rights as a universal 'religion' in Durkheim's sense.

It should be noted that in the research literature, as a rule, it is not about identifying the concept of human rights with religion, but rather this religious analogy is used as an analytical tool designed to highlight in a new way the problems faced by human rights in theory and in practice. The religious analogy helps define potential threats to trust in these rights, especially in the context of their expansion in non-Western cultures. In particular, it shows why the categorical insistence that human rights are 'the only true God' can be seen as a

strategy of the deep divide in the long-term perspective run. Of course, the desire of human rights defenders to promote human rights and their moral and legal standards around the world is not a problem in itself. However, the tension arises because of the 'fundamentalist' tendency to present human rights as the only possible morality, a kind of religion. An activist who promotes human rights as the only legitimate morality is somewhat reminiscent of a missionary who preaches that his God is the only true God [25].

The question arises as to what makes human rights so valuable, meaningful, and ultimately sacred in the modern world. The fact that they are universal orientations and sacred ideals. People treat human rights as sacred organizational principles of life, as higher social and legal norms that must be protected from humiliation and destruction. J. Spickard believes that human rights can be considered as 'cultural icons': "the concept of human rights is an icon in late modernity precisely because it connects people to something beyond and greater than themselves, it invokes feelings of awe, reverence, and it may even motivate people to act in ways that may endanger their lives" [26]. In all this, according to the researcher, the spirit of religion in Durkheim's sense is felt. Of course, we are not talking about institutionalized religion - although human rights institutions are also quite common around the world - but still about religion. "The human rights movement has its sacred histories and texts, its holy discourses, its rituals, its saints and demons." [26]

Michael Ignatieff rejects the idea that human rights are a 'secular religion', arguing that making them so is idolatry (mankind worships itself), because "if idolatry consists in elevating any purely human principle into an unquestioned absolute, surely human rights looks like an idolatry" [27]. Speaking of religion as an ideology competing with human rights, L. Henkin, in turn, concluded that, in fact, they do not compete with each other: "Religion explains and comforts, tradition supports, socialism cares, development builds; the human rights idea does none of these" [28]. Meanwhile, he talks about spreading a kind of 'gospel of human rights', when the 'religion' of human rights and basic freedoms has replaced other religions and beliefs as the basis of social life in the modern world. The religious orientation of the discourse on human rights, according to J. Owen, "reflects the need of people in a plural society to invest their activities with meaning. Human rights discourse can do that in a way that brings together people of diverse religious backgrounds." [29] At the same time, even some of the most active supporters admit that "the human rights idea is not a comprehensive ideology and that it does not adequately address the tensions between rights and responsibilities, between the individual and the community, and between the material and the spirit" [28, p. 187].

It is noteworthy that as religion penetrates into the public sphere, human rights, on the contrary, penetrate into the sphere of interpersonal relations, which, respectively, contribute to the erasure of possible contradictions between religion as a private matter and human rights as a public matter. Thus, in most countries of the modern world, both religion and human rights are coexisting and

interconnected forms of social ordering that must interact with each other. It is in this context A. An-Na'im, justifying the necessary interdependence between religion and human rights, noted, among other things, that "human rights need religion as the most widely accepted source of moral foundation of political community, and for the mobilization of believers in particular" and, on the contrary, "religion needs human rights not only to protect the human dignity and rights of believers themselves, but also to ensure freedom of belief and practice, as well as the general development and relevance of each religion to its own adherents" [30].

The question about the religious basis of the theory and practice of human rights can be formulated in this somewhat paradoxical way: does God believe in human rights? (this is the title of one of the modern studies on the specifics of the relationship between religious values and human rights), or, in other words, whether religion has primacy over human rights, or vice versa, in the case of their opposition. In practice, what is important is not whether God believes in human rights, but how his proponents perceive these rights and treat them. For although no one can limit God or dictate his will to him, adherents of religious values "are bound to human rights law, whether they 'believe' in them or not" [8, p. 181]. In regard to the issue of whether religion takes precedence over human rights or vice versa, in our opinion, it is important that each of the parties show impartiality and sufficient flexibility, willingness to participate in impartial discourse and dialogue with the aim to reconcile conflicting views and existing differences. This is the only way in which religious traditions can embrace basic human rights, and human rights can find their support in religious value systems. In the conditions of existing world realities, globalization transformations of the modern world, interreligious, intercultural protection for the idea of 'human rights' and ensuring ways for its practical implementation are needed.

5. Conclusions

In matters of ensuring a dignified human life, an important component of which is the observance of human rights, there cannot be a categorical distinction between religious and secular. In general, consideration by many proponents of the religious value system of human rights issues as an arena of struggle between secularist ideology, on the one hand, and religions, on the other, in our opinion, is not constructive and favorable for the recognition and affirmation of human rights. People should not be forced to choose between religion and human rights but should be able to deal with both options on a tolerant basis.

In the era of globalization, attempts to assert a universalist secular paradigm of human rights as the only possible one are unacceptable. Moreover, the secular one-sidedness of evaluations does not find confirmation in practical moral experience and activity, where the identities, symbols, and meanings of individuals and communities coexist, intersect and compete with each other. It is important to realize and recognize the significance of religious ideas about

human dignity and individual free will for substantiating human rights norms. In particular, religious traditions can work to achieve consensus on important articles of the Universal Declaration of Human Rights and other international human rights documents. Ensuring human rights such as freedom of religion and expression of views will contribute to the development and growth of existing religious doctrines and practices. After all, internal transformation, with regard to the current sociocultural realities is of crucial importance for the very survival and preservation of religious traditions, as well as for the legitimacy of religious experience. In turn, secularism as a principle of state policy is intended to guarantee non-interference of the state in religious affairs and, on the contrary, to ensure human rights and equality in the activities of existing religious associations.

The tension existing within the framework of modern secular discourse and practice, which has both a sociocultural and worldview basis, should not deny the possibility of a constructive dialogue regarding human rights and should entail a rethinking of the conditions under which it takes place. This rethinking, first of all, should take into consideration the role of religion in the realm of human rights, since a lot of new religious possibilities have appeared in the space opened by the crisis of the secular. Religion continues to succeed, particularly in new forms that reflect the limits and possibilities of the era. And despite the public distribution of secularist discourse and practice, despite the fact that faith is often experienced in diverse, sometimes rather random ways, the 'global resurgence of religion' has become evidence that faith does not disappear. The global resurgence of religion, which is especially noticeable in the public sphere, and which has undermined confidence in the inevitable movement from traditional religious beliefs and practices to a secular future, has become one of the manifestations of the post-secular. Therefore, consideration of human rights, which does not take these circumstances into account, is both anthropologically and socially untenable, since it is based on a worldview that denies the important role of religion in determining a person's place in society, in delineating the scope of his rights and obligations.

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