

**Critical analysis of the freedom of thought, conscience, and religion
as instituted in the *Universal Declaration of Human Rights*.**

By

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Abstract

The Universal Declaration of Human Rights is the first instrument of the resort to address human rights and entitlements comprehensively. Other human rights instruments later adopted, cited it as a precedent. This paper uses an Interpretive Phenomenology Analysis (IPA); it is an approach to qualitative research with an idiographic focus and aims to offer insights into how a given person, in each context, makes sense of a given phenomenon. It has its theoretical origins in phenomenology and hermeneutics, and key ideas from Edmund Husserl, Martin Heidegger, and Maurice Merleau-Ponty. For the purposes of this paper, only literature sources were used to substantiate the argument. A key conclusion of this paper is that religious intolerance forms the basis of much other intolerance which could lead to human rights abuses, ideological polarization, lawlessness, homophobia, bigotry, tribalism, and hate speech.

Keywords: Religious tolerance, intolerance, human rights

1. Introduction

It is worthwhile to note that this paper is largely inspired by article 18 of the *Universal Declaration of Human Rights*, which states “Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his/her religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his/her religion or belief in teaching, practice, worship, and observance.”

Therefore, in accordance with Sen (1999), the paper treats respect for human rights and dignity as the ultimate development. Without dignity, a human being is ever in perpetual poverty. That is contrary to the thought that; reducing the absence of poverty is economic growth or wellbeing (material goods) alone. Economic stability ought to be a bi-product of full enjoyment of dignity, freedoms, rights, and entitlements. The paper divulges the significance and applicability of religious tolerance to the respect of human rights. Lessons were further drawn from global, regional, and local synopsis. Current impediments against respect for human rights due to religious intolerance are examined and initiatives for improving religious tolerance and observance of human rights within and outside religious circles.

2. Religious Tolerance

David Robertson (2004) advances that religious freedom is one of the most complex matters in the whole of human rights law and practice, and it is not only an ancient concern but also presently debatable. It encompasses related civil liberties and claims and can be viewed from many perspectives. The perspectives include freedom from discrimination because of one’s religion, freedom to practice a religion unconstrained, freedom from living in the social order that gives inclination to any one religion, and freedom to enjoy civic respect for one’s religion. The definition of religious tolerance, in this case, is principally implied.

Kelly James Clark et al (2012) note that there is a familiar chronicle of religious-inspired violence claims along an uninterrupted chain from the distant past to the present due to intolerance on the part of religious groups, especially the Abrahamic religions, toward members of other religious groups. It is an account of violence, oppression, torture, and war. This highly selective narrative omits any of the good that religions have brought to the world and is intensely caricatured. Sadly, because of its influence, it needs

to be restated, reviewed, and reassessed. Caricature 1: the early Hebrews, under strict orders from their God, razed villages devoted to competing gods, destroying men, women, and children alike. Their subsequent oppression by virtually every other religious group and their forced sojourn from their home are well known. And the Holocaust is surely one of the worst atrocities in human history. But since their return to Israel, the oppressed have become the oppressors of the Palestinians who were forcibly prohibited from their homeland for more than 2,000 years and are treated as second-class citizens or worse. Any non-Jew who dares question Israeli policies is an enemy of Israel and an anti-Semite; Jews who dare question Israeli policies are self-loathing and self-hating.

Caricature 2: although the Christian scriptures teach that love has no bounds, Christians throughout history have set narrow limits to their love. They have betrayed their own deepest commitments, often in the name of God and against practitioners of other religions. The institutionalization of Christianity by the Roman Empire set an apparently pacifistic religion on a path of violence. The Crusades sought unsuccessfully but at a great human expense to rid the holy lands of Muslim infidels. The atrocities and religious wars of the Reformation, committed and waged by all sides, caused the river Seine to run red with blood. Native Americans have been exploited and destroyed under the banner of God. Christopher Columbus brought the gospel and germs to the New World, taking back slaves and gold. In our day, we have witnessed the excesses of religious fundamentalists who kill in the name of God or in defense of fetuses. And American leaders have used Christian commitments to inspire the nation to new holy wars in Iraq and Afghanistan with careless disregard for human safety.

Caricature 3: (especially fashionable since 9/11), Islam is, by its very nature, a conquering religion. Although the Prophet Muhammad demanded hospitality to strangers inside one's tent, outside the tent plunder and pillage ruled the land. Islam spread by the sword from the tiny oasis of Medina to all of the Middle East, North Africa, and Spain, to create a huge earthly empire. Post-9/11, the term 'Muslim' has become synonymous with 'terrorist.' Israeli Jews fear that their Muslim neighbors cannot be trusted and are plotting their destruction as a nation. The frequent missile strikes from the Gaza Strip into nearby Israel are not reassuring. There is much to dispute in these highly selective and tendentious narratives. Jewish, Muslim, and Christian beliefs have motivated deep and lasting good, maybe much better

than evil. They have, indeed, been implicated in deep and disturbing evil that is hard to explain given their commitment to an All-Merciful God. But, some charge, religiously motivated violence is not so hard to explain when one fully understands the faith of Abraham's children.

In the words of Thomas Paine (1791), toleration is not the opposite of intolerance, but it is the counterfeit of it, both are despotisms. The one assumes to itself the right of withholding liberty of conscience and the other of granting it. In contrast, Anat Scolnicov (2011) states that while other and earlier philosophies embodied a principle of religious toleration, the idea of religious freedom as a right is most developed in liberal thought. It was first articulated under liberal philosophy as part of a set of rights. It is therefore especially relevant to understand the justifications for a right to religious freedom in liberal theory, and hence how this right should be coherently interpreted in law. From the liberal literature of the Enlightenment and the present-day debate, several important reasons for upholding freedom of religion emerged. While the basis for the right is individualistic, it is also related to a demand for the co-existence of religious groups. Furthermore, religions might claim group or institutional determinations to supersede individual autonomy. A vital constitutive part of many religions might be the ability of the group or its institutions to make binding determinations for its members, the group can stand in conflict not only with non-members but also with its members and its dissenting subgroups.

In his *Treatise on Tolerance* (1763), Voltaire observes, of course, that the Quakers of Pennsylvania are the most peaceful of men, and he describes with amazement the extreme tolerance practiced in Carolina, where you need only seven heads of families to establish a religion approved in law. Starting from these premises and bolstered by new travel narratives, nine years later, Voltaire thought it legitimate to generalize his observations by asserting that in all of English America, which amounts to approximately one-fourth of the known world of his time, complete freedom of conscience is established. And provided one believes in God, any religion is welcomed, in return for which commerce flourishes and the population increases. The best place to observe tolerance in action is the London Stock Exchange, of which Voltaire paints a memorable picture; Go into the Royal Exchange in London, a building more respectable than most courts; there you will find deputies from every nation assembled simply to serve humankind. There, the Jew,

the Mohammedan, and the Christian negotiate with one another as if they were all of the same religion, and the only heretics are those who declare bankruptcy; there the Presbyterian trusts the Anabaptist, the Anglican accepts the word of the Quaker. Leaving this peaceful and liberal assembly, some go to the synagogue, others go to drink; this one is baptized in a great font in the name of the Father, the Son, and the Holy Spirit; that one has his son circumcised while some Hebrew words that he does not understand are mumbled over him; still, others go to their church with their hats on their heads to await the inspiration of God, and all are content.

At times religious intolerance is manifested in limiting freedom of expression about religion, David Robertson (2004) argues that the offence of blasphemy, defaming God, or sacred things, is a concept that comes from monotheistic religions, predominantly Judaic, Christian, and Islamic. Strictly speaking, the offence is against God or the faith itself, but from a human rights perspective, blasphemy is treated as an offence against a religion's adherents. Legal controls against blasphemy, which still exist in some jurisdictions, can present problems for the doctrine of human rights. Inevitably, a law that places limits on freedom of expression on religious topics is a restriction on freedom of speech, leading to the polemical conclusion that the latter is not absolute freedom. Even if it is accepted that there can be legitimate restrictions on the freedom of expression, as, for example, libel laws, some argument is still required to show that religious beliefs deserve protection in the same way that a person's good name is protected by false allegations amounting to defamation. As late as 1979 a private prosecution for blasphemy was upheld by the House of Lords in the case of *Lemon v. Whitehouse*, which centered on the publication of an erotic homosexual poem about Christ published in *Gay Weekly*. The Lords upheld this conviction, even though the law had not been used since 1922, and, though it was a majority opinion, upheld it with a very strong version of liability. The decision was challenged before the *European Court of Human Rights* because such a crime breached the freedom of expression protections in Article 10 of the *European Convention on Human Rights*. The European Court ruled that the protection for religious freedom in Article 9 of the Convention was superior in this case to the Article 10 protections. The Court has given similar rulings in other cases, and, for example, upheld the seizure by the Austrian government in 1994 of a film deemed likely to offend Catholics.

3. Human Rights

Emmanuel Karagiannis (2018) narrates the history of modern human rights as emanated from the Age of Enlightenment; *the English Bill of Rights (1689)*; *the U.S. Declaration of Independence (1776)*, and *the French Declaration of the Rights of Man, and the Citizen (1789)* included provisions for the protection of human rights. The cause of human rights was advanced further after the first half of the twentieth century because the two world wars resulted in enormous fatalities. The *Universal Declaration of Human Rights*, adopted by the *United Nations General Assembly in 1948*, is generally considered to be the founding document of the international human rights regime. Therefore, the document understandably did not have any religious connotations.

While Johannes A. van der Ven (2010) adds that it is easy to forget that human rights are by no means a new invention. Even though the *Universal Declaration of Human Rights of 1948* is rightly acclaimed for its deep-rooted, lucid formulation of the dignity, freedom, and equality to which every person is born, the roots of these rights go much further back. One finds noteworthy elements of them in all the major religions, from the Mesopotamian heritage among which the Epic of Gilgamesh and the *Code of Hammurabi*, the earliest Hindu and Buddhist texts, Confucian doctrine, the *Jewish Bible*, the *New Testament*, and the *Qur'an* to Christian patristics and scholasticism, which were deeply influenced by Greek and Roman philosophy.

In this postmodern era, Andrew Clapham (2015) exposes how different people currently see human rights in different ways. For some, invoking human rights is a profound, morally justified demand to rectify all sorts of injustice; for others, it is no more than a slogan to be treated with doubt or even hostility. Legal representatives sometimes consider that human rights epitomize almost a term of art, representing only those claims that have been or can be upheld as legal rights by a national or international court. Yet the application of human rights law in court is almost always questioned, with both parties to a dispute demanding that human rights law be applied in their courtesy. Human rights

law is special and popular as it often suggests that other law is derisory or applied partially. The language of human rights is positioned to criticize, defend, and reform all sorts of conduct. Human rights have a pedigree of a notable struggle against oppression and the promise of a reasonable future. Playing the 'human rights card' can be swaying, sometimes even conclusive, in contemporary decision making; this is one aspect of what makes the moral force of human rights so attractive; human rights help you to win arguments and, sometimes, to change the way things are done. Many who approach the subject of human rights turn to early religious and philosophical writings. In their vision of human rights, human beings are endowed, because of their humanity, with certain fundamental and inalienable rights. The historic development of the concept of human rights is often also associated with the evolution of Western philosophical and political principles; yet a different perspective could find reference to similar principles concerning mass education, self-fulfillment, respect for others, and the quest to contribute to others' well-being in Confucian, Hindu, or Buddhist traditions. Religious texts such as the *Bible* and the *Qur'an* can be read as creating not only duties but also rights. Recognition of the need to protect human freedom and human dignity is alluded to in some of the earliest codes, from *Hammurabi's Code* in ancient Babylon (around 1780 BCE), right through to the natural law traditions of the West, which were built on the Greek Stoics and the Roman law notion of *jus gentium* (law for all peoples). Common to each of these codes is the recognition of certain universally valid principles and standards of behavior.

In addition, there is a utopic view of human rights, Samuel Moyn (2010) notes that when people hear the phrase 'human rights,' they think of the highest moral precepts and political ideals. And they are right to do so. They have in mind a familiar set of indispensable liberal freedoms, and sometimes more extensive principles of social fortification. The phrase implies an agenda for improving the world and bringing about a new one in which the dignity of each individual will secure international protection. It is a visibly utopian program; for the political standards its champions and the emotional passion it inspires, this program draws on the image of a place that has not yet been called into being. It promises to infiltrate the impregnability of state borders, slowly replacing them with the authority of international law. It prides itself on offering victims the

world over the possibility of a better life. It pledges to do so by working in alliance with states when possible.

In relation to the above-alluded conception, Anat Scolnicov (2011) states that any determination in international law as to how states must accord the right to religious freedom restricts the state's ability to manifest its ideology and restricts its sovereignty. This is true regarding all international protection of human rights, but especially so with religious freedom, as the religious or secular; viewpoint is often an important part of the state's self-definition. Nevertheless, perhaps even more so because of this, it is a limit that must be made in order truly to accord religious freedom. Theoretically, group rights of religious freedom do not exist except as aggregates of individual rights. *The African Charter on Human and Peoples' Rights* includes, in Article 8, the right to freedom of religion. While other regional instruments allow the right to be qualified in certain conditions, the *African Charter* is the only such instrument to allow the right to be qualified under such a broad condition as 'subject to law and order'. The reason for this qualification in the *African Charter* was the insistence of the Islamic signatory states, to which this qualification was important. This gives considerable scope to the state to restrict religious freedom. However, it does not mean that Article 8 cannot be effective. For instance, the *African Human Rights Commission* found Zaire in violation of Article 8 in its harassment of Jehovah's Witnesses without proof that the practice of their religion 'threatens law and order'. Human rights' reasoning also lies at the heart of new demands for equal rights in new areas such as same-sex marriage. Even before any developments could be discerned in international human rights law, the *South African Constitutional Court* found in favor of two women who wanted to get married to each other. At one level, the case turns on the application of the Constitution; at another level, the decision is a logical extension of the philosophy of human rights. Writing for the whole Court, Justice Albie Sachs explained, 'A democratic, universalistic, caring and inspirationally egalitarian society embraces everyone and accepts people for who they are. To penalize people for being who and what they are is profoundly disrespectful of the human personality and violator of equality. Equality means equal concern and respect across differences. It does not presuppose the elimination or suppression of difference. Respect for human rights requires the affirmation of self, not the denial of self. Around the world, although there are

countries that allow same-sex marriage or something nearly equivalent, there are still more jurisdictions that have laws that criminalize private, consensual sexual conduct between adults of the same sex. Often such legislation is justified on religious or legal grounds, for example, the *Constitution of Zimbabwe Amendment (No. 20) Act of 2013* section 78(3) on marriage rights explicitly states that “persons of the same sex are prohibited from marrying each other” but inspired by two Latin dictums; *necessitas non habet legem*; and *non omne quod licet honestum est* loosely translated into English as necessity knows no law and not everything permissible or even lawful is honest and honorable; respectively. It can be simply deduced that It is also not a secret that the legality of an action doesn’t necessarily constitute moral rightness or justice, let us pick some of the instances or scenarios once enjoyed legality but today we can all agree that those were always morally wrong and unjust; in Germany during Hitler’s time holocaust was legal and hiding Jews was criminalized, in the 18th-century slavery was legal, especially in the United States of America and freeing slaves was criminalized, colonialism and segregation was legal protesting against it was criminalized, corporate ecocide is legal protesting against it is criminalized

4. Most Affected Human Rights by Religious Intolerance

Kathleen. M. Sands et al (2007) argue that clarification is to be made on concerns of the relation between norms and social reality. Although a function of norms is to deny the existence of the prohibited, the reality is more often the opposite; the prohibition of a particular behavior should be taken as *prima facie* evidence of its existence. Religious norms, when they are understood to demarcate the highest ideals, are particularly counterfactual. Celibacy, the limitation of sex to procreative purposes, or the limitation of sex to heteroerotic forms; these are common. Yet (as in Buddhism), such sexual norms may be seen as ideals that apply only to the most spiritually advanced individuals or (as in Orthodox Judaism) that apply to the religious community but not necessarily to humans as such. In some cases, the common violation of the ideal may highlight the extraordinary character of total obedience. And, just as total obedience may seem extraordinary and therefore sacred, so can extreme transgression or deviation. Most religious traditions include, particularly among their mystics, practices that are sacred precisely because they

are unusual or even transgressive. The religious meanings and realities of homoeroticism, therefore, are rarely if ever fully visible. What is relatively clear, cross-culturally, is that homoeroticism, like celibacy, is extraordinary and as such partakes in spiritual power, whether of the positive or negative kind. Homoeroticism is especially susceptible to negative interpretation because as nonprocreative sex it stimulates what has sometimes been termed 'excessive' forms of pleasure, play, and intensity that are as dangerous as they are powerful. Whether felt to be supernatural or demonic, miraculous or monstrous, whether evoking fascination, abhorrence, or both, it partakes in both the ambiguity and the overflowing power of the sacred, hence at times affecting certain civil liberties.

a) Freedom of Thought and Expression

David Robertson (2004) defines Freedom of expression as essentially another, and perhaps more accurate, way of referring to the composite of rights usually labelled freedom of speech. Some statutory documents do draw a distinction, or use it instead of the phrase freedom of speech; the *Universal Declaration of Human Rights* provides, in Article 19, that 'Everyone has the right to freedom of opinion and expression' and to 'impart information and ideas through any media and regardless of frontiers. The only problem that arises in this distinction is that its greater width, though avoiding definitional problems about forms of media, does mean that all forms of expressive behavior may be thought to be protected. While this may be the intention, and maybe necessary, some do wish to distinguish formulated speech, either in writing or broadcast, and purely visual symbolism.

The *Social Contract* of Jean-Jacques Rousseau published in 1762 developed the idea that an individual may have a private will (*volonté particulière*) and that his private interest (*intérêt Particulier*) may dictate to him very differently from the common interest. Rousseau considered that whoever refuses to obey the general will shall be compelled to it by the whole body; this only forces him/her to be free. For Rousseau; a human person loses by the social contract his/her natural liberty and an unlimited right to all which tempts him/her, and which he/she can obtain; in return acquires civil liberty and proprietorship of all they possess. *The Social Contract* was a precursor to the French Revolution of 1789

and the ideas it expressed have had considerable influence around the world as people have sought to articulate the rights of the governors and the governed.

In the 19th century, natural rights became less relevant to political change, and thinkers such as Jeremy Bentham (1843) ridiculed the idea that 'All people are born free' as 'Absurd and miserable nonsense'. Bentham famously dismissed natural and imprescriptible rights as 'nonsense upon stilts, declaring that wanting something is not the same as having it. In Bentham's terms; 'hunger is not bread'. For Bentham, real rights were legal rights, and it was the role of lawmakers, and not natural rights advocates, to generate rights and determine their limits. Bentham considered that one was asking for trouble, inviting anarchy even, to suggest that government was constrained by natural rights.

The contemporary scholar Amartya Sen (1999) has recalled Bentham's influence and highlighted a validity critique whereby some see human rights as pre-legal moral claims that can hardly be seen as giving acceptable rights in courts and other institutions of execution, Sen warns against puzzling human rights with legislated legal rights. He also points to a further retort to human rights discourse; it has been claimed by some that human rights are alien to some cultures which may prefer to rank other principles, such as respect for authority, Sen calls this the *cultural critique*.

Karl Marx (1843) responded to the proclamation of rights in the Constitutions of Pennsylvania and New Hampshire and the *French Declaration* by ridiculing the idea that rights could be useful in creating a new political community. For Marx, these rights stressed the individual's egocentric fixations, rather than providing human freedom from religion, property, and law. Marx had an idea of an imminent community in which all needs would be gratified, and in which there would be no clashes of interests and, therefore, no role for enforcement of rights. Marx also highlighted the conundrum that if rights can be limited for the public good then the proclamation that the aim of political life is the protection of rights becomes complex.

In the United States, the *Supreme Court* refused in 2010 to find a violation of freedom of expression or association where a student organization, the Christian Legal Society, was excluded from receiving funding from a public sector university because the organization operated a policy of applying their rules so that individuals were excluded

where they engaged in unrepentant homosexual conduct or held religious beliefs different from those in the organization's Statement of Faith. The Justices in the preponderance seemed to be persuaded by the university's policy of bringing together individuals with different backgrounds and beliefs, which in turn could inspire tolerance, cooperation, and learning among students. In the words of Justice Kennedy, 'A vibrant dialogue is not possible if students wall themselves off from opposing points of view'.

b) Freedom of Thought, Conscience, Belief/Religion

David Robertson (2004) notes that in the bills of rights clauses on freedom of conscience are frequently linked to religious freedom or freedom of thought, and the concept has several dimensions. Above all, freedom of conscience requisite is assurance that no one will be victimized against or maltreated for any belief he or she has and declares openly. There is little point to freedom of conscience if this has to be exercised in private, and public expression of one's beliefs is often explicitly, and always implicitly, guaranteed where the right is recognized at all. The *Universal Declaration of Human Rights* adopted on the 10th December 1948, states, in Article 18, that; "Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to alteration of religion or belief, and freedom, either alone or in community with others and in public or private, to manifest religion or belief in instruction, practice, devotion, and observance".

c) Rights of Women

The *Convention on the Elimination of All Forms of Discrimination against Women* was premeditated to ensure women have equal access to political and public life as well as education, health, and employment. Under this Convention, which was affected into force in 1981, states are also obliged to take all applicable procedures; to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of chauvinism and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or stereotyped roles for men and women.

An example of institutional religious involvement in the formulation of international documents relating to the rights of women occurred when the Vatican was one of the

most active participants in the *Cairo Conference*, objecting to all references to human rights of abortion and contraception. The Holy See stated in a reservation to the final document of the *Cairo Conference* that it understood that the document does not affirm a new international right to abortion. The Vatican also participated in the 1995 *UN Beijing Conference on Women* but lobbied China to ban reformist Catholic groups, which support women's equality, from participating in it. The influence of religious bodies on the formulation of international law affecting women's freedom of conscience and religion is evident also in the *Rome Statute for the International Criminal Court*. The statute includes several genders-specific offences. Important in its implication of religious attitudes is the offense of forced pregnancy, in Article 7(2f); 'Forced pregnancy means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy.' The diction was contentious, as the inclusion of the limitation that the woman was forcibly made pregnant means that quarantine of a woman who is pregnant by consensual sex will not be a crime under the statute. The limitation was included at the request of the Vatican.

Mohammed Abed al-Jabri (2009) states that the *Qur'an* stipulates those two men, or a man and two women, are required to provide evidence; And get two witnesses, out of your men, and if there are not two men, then a man and two women, such as you take for a witness so that if one of them get it wrong, the other can remind her (2, al-Baqarah, 282). The verse makes it clear that the only deliberation taken by the legislator in demanding two women instead of one man is the chance that one woman may err or fail to recall. Error and forgetfulness are not like women, but they are only due to the social and educational situation at the time. The interrogation now is; how would Islam decree on this issue, on the supposition that the condition of women has upgraded and has risen to a level on a par with that of men? The *Qur'an* specifies that a daughter has a half-share of the inheritance, while the son has a full share: 'Allah thus directs you as regards your children's inheritance; to the male a portion equal to that of two females (4, al-Nisa, 11). As in the case of evidence, the *Qur'an* does not mention details for this discrepancy.

5. Strategies to improve Religious Tolerance

Jan Devor (2009) relates that more than ever before; families are now experiencing their pluralism projects as family members date or marry people of different religious backgrounds. The timeworn recommendation restricting courtship and marriage to members of one's faith tradition is less and less common. The consequence is from both interreligious partnerships and partnerships between nonreligious and religious people. The heart chooses as it will! So how do you work through the issues raised by such partnerships? What are the family implications of religiously diverse in-laws? How does a nonreligious person live with a faithfully religious partner? What happens when children come along?

a) Interreligious Dialogue

The *Second Vatican Council* was a twentieth-century gathering of Catholic bishops from around the globe. Summoned by Pope John XXIII, it met for numerous hearings at Vatican City, Rome, from 1962 to 1965. It was during this highly significant Council that the Roman Catholic Church set its course for entry into the waters of interreligious dialogue. The decrees and documents of this Council that addressed relationships with other religions, and a new understanding of the place of those religions within the Catholic theological worldview, marked the opening up of the Roman Catholic Church to dialogue with peoples of other faiths. This advance took place in the background of a then innovative and encompassing task; the building of a dialogical church. Embracing dialogue as a relational modality was applied not only concerning an interaction with other religions; it was part of a wider-ranging ecclesial reform and development. So, it is to the Second Vatican Council, and its epoch-making documented outcomes that courtesy needs to be given as it laid the foundation for all that has followed, including the engagement of the Roman Catholic Church with Islam and Jews.

In October of 2007, an 'Open Letter and Call from Muslim Religious Leaders' was dispensed to the Christian Church. This seminal letter, signed by 138 Muslim clerics and academics, was addressed to Pope Benedict XVI; the Patriarch of Constantinople, His All-Holiness Bartholomew I, and a further 19 named heads of Eastern Orthodox Churches; together with the Archbishop of Canterbury and four heads of Western

Churches including the General Secretary of the World Council of Churches and, indeed, leaders of Christian Churches, everywhere. Entitled '*A Common Word between Us and You*', this is a significant epistle both with veneration for the mere fact that it happened, as well as for its substance and what it has since triggered in terms of response and allied activities.

Douglas Pratt (2017) relates that for centuries the Roman Catholic Church had lived, in effect, wholly within its worldview agenda; resistant to winds of change and slow to adjust. It had long been satisfied with the status quo of received tradition within which any alteration was carefully controlled. And in this context any acknowledgment of a religious other, even other Christian Churches was, at best, decidedly muted. To the extent that any encounter with another religion might be entertained, for whatever reason, the official response was one of considerable caution. No salvific significance was conferred to other religions, and the notion of establishing some kind of dialogical relationship with any religious other was a peripheral idea in the extreme. So it was that, before the *Second Vatican Council*, in respect of other faiths and any engagement with their followers, other than for purposes of evangelism, the attitude of the Catholic Church was usually one of prudence and hesitation. The feeling was widespread in the Church that it would be difficult to avoid forms of practical syncretism in such encounters, and that participation in multi-lateral organizations would in itself indicate an indifferentist or relativist approach to religion.

b) World Council of Churches

Douglas Pratt (2017) argues that following World War II the western world engaged in reconstruction and recovery; the stalled ecumenical movement resumed its developmental trajectory. The *World Council of Churches* came into being soon after the war. Its foundational Assembly was held in Amsterdam in 1948. Theological reflection and social action were viewed as the two areas of Christian life in regards to which the constituting Churches of this new canopy organization, the Council itself is a fellowship of churches that thought it was right for Christian churches to do as much together rather than continue to do apart. The stage was now set for significant new prospects for engagement in issues such as relationships with other religions. However, other than a

report and recommendations on the *Christian Approach to the Jews*, the inaugural Assembly of the World Council of Churches did not address directly the matter of Christianity's relationship to other faiths; rather the presumption of evangelical witness dominated and was soon to be strengthened.

c) Ecumenism

Gerard Mannion (2007) discusses that the Christian church itself already has, of course, many rich abstract resources at its disposal in the fight against globalization. That framework and science is, of course, ecumenism. The ancient world, in Greek, spoke of *oikoumene* meaning the entire world. Christians from early times saw a need to reinterpret this concept so that, instead of an imperial model, they developed a communitarian model whereby there could be unity with a tolerance of diversity among very different communities in very different places. Their understanding of *oikoumene* looked towards the formation of the kingdom of justice and righteousness which Christ called humanity. In turn, this called for them to share common values to fight what is unjust, dehumanizing, and evil.

Douglas Pratt (2017) records that the ecumenical movement, so far as the recent history of the Christian Church is concerned, has been one of the keys defining features of Christianity in the twentieth century. This movement commenced with the *1910 World Missionary Conference* held in Edinburgh, Scotland, which was itself an outcome of nineteenth-century antecedents. From 1910 onwards, ecumenical Christianity not only addressed internal issues about theology, self-understanding, and inter-church relations, but it also engaged with wider social issues and concerns including the question of the relationship with peoples of other faiths. Ecumenical engagement with Islam emerged with, and out of, this modern era turns of the Christian Church towards interreligious dialogue and interfaith relations.

6. Non-Religiosity and Secularism

Nonreligious people opt for human rights, prefer direct, active, subjective rights that are rooted in the dignity of the human person in a democratic legal order in which the people are sovereign, and not an extramundane, sacred order with a divine sovereign at

the top, represented, as they see it, by non-elected religious leaders that consider themselves entitled to dispense without any accountability to the people. They are also mistrustful of the moral claims of religions because of the way they easily tend to erase from their collective memory the many forms of bodily and mental violence, inquisition, and genocide perpetrated in their name in the course of history.

Johannes A. Van der Ven (2010) claims that *The Universal Declaration of Human Rights of 1948* broke with the tradition of religious foundations, however, watered down the references to God, natural law, or natural rights may have become over the years. The 1948 declaration contains no reference to God whatever, natural law or natural rights, or any worldview or even philosophy. The main reason was the altered scale on which that document was designed. A universal religious foundation of human rights could still be laid for 18th-century nation-states, the more so because the vast majority of the population was Christian, be it Catholic, Lutheran, Calvinist, Anglican, or Congregationalist in whatever variant form. But even at that time, religious minorities like Jews and Muslims posed a problem if only because bar the odd group here and they were unfamiliar with natural law and the natural rights embedded in it. For the *Universal Declaration of Human Rights*, the national scale had to be extended to encompass the whole world, so religious pluralism inevitably became an obstacle to a universal foundation. Besides, the growing number of groups that had turned their backs on religion of any kind, including the elite of the radical Enlightenment, made a universal religious foundation problematic. Furthermore, some have already emigrated inwardly without renouncing external religious membership. Others have tacitly elected to vote with their feet and have vacated the church. When one speaks about religion today, in this case, the Christian religion in Europe, one is speaking about a complex diversity of beliefs and rites and community and leadership forms in an ocean of growing agnosticism and pragmatic atheism.

However, neutrality towards religion is manifested differently in different legal systems; Obama in his inaugural speech adopted a middle way, a delicate balancing act; “We progressives . . . might recognize the overlapping values that both religious and secular people share when it comes to the moral and material direction of our country... We are a nation of Christians and Muslims, Jews and Hindus, and non-believers.” Obama

was expressing his adherence to a conception of the American nation as not strictly speaking Christian, but pluralist, open to all religions, whether or not monotheistic. Above all, it is inclusive enough to accept without restriction those who, because of atheism or indifference, reject any religion. Barack Obama is thus the first president in the history of the United States to acknowledge in an Inaugural Address that there are Americans who do not believe in God. In doing so, he puts nonbelievers on the same footing as religious Americans. He also paid a remarkable homage to the religious indifference of his parents; to his father who was born and brought up as a Muslim but became an atheist as an adult; and to his mother, who was skeptical of organized religion.

Henk ten Have (2017) notes that philosopher and biologist Julian Huxley, the first Director-General of the United Nations Educational Scientific and Cultural Organization had a clear idea that scientific progress wants to contribute to peace, security, and human thriving, it is not only indispensable to cooperate, but also to know each other's cultures and traditions. It is furthermore vital to relate science to standards that are promoting the value of humanity. Huxley was the promoter of *evolutionary humanism*, the idea that human progress is primarily driven by cultural evolution. Education is of principal importance since it means learning from each other; science is equally significant since knowledge helps to better daily life for everybody. Recognizing variances is crucial but at the same time, it should lead to pinpointing what is fundamental for every human being.

Sumaia A. Al-Kohlani (2018) argues that feminism, in general, can be divided into secular and religious feminism. Secular feminism is typically energetic in modern societies, and religious feminism is found more in the traditional world. Western feminism is usually regarded as secular, although some western feminists can be religious. Redfern and Aune (2010) polled 1265 people who categorize themselves as feminists and found that two-thirds of them designate their religious views as agnostic, atheist, or no particular spirituality. Because of customary cultures' resistance to consent secular feminist views, several types of religious feminism have been well-known. All of them still struggle to define their problems and objectives. They have rarely been mentioned in feminist literature since religion is considered an oxymoron to feminism. Religious feminists avoid being interesting and tend to accept most of society's norms. Redfern and Aune (2010) also found that religious feminists are usually subservient to the system of norms and

laws limiting them. They discard liberal views and lean more toward patriarchy. Western feminism succeeded to isolate itself from religion and subsists outside a religious framework, yet religion has been vital to the feminism that has been constructed by Muslim and Buddhist women.

7. Religious influence in the Public Arena

Even though most constitutions in the 21st century ought to be secular, the *Constitution of Zimbabwe Amendment (No. 20) Act of 2013* in the preamble has a clause that states that “Acknowledging the supremacy of Almighty God, in whose hands our future lies, resolve by the tenets of this constitution to commit ourselves to build a united, just and prosperous nation, founded on values of transparency, equality, freedom, fairness, honesty and the dignity of hard work. And imploring the guidance and support of almighty God ...” The above-mentioned clause gives an impression that Zimbabwe is a quasi-theocratic state of the Christian persuasion, hence discriminating against nontheistic religions like Buddhism and the nonreligious (nones). Also, at public gatherings in Zimbabwe it is easier to say a Christian prayer disregarding religious plurality; for instance, in the 2018 harmonized elections both throne favorites referred to themselves as chosen ones by a Christian God, President Emmerson Dambudzo Mnangagwa who emerged as the winner used to say, “The voice of people is the voice God” while Nelson Chamisa the runner up and main opposition leader used also to say “#God Is in It”. Furthermore, Christian gospel artists such as Charles Charamba doom indigenous traditional religion in their songs. All this is predicated on the religious intolerance of some sought.

Mark R. Brown (2014) argues that the *First Amendment to the United States Constitution* pledges the free exercise of religion. By the middle part of the twentieth century, the Supreme Court concluded that the text applies to several states too. That implies neither the national government nor state governments can constitutionally reduce the free exercise of religion. The born of contention in this constitutional limitation lies in its details. What does free exercise mean? Indeed, what is religion? For the most part, the Supreme Court has interpreted religion generally to include not only one’s belief in and affiliation to a supreme being, but also ethical and moral considerations that guide

one's life. In two cases addressing the space of the conscientious objector exemption to America's draft laws, for example, the *Supreme Court* interpreted the federal statute to protect atheists as well as moral and ethical objectors. Lower courts have read this to mean that even in the First Amendment context atheists can claim religious protection just like Christians, Muslims, and Jews. Novel religions, too, qualify for constitutional protection under the First Amendment. In a famous mail fraud case, where the defendant claimed he was acting under his religious principles, the Supreme Court explained that religious protection could not be neatly confined to longstanding, traditional beliefs that focus on a supreme being: people may believe what they cannot prove. Religious experiences which are as real as life to some may be incomprehensible to others. In a later case, the Supreme Court went so far as to identify several religions that qualify for protection under the First Amendment notwithstanding their lacking any singular deity in the conventional, American sense; Buddhism, Taoism, ethical culture, and secular humanism.

Bayefsky and Waldman (2007) argue that the religious discrimination in Canada's current education system arises from a framework of human rights protection that was designed for the nineteenth century. *Canada's Constitution Act 1867* recognizes the legal right of the minority Roman Catholics in Upper Canada (Ontario) to receive public subsidies for separate schools. This recognition was part of the historic compromise that gave the same right to minority Protestants in Lower Canada (Quebec). The historic compromise has been elucidated this way; "At the time of Confederation it was a matter of worry that the new Province of Ontario (formerly Canada West) would be controlled by a Protestant mainstream that might exercise its power over education to take away the rights of its Roman Catholic minority." There was a similar concern that the new Province of Quebec (formerly Canada East), controlled by a Roman Catholic majority, might not respect the rights of its Protestant minority. In that way, the existing denominational school rights of the Catholic minority in Ontario were not impaired by the legislature; and the Protestant minority in Quebec was similarly protected. This is the reason guarantees denominational school rights in section 93 of the Canadian constitution.

Emmanuel Karagiannis (2018) notes that political Islam has often been regarded as stationary and monumental, however, it has changed significantly since the time of

Ayatollah Khomeini's triumph in Iran in the late 1970s and the mujahidin resistance in Afghanistan in the 1980s. Although political Islam first appeared in the greater Middle East, it has now extended across the world. From Europe to Southeast Asia and from Russia to sub-Saharan Africa, Islamist parties and groups are on the rise. This is a *new* political Islam that is global in latitude and increasingly homegrown in action. Some Islamists favor activism, some participate in the democratic process, and fewer even advocate violence. The diversity of methods derives from different actualities and orientations. They all share the ideology of Islamism that advocates a greater public role for Islam, yet it is not a well-defined set of ideas but rather holds a very different meaning for different groups of people.

The philosopher and ethicist Alasdair MacIntyre (1989) has presented one resolution that allows for the expression of cultural diversity and yet avoids moral pluralism. Consequently, diverse moral traditions can provoke each other on equal footing. In this commitment to culture and traditions, it is possible to enter the exchange with intellectual honesty and maximal susceptibility without hiding one's shortcomings. In this painstaking, slow, and difficult process of soul searching, exchanges and comparisons would allow the rival traditions to see their weaknesses and strengths and realistically recognize their incoherence and the superiority of their rival, with the likelihood of relinquishment of their tradition.

8. Conclusion

The paper has presented an overview of the literature from the global, regional and local levels. The conceptualisation of the study has been articulated about the following rubrics; religious tolerance; human rights; most affected human rights by religious intolerance; freedom of thought and expression; freedom of conscience, belief, and religion; rights of women; strategies to improve religious tolerance; interreligious dialogue; world council of churches; ecumenism; none religiosity and secularism; and religious influence in the public arena. To cement the argument of the inquiry that religious tolerance is key to the respect of human rights, an interpretive phenomenological qualitative approach has been maintained in its pure form of theoretical suspension of any action, belief, or judgment hence the concept of *epoche*. Therefore, it is strongly

recommended that tapping from this study, countries such as Zimbabwe ought to be open to plurality in all spheres of life through formulating a tolerance act to guide the process, religious tolerance being the subject with many sections in that act.

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