

Relativity and Universality of Human Rights. Questions of religious policy

Conference at the University of Fribourg, 20th – 22nd October 2022

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Disposition/Thesis: The conference aims at interpreting a fundamental tension in human rights: How do claims to universality and their de facto cultural relativity relate to each other? We shall discuss the thesis that human rights, in particular religious freedom, are justified by a universal claim, but understood differently due to different cultural grammars – and not only due to secondary interpretations. This fundamental question has become highly political, because with the end of European hegemony, the basis of a common, global human rights order has been called into question.

Background: The concept of religious freedom as conceived in the 1948 Universal Declaration of Human Rights (UDHR) also has a universal claim – but at the same time its genesis in a particular culture is evident. Central concepts (religion, human dignity, human rights, etc.) originated in a Western context and from there diffused into a global reception. The disputes over the article 18 on religious freedom in the UDHR revealed already in the process of drafting fundamental differences, in particular between Islamic and Christian intellectuals. In the debates over the International Covenant on Civil and Political Rights (ICCPR), these debates again became a controversial topic in the 1960s.

An Example: When the Universal Declaration of Human Rights was adopted, Saudi Arabia did not sign it. One of the central motives was the right to change religion fixed in Art. 18. It became clear in 1966 that this was more than just a detail when this right was mitigated in the ICCPR. One reason for the Saudi Arabian opposition lay in its religious anthropology, which in some elements (e.g. through the concept of *fitra*, the “natural” belonging to Islam) did not convey a decision-based affiliation to a religion; a change of religion, a “conversion” (currently often called “reversion”) was envisaged only “back” to Islam. A structurally comparable example is provided by the conversion regulations in some Indian states, whose background is also a concept of belonging to a branch of Hinduism by birth. The possibility of changing religion has no systematic place in this context.

Concept: The two examples are only exemplary for context-related understandings of human rights. These are not, as formulated in the thesis, based in the mere interpretations of the human rights texts, but in underlying cultural grammars. These grammars shall be discussed with two limitations.

1. Only the religious-legal dimensions of human rights are addressed;
2. the focus is on religious (and not generally cultural or legal) patterns of argumentation.

In addition to two contributions on systematic questions (1. theories of path disposition; 2. theories of the balancing of interests and the collision of fundamental rights), the thesis will be discussed with regard to four religions (Buddhism, Christianity, Hinduism, Islam).

The conference will take place over a total of two days (Thursday noon to Saturday noon). The following contributions are planned (working titles):