

## RELIGION AND HUMAN RIGHTS- SEARCHING FOR A MUTUAL GROUND FOR DEVELOPMENT

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**ABSTRACT:** *In practical terms, religion and human rights are understood to be performing similar functions in respect of human development. The relationship between religion and human rights is on one side problematic and on the other, unavoidable in all parts of the world (as religion is a universal phenomenon). Broadly defined, religion involves what is sacred and transcends human knowledge. Human rights which seek to provide assorts of protection has also developed to received global attention. Human rights norms are inherently abstract ideals which depend on the visions and values of human communities to get its content and coherence. Traditional African concept of man emphasizes the spiritual dimension of human rights that must be heeded to. Western thought of 'human rights' seems to emphasise the 'rights' rather than the 'human'. Human rights consist of two categories (human and rights) which need equal concentration. In view of this the paper explores the interaction of religious ideas and institutions in the wake to promote the rights of humans for sustainable development. Wherever religion appears to be a guiding principle in the lives of individuals and communities, it seems of obvious relevance to consider how it might be employed to further the course of equal rights for all. The paper objectively purports religion as an inherent condition of human lives which invariably provides the sources and scales of dignity and responsibility, respect and restitution that human rights need to survive and flourish.*

**KEYWORDS:** Religion, Human Rights, Human Society, Dignity, Development

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### INTRODUCTION

Religion and law (human rights) are two indispensable institutions which, in diverse ways, contribute immensely to the development of human societies. Their basic functions in every society can be mentioned to be distinct in nature and purpose. Their distinctiveness can, however, be merged and harnessed for the sake of all within societies. In recent years, the method of right-based approach to development has become popular among both human rights

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organisations and development organisations. Yet, in discussing issues of development, little or no attention is paid to religion because it (religion) is thought of as dealing particularly with matters of the spiritual realm. This concept about religion has taken roots in many developed countries. They tend to separate religion from many developmental issues which they consider a secular activity. However, we propound the imperativeness of religion -which denotes a vital mode of thinking about the world -in, if not all, most sectors of human life in which rights exists. This is to acknowledge the fact that religion permeates all aspects of our life as humans. The term 'development' as referred to in this paper denotes a stage of maturity, evolution, growth, and advancement in life or situations. The word comes from the old French prefix 'des' and 'voloper' (to fold or wrap up).<sup>3</sup> It is used in this paper to refer to a moment of progress, improvement and enhancement in human life as promoted by a culture of human rights and religion.

Different approaches to matters of human rights and development are used by various authorities in the field. All these approaches are geared towards the protection and promotion of rights, particularly, in the lives of the poor and less privileged in the society, who suffer less chance of prosperity and development, arbitrary restrictions and interference. Human rights are the claims that people are entitled to make simple by virtue of their status as human beings. These virtues are based on the conceptions of the human nature which in many societies are inspired by religion. It is to be pointed out that there are many people, particularly in developing countries, who do not base their concept of rights on any human authority, but rather on a divine or spiritual power.<sup>4</sup> The paper therefore examines the relationships between religion and human rights.

Over the years, debates and discussions with respect to human rights is much more visible among the world's major religions than with the community religions.<sup>5</sup> From the above, we come to realize that debates between religion and human rights are understood from the perspective of religions. And they involve in major social issues like human rights because of their universal aspirations. According to ter Haar<sup>6</sup>, the major religions show this character precisely because of their universal aspirations. Popular expressions of Christianity and Islam are neither more nor less than manifestation of a belief. But they have adopted themselves to the social situation of their adherents. This tendency for religion to adapt itself to the actual conditions of social communities has consequences that are worthy of further exploration.

The goals of the paper are to:

- Discover commonalities between religion and human rights.
- Identify religious/spiritual dimensions in human rights.

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<sup>3</sup> The Family Word Finder (New York: The Reader's Digest Association Inc.) 1975

<sup>4</sup> Gerrie Ter Haar. *Religion and Development: Ways of Transforming the World*. 2011 p.297

<sup>5</sup> *Ibid.* p.299

<sup>6</sup> *Ibid.* p.299

- Pinpoint why religion is usually sidelined in matters of rights in the world, particularly, in the West.
- Identify issues that make religion and human rights parallel while searching for a common ground for development.

In any way, the discussion can be fruitful when we consider what religion actually is and how it is perceived by different people in the world.

### **RELIGION -Basic Concept**

The derivation of the word 'religion' suggests several possible readings. It derives from the Latin '*religio*'<sup>7</sup>, though no clear agreement has been reached in respect of its definition. Scholars (including Servus) have held that it is from the root '*lig*' which means 'to bind' (*religare*). In this sense, religion is explained to mean the binding relationship between man and God and also that between humans. Yet, others like Cicero believed that the word was derived from the root '*leg*' which means 'to take up', 'gather', 'count' or 'observe'.<sup>8</sup> This meaning suggests the observations of the signs of divine communication. In any way, today, there seems to be little if any question regarding the propriety of the several derivations.

As a social institution, in almost all human societies, religion, in simple terms, refers to the beliefs and practices based on a conception of the sacred. As humans, we organise our surroundings by defining most objects, events, experiences or situations as profane (from Latin meaning 'outside the temple'), thus, that which is an ordinary element of everyday life. However, according to Durkheim<sup>9</sup>, we also set some things apart designating them as sacred – that which is defined as extraordinary, inspiring a sense of awe, reverence and even fear. Such knowledge to distinguish the sacred from the profane is the essence of all religions. All religions, irrespective of the fulcrum of its belief imply that humans do not and cannot stand alone, and that they are vitally related with and even dependent on powers in nature external to themselves.<sup>10</sup> There are numbers of religions in the world. Most people in the world are associated with one or another of the world's major religions. Although most people have some sort of religious affiliation, they are woefully ignorant as to the basic beliefs of their own religion.<sup>11</sup>

### **Some Basic Characteristics of Religion:**

It is to be mentioned that the term religion has many definitions. None is agreed upon by everyone, but certain common aspects and implications of religions are observed. The focus of religion is to expatiate on things that surpass the limits of our knowledge. It deals purposely with

<sup>7</sup> Herbert Stroup. *Four Religions of Asia*. (New York: Harper & Row) 1968 p.6

<sup>8</sup> *Ibid.*

<sup>9</sup> See: Emile Durkheim. *The Elementary Forms of Religious Life*. (New York: Free Press) 1965

<sup>10</sup> John B. Knoss. *Man's Religions*. (New York: Macmillan Company) 1969 p.2

<sup>11</sup> Josh McDowell and Don Stewart. *Understanding Non-Christian Religion: Handbook of Today's Religions*. (Carlsifonia:Here's Life Publishers, Inc.) 1982 p.9

what is sacred embodied in ritual. Since religion deals with ideals that transcend everyday experience, neither sociology nor any other scientific discipline can verify or disprove religious doctrine, for religion is a matter of faith –a belief anchored in conviction rather than scientific evidence. Irrespective of the fact that religion can hardly be precisely defined; some basic characteristics associate the sacred institution. Its features are that:

- Religion is universal<sup>12</sup>
- Religion meets needs/addresses human problems<sup>13</sup>
- All religions are not the same<sup>14</sup>
- Religion separates humans from the animal world<sup>15</sup>

### **HUMAN RIGHTS -Origins of International Concerns**

The idea of human rights is one that was for long mainly applied within states. The concept to a large extent evolved as an instrument of revolt against tyrannical or authoritarian governments. The slogan ‘Rights of man’ became the main phrase in the struggle against the injustice and indignities committed by such governments.<sup>16</sup> In this struggle attempts began to be made to set down the minimum rights that could be demanded by all citizens, by the very fact of being human. The development of human rights to the development of society has received world-wide attention. The concern for human rights, all over the world, arose in the wake of many abuses that confront society. Alongside the violation of human rights, even while abuses and outrages have increased, there seems to have been a corresponding growth in the recognition of rights and the concern for their safeguarding.

As conscious beings, humans have doubtless thought about themselves and their identity, their duties and their rights from the beginning. This is to state that the concept of human rights has had a very long history. Plato, Aristotle and Thomas Aquinas (and other medieval theologians) wrestled with the notions of freedom, justice and natural rights. The *Magna Carta* (1215) signed by King John and reissued in ten years by King Henry of Great Britain are clear indications of the long historical background of human rights.<sup>17</sup> The French revolutionaries, having equally disposed of their king (Louis XVI), laid down the rights that have been denied French citizens by previous regimes. Following from this other nations like Sweden in 1809 and Holland in 1815

<sup>12</sup> Joseph Gaer. *What The Great Religions Believe*. (New York: Dodd, Mead, and Company) 1963 p.16

<sup>13</sup> Robert E. Hume. *The World's Living Religions*. Rev. Ed. (New York: Charles Scribner's Sons) 1959 pp.3-4

<sup>14</sup> Bhagavan Das. *The Essential Unity of All Religions*. (Wheaton Il: The Theosophical Publishing House) 1966

<sup>15</sup> Richard Cavendish. *The Great Religions*. (New York: Arco Publishing Inc.) 1980 p.2

<sup>16</sup> Evan Luard. ‘The Origins of International Concern over Human Rights’. In: *The International Protection of Human Rights*. (London: Thames And Hudson) 1967 p.7

<sup>17</sup> See: Thomas Paine. *The Rights Of Man*. (8<sup>th</sup> Ed.) 1791 pp.47-48

incorporated explicit statements of human rights within their constitutions.<sup>18</sup> This is not in any way suggesting the lack of recognition and existence of the basic rights of humans in Africa and other areas outside Europe.

That notwithstanding, it was World War II –with the horrors of Hitler’s savagery and of Japan’s brutality and terminations elsewhere -which brought human rights to the top of the world’s agenda. The preamble to the charter of the United Nations (UN) emphasises the fundamentality of the basic rights that all humans are entitled to. The preamble reads; “We the people of the United Nations”, are determined “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, the equal rights of men and women and of nations large and small...”<sup>19</sup> With its various articles, the basic function and purpose of human rights is to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language and religion.

### **Law and Justice: Foundations for Human Rights**

It must be observed that in critical academic settings, justice and law are two different fields. Law and justice, according to Ter Haar, are not identical. Law deals primarily with the impartial and equal as well as the consistent application of laid down principles. The principles are exhibited without any preference to rank, colour or social status. Law and justice share a common ground which is witnessed in their moral nature. But as two different cultures, justice and law are aimed at ensuring a peaceful and serene atmosphere within our community. It gives a realization of what we ‘ought’ to do and ‘is’ to be done. However, justice and law have a special role in our human life which includes our day-to-day human rights discourse. Their existence has proven to be a major support to exercising and providing to every individual equal, impartial, consistent as well as indiscriminative principles that outdoor fundamental human rights.

### **RELIGION AND HUMAN RIGHTS**

Religion is perceived as a source of real power. It plays a vital role in networks of power relations. In Africa, for instance, heads of state use religious practices to increase their power. It does this often through the service of spiritual advisers and political leaders become afraid of religious leaders especially those with mass following.<sup>20</sup> With this we imply that religion permeates all aspect of human life, as noted earlier. Religion does not concern only the relations

<sup>18</sup> Evan Luard. ‘The Origins of International Concern over Human Rights’. In: *The International Protection of Human Rights*. (London: Thames And Hudson) 1967 p.8

<sup>19</sup> See: John P. Humphrey. ‘The United Nations Charter and The Universal Declaration of Human Rights’. In: Evan Luard. *The International Protection of Human Rights*. (London: Thames And Hudson) 1967 p.8

<sup>20</sup> Gerrie Ter Haar. *Religion and Development: Ways of Transforming the World*. 2011 p.302

between a human and a spiritual world but also defines relations between human beings in a given society. Human rights (equal rights) is one of the core concerns of religion in societies. It must be stated that people's notion and views influence their concept about the society. It influences their view of human rights as well. The point here is that people's understanding of human rights is informed and shaped by their worldview which is often religious.

It is the duty of religion to make itself understood as a source of inspiration rather than an obstacle to promoting a culture of human rights. This applies to all religions. Whenever the relationship between religion and human rights is discussed, that the scope of the debate is often limited to the so-called 'world religions' (a term normally applied to those religious traditions that base themselves on a holy book and most notably Christianity and Islam). This is to point out the fact that on the normal ground the discourse between religion and human rights has often and in most cases existed between the major theistic religions. On the contrary, little attention has been given to the so-called 'community religions'. They are sidelined in intellectual and scholarly discussions. As a matter of fact, people do not mention such religions in human rights discussions. These are the religions that exist in many local communities throughout the world and are oral in nature. Examples of such religions are the Traditional Religions of Africa, the Americas and the indigenous people of Australia as well as the religion of the Inuit (the original population of parts of Northern Europe and Northern America). Such religions are coded by this name because it seems to be a fact that its devotees feel no need to spread themselves outside their own community. These religions share little or no intellectual impact on human rights debates all over the world.<sup>21</sup> However, the practical roles of these religions are in no way against the establishment of a culture of concern for the rights of man.

Religions (Christianity, Islam, and Buddhism, among others) have since their inceptions in various societies influenced the kind of treatment that every individual in the society is due. With particular reference to Christianity and Islam, the idea of human rights is a divine gift. Both religions deem it a necessity and fundamental to the human race. Humans are born free and with dignity granted them by their maker which no human can deny them. The essentiality of the religious basis of human rights which is totally receiving an approach either than religion needs to be re-established. This, then, is the paradoxical situation in which Christians needs to ask some basic questions.<sup>22</sup> How is it that human beings have any rights? When did they acquire these rights? Does religion have anything distinctive to contribute to on-going debates about human rights?

It is of immense relevance to make it known that it is never wrong on the part of thinkers who ascribe the beginning of rights to creation. Thomas Paine<sup>23</sup> has always taught that the origin of human rights is creation (as codified in the book of Genesis, 1ff). In his words man has neither

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<sup>21</sup> *Ibid.*

<sup>22</sup> See: the view of Thomas Paine. *The Rights Of Man*. (8<sup>th</sup> Ed.) 1791 pp.47-48

<sup>23</sup> Thomas Paine. *The Rights Of Man*. (8<sup>th</sup> Ed.) 1791 pp.47-48

acquired them nor has any government or other authority conferred them. We have had them from the beginning. We receive them with our life from the hand of our maker. The error of those who reason by precedents drawn from antiquity, respecting the rights of man, is that they do not go far into antiquity. They stop in some of the intermediary stages of an hundred or a thousand years.<sup>24</sup> Indeed, if we proceed on, we shall at last come out right; we shall surely come to the time when man came from the hand of his Maker.

In substance, religion and human rights share a common ground. In principle a religious claim to universality could be helpful in the development of a universal moral code. It will provide a solution to the conflicts between the universal and local in matters of human rights. But what space must each leave for the other? Do universal human rights require a universal type of religion or religious worldview that is shared by most if not all people?

### **WHY RELIGION IS SIDELINED IN THE HUMAN RIGHTS DISCOURSE**

We come to realize that religion usually becomes isolated from the debate of the rights of man. The reasons for this isolation need to be investigated and riposted. Some intellectuals have argued that:

- There is largely the secular orientation of many nations to hold greatly onto the human rights discourse. This is evident among developed nations because the kinds of orientation they get to receive about human rights are mostly secular in nature. And, it causes them to detach religion from debates concerning human rights.

Others have also taught that religion is mostly sidelined from the human rights discourse due to the view that:

- Religion is associated with violence and intolerance. Religion, therefore, is interpreted as a cause of violation and socio-economic grievances. With this point, they seek to say that a nature like this can neither protect nor promote the rights of any given society in which it finds itself.

Nevertheless, some scholars propose that the second problem could be solved if we are able to differentiate between religions. That is, if we are able to dichotomise between a 'good' and a 'bad' religion the problem will be solved. Interestingly, to them, a 'good religion' is that which is liberal and a bad one is the other which represents God as anything/everything but a democrat or tolerant (i.e. God can be anything but cannot allow other opinions). Thus, He is above all things and is intolerant; intolerant of western secular philosophies or views.

### **A SPIRITUAL DIMENSION TO HUMAN RIGHTS**

There are those in developing countries who do not base their authority on any human authority or legislation. Rather, they base the concept of human rights on a divine or a spiritual power. They propound the spiritual bases of human rights. This brings them into conflict with those who

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<sup>24</sup> *Ibid.*

base the concept of rights to a secular source. However, each group must treat the other with an open mind to accept the concept of rights to ensure better dialogue.<sup>25</sup>

In communities where the physical world and the spiritual world are thought to be interrelated, ter Haar posits that, religion may be a dominant force. In this sense religion may be a dominant factor in establishing human rights. This they hold that it is because of the fact that humanity have its origin in the spirit world. Even in modern Western societies where large numbers of people tend to be rational, non-religious and secular, people continue to be marked by their religious heritage.<sup>26</sup>

From the definition of human rights we come to realize that human rights are rights obtained by virtue that we are human beings. These virtues emanates from religion/religious beliefs found in our communities. Many communities' conception of human rights fundamentally emanates from people's view of the components of humankind. This brings us to the question as to the relationship between religion and human rights. And to identify this relationship these questions need to be answered.

- What are the qualities that make a person truly human?
- What entitles man to make claims of full humanity?
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According to the Bantu, humans include spirit beings, the dead and the living. These, according to them, are what give to humans their quality. This is what separates humans from other things like tree and stone that do not have intellect or conscience.<sup>27</sup> And, in the traditional Akan society, as explained by Kwasi Wiredu, the concept of 'Onipa' (human being), thus its origin, purpose and destination, is what links him or her to both the visible and the invisible worlds. Man is made up of 'okra', 'mogya' and 'sunsum'. It is the 'okra' (spirit) of the person that links his/her visible world to the spiritual one and makes his nature as a human truly manifested.<sup>28</sup> Therefore nobody can consider or conceive of his rights only from the secular/visible perspective without considering the spiritual dimension of it.

Traditional African concepts of human emphasize the spiritual dimension of human rights that must be heeded to. Western thought of 'human rights' seems to emphasise the 'rights' rather than the 'human'. Human rights consists of two categories (human and rights) which need equal concentration. Generally, the bases for human rights usually neglect the 'nature of man' and its importance. The human (African) is a spiritual being therefore for many religious believers a

<sup>25</sup> Gerrie Ter Haar. *Religion and Development: Ways of Transforming the World*. 2011 p.304

<sup>26</sup> *Ibid*. p.303

<sup>27</sup> D. A. Massolo. *African Philosophy in Search of Identity*. (Bloomington: Indiana University Press) 1994 pp.87-88

<sup>28</sup> Kwasi Wiredu. *Cultural Universals and Particulars: An African Perspective*. (Bloomington: Indiana University Press) 1996 pp.157-160. Also See: Kofi Asare Opoku. *West African Traditional Religions*.

moral and spiritual approach takes priority over a moral legal one that is a characteristic of secular societies. These two dimensions may lead to what may be termed the 'inculturation' of the rights of man. This is an incorporation of the moral-spiritual dimension of human rights with the moral-legal dimension which would be an important step towards the development of the rights of man.

### **A COMMON GROUND –Good and Evil**

It is obvious that there are many people who believe that all powerful forces including evil ones stems ultimately from the spirit world. People who believe in this form find it a reason to seek individual access to the spirit world as a way of obtaining a share of power. The matter of good and evil seems relevant to human rights too. This is because human rights can hardly be defended without insight into popular perceptions of evil and how to combat it. Religion therefore serves as a means to identify the place and role of good and evil which are moral concepts in society.

In this way human rights debate cannot be detached from religion inasmuch as both touch on the moral dimension of life. Each tries to deal with manifestations of evil (against gender, age, color or status) in its own way. The most important point to seek here is that we come to notice for ourselves a common ground between religion and human rights, that is, both of them dealing with good and evil. To ensure development between the two, each must not be allowed to develop its separate path. The ability of religion to manipulate good and evil provide the space and opportunity to those who seek to put religion to the service of human rights.

### **MAJOR MODULES OF THE PAPER**

The paper, therefore, provides the following modules that would be needed for the development of rights in modern society.

- Human rights and religion are related to each other through several ways. But the contention between the two aspects lies in the secular and religious approaches employed by scholars to the understanding of the concept of human rights.
- One connection or common ground shared by religion and human rights is their ability dealing with matters of good and evil. Each touches on the moral dimensions of life.
- There is divine or spiritual power or dimension which serves as a base for the acknowledgment of human rights in major human societies like Africa. Generally, the bases for human rights usually neglect the 'nature of man' and its importance. The African is a spiritual being therefore for many religious believers; a moral and spiritual approach takes priority over a moral legal one which is characteristic of secular societies.
- Human rights cannot be detached from religion because people's worldview influences their view of human rights and their notion of what they are.

- In principle, a religious claim could be helpful in the development of a universal moral code which will provide a solution to conflicts in the human rights debate while enhancing development.

## CONCLUSION

In all, it is realized that human rights and religion are related in several ways, and that, the contention between the two aspects lies in the secular and religious approaches given them. The religious approach in Ter Haar's view refers to the spiritual and invisible spheres that affect the visible world that contains the power to affect human life both positively and negatively. This spiritual sphere has the tendency of affecting the human rights discourse. As an aspect that deals greatly with matters of the invisible world and at the same time that of the visible world, incorporate religion into human rights is significant to the development of human society. It is to be realised that religion is also a natural and necessary ally in the global quest for basic rights for all. It becomes therefore important, as well, to know people's worldview in order to understand their rational and conception about man to achieve a universal fundamental human rights. For it is only when we make religion and human rights synonymous in the thinking, feeling, motivation and action of our communities that we can have a global human rights culture. Above and beyond, to further the human right agenda, actors must consider how they can as well influence religious ideas.

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