

**MEANING MAKERS AND SECULARIZATION: HUMAN RIGHTS  
AS AN EXPRESSION OF MEANING IN A POST-SECULAR AGE**

by

Cameron Montgomery

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## **Abstract**

The connection between secularization theory, the privatization of religion and the public development of rights legislation is a response to growing confusion concerning the place of ‘morality’ and ethics in a public, ‘secularized’ society. This paper explores how human rights legislation emerged in the ‘western’ context, how it has adapted to globalization and criticisms it faces. Brief examples of Jainism and the Inuit represent alternative rights paradigms, acting as a cautionary against solidifying the Universal Declaration of Human Rights into an inflexible document universalizing all cultures. I conclude that it is important for ‘secular’ societies to make choices in public policy with a critical and judicious examination of the citizens’ rights in mind, not only to preserve rights historically achieved but to prevent ambiguous or indecisive ethical positions from resulting in the protection of corporate interest above the individual.

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# Chapter 1

## Introduction

*The problem of the house is a problem of the era. Social equilibrium depends on it today. The first obligation of architecture, in an era of renewal, is to bring about a revision of values, a revision of the constitutive elements of the house. Mass production based on analysis and experimentation. Heavy industry should turn its attention to building and standardize the elements of the house.*

*We must create a mass-production state of mind:*

*A state of mind for building mass production housing.*

*A state of mind for living in mass production housing.*

*A state of mind for conceiving mass-production housing.*

*If we wrest from our hearts and minds static conceptions of the house and consider the question from a critical and objective point of view we will come to the house-tool, the mass-production house that is healthy (morally too) and beautiful from the aesthetic of the work tools that accompany our existence.*

(Le Corbusier, *Towards a New Architecture* [London: Frances Lincoln Ltd., 1924], 254)

Le Corbusier (1887-1965), perhaps the most influential architect of the 20<sup>th</sup> century, designed and created homes, “machines for living”, that were rationally perfect, inspired by industrialization (Le Corbusier 1924: 151). He believed that “architecture suffocates in routine” and sought to create an architectural design and a way of life that centered on routine and maximized functionality (149). Nothing decorative, no unnecessary open spaces or windows, with rooms built for efficiency and heat and cooling retention. Le Corbusier planned to raze a large Paris neighbourhood to the ground and replace its ornamental, historical fluff with concrete towers which “seemed designed to overawe, humiliate, and

confuse any human being unfortunate enough to try and find his way in it.”<sup>1</sup> These high-rise homes *were* the modern age. They were the future, the dream of the communist Russian government, and atheists and rationalists everywhere. Le Corbusier believed that his designs, which had indeed met with instant success and popular acclaim, would take over the entire world. Human beings everywhere would want to live in a paradise of logical, colourless, concrete perfection devoid of the silly, frivolous decorative elements that characterized human life before science helped us to discover mass-production.

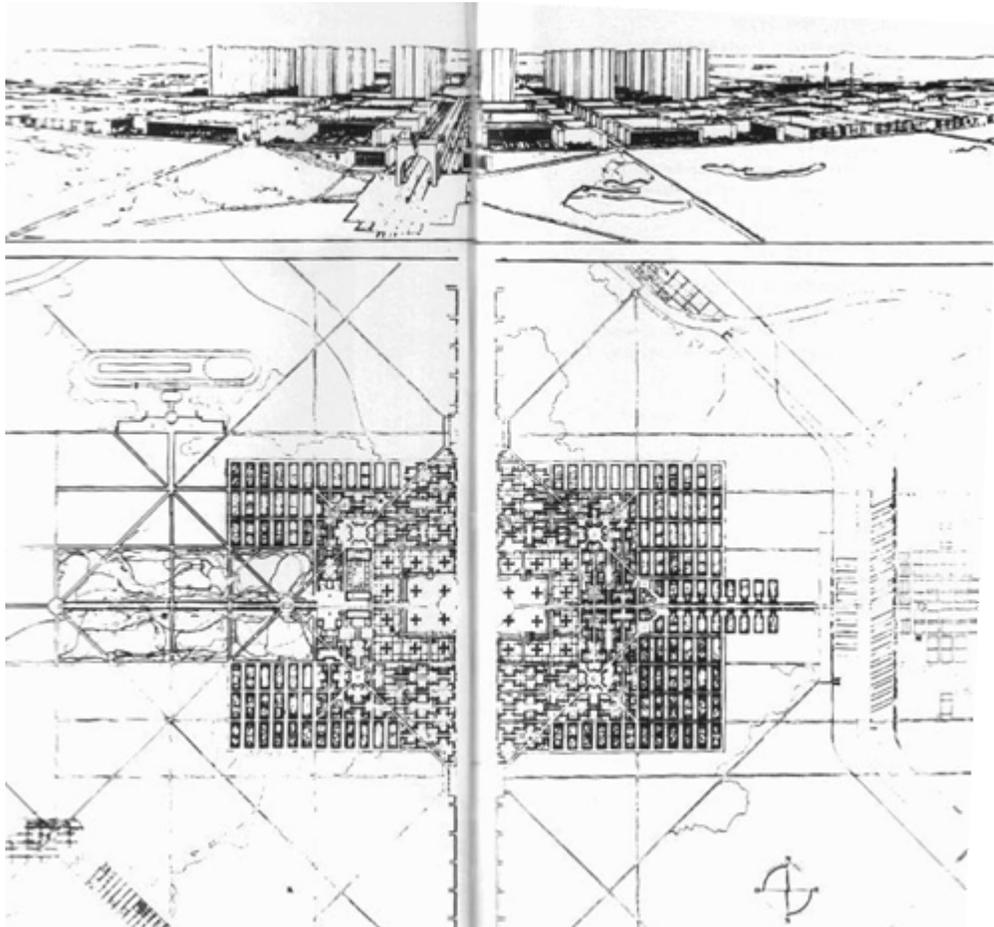
Figure 1.1 *The Plan for Paris*, Le Corbusier



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<sup>1</sup>“Le Plan Voisin” was Le Corbusier’s vision to level the entire north bank of the Seine to the ground and build a ‘pure’ residential and commercial quarter of white concrete. This plan never materialized. Le Corbusier did, however, build such subdivisions in Brazil and the United States. See Dalrymple (2009: 6).

Figure 1.2 *Schematics*, Le Corbusier



What followed was a period of architectural eruption. Le Corbusier might have called it an artistic disease, others might call it an era of Romanticism, but it is commonly referred to as Postmodernism, a period beginning around the 1970s and continuing until today. Skyscrapers twist up into the sky at visually disturbing angles, colours and whimsy abound, and artists are renewing their understanding and appreciation for styles and forms historically employed that had been abandoned by modern artists.

Figure 1.3 *The Dancing House*, Frank Gehry<sup>2</sup>



Artists reacting to the seemingly passionless, plain and purist designs of modernity exploded out of Le Corbusier's box into new realms of creative possibility, criticized by Modernist artists as garish and frivolous. As Le Corbusier's postmodern equivalent, Robert Venturi writes, "I am for messy vitality over obvious unity. I include the non sequitur and proclaim the duality... I prefer 'both-and' to 'either-or'... an architecture of complexity and contradiction has a special obligation toward the whole: its truth must be in its totality or its

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<sup>2</sup> Canadian Frank Gehry's whimsical architecture defined the turn of the 20<sup>th</sup> century into the 21<sup>st</sup>. Built in 1996 *The Dancing House* can be seen in Prague, Czech Republic. See also the new AGO with a Frank Gehry front on Dundas St, in Toronto, Ontario. See (Gehry 2007: Image 9).

implications of totality. It must embody the difficult unity of inclusion rather than the easy unity of exclusion. More is not less” (Venturi 1997: 16).

Cultural totalitarianisms, for me, whether through politically enshrined monotheism or monocultural secularism, are the ‘easy unity of exclusion’, segregating the ‘messy vitality’ of pluralism to the private realm in favour of a more simple design. Secularization was modernity’s response to the ‘messy vitality’ of religion, science, and globalization. Rodney Stark tells us that 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> century scholars from Voltaire to Durkheim, and from Freud to Berger believed that the 13<sup>th</sup> century was an Age of Faith, that modern science made religion unnecessary, and that religion would decline into nonexistence (Stark 1999). The scientific-secular paradigm would singularly replace all ‘religious’ ones.

Postmodern artists resisted ‘logical’ architecture, rediscovering an appreciation for styles in history and for spontaneous creative expression. Similarly, in describing the role of religion in the 21<sup>st</sup> century, Habermas argues that ‘western secular’ nations are entering a “post-secular age” (Habermas 2008: 18). As religion shifts to the private sphere, especially in the Canadian context, a transitional period of confusion leaves people unsure of how to arbitrate morality and a government struggling to manage its changing identity.<sup>3</sup> The discourse of human rights, notably through the development of the post-world-war Universal Declaration of Human Rights, is a growing avenue for the expression of cultural or

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<sup>3</sup> Canada’s major cultural contributors traditionally concentrated on British, French, and First Nations peoples. Acknowledging Canada’s identity as an “immigrant nation”. In 1971 the Government of Canada officially adopted a policy of “multiculturalism”. In response to the American ‘melting pot’ ideology, Canada revised this title to “mosaic” to recognize Canada as a country that not only welcomes diversity but also supports minority communities. (“Multiculturalism” 2011)

emotional unity of people. In this paper, I will discuss the federalizing of monocultural secularism, the privatization of religion, and the development of human rights. To avoid the sometimes ‘universalizing’ arguments emerging from the debate surrounding the ‘Universal Declaration of Human Rights’, I offer examples of two alternate paradigms, the Jain community and the Inuit community, who have unique perspectives on the vesting and receiving of rights. I argue that the post-world-war construction of human rights is an attempt at critically problematizing ‘divine’ inspiration governing or justifying state affairs and the subsequent issues arising from abandoning culturally established norms of morality inherent to those religious institutions. The codification of human rights represents a way in which ‘secular’ societies are striving to express spiritual unity in a post secular age.

### **A Note on Qualifying Religion**

There is no universal working definition of ‘religion’ in the field of Religious Studies. As J. Z. Smith notes, “it can be defined, with greater or lesser success, more than fifty ways” (Smith 1998: 281). Smith heads a group of scholars who believe that Religious Studies need not exist at all and that ‘religion’ as a category either within or separate from culture is “solely the creation of the scholar’s study. ... Religion has no independent existence apart from the academy” (Smith 1982: xi). Given this excessive variance, I will leave it undefined. However, I will briefly describe the broad categories within which various definitions and methodologies fall. According to James Beckford’s definition, substantive definitions assume that there is a ‘thing’ that is religion, that it is universal, and

that it can be isolated from other aspects of culture or the self and studied (Beckford 1980: 2). Whatever religion may be, ‘functionalism’ is the study of what it does, whether defined by Emile Durkheim as social/cohesive, by Sigmund Freud psychoanalytically, or by Marx as economically deterministic. A functionalist definition encapsulates the dominant western paradigm (what I refer to as ‘public neo-Christian secularism’), including democracy, capitalism, individualism, and the vestiges of Christian tradition and law. Loosely put, it is a reflection of ‘our’ culture, and this applies to theists and atheists alike.

Religion, according to William James, is also an expression of the “ineffable” and/or the realm of the creative (James 1902: 55). That is to say, it is a manifestation of the spiritual or sentient self. Ancient Greeks called it *kephi*, Homer named ‘her’ “O Muse” (Homer: 1:1)—the birthplace of art, love, and whatever else it was that caused Le Corbusier to pursue his “machines for living” (Le Corbusier 1924: 151) and moved Robert Venturi to oppose them. This is perhaps less of a substantive definition of what religion ‘is’ and more of a creative ‘function’ to include with the ‘functionalists’. Nonetheless, it is a starting point.

## Chapter 2

### Secularization Theory and Debate

Durkheim, influenced by the predominantly Christian-cultured environment in which he was living, believed that 'traditional religion' would transform into social constructs like nationalism, dismissing its transcendent aspect as a simplistic, imprecise version of science or moral philosophy which would eventually fade into history (Durkheim 1925). That was the beginning of the secularization discussion in the modern period. Marx saw religion as the illusion of hope keeping the poor oppressed (Marx 1843: 131) and Freud argued that "if one attempts to assign to religion its place in man's evolution, it seems not so much to be a lasting acquisition, as a parallel to the neurosis which the civilized individual must pass through on his way from childhood to maturity" (Freud 1950: 155). Freud claimed "the time has probably come, as it does in an analytic treatment, for replacing the effects of repression by the results of the rational operation of the intellect" (Freud 1927: 44). To these great 19-20<sup>th</sup> century theorists and their Enlightenment predecessors like Hume, Jefferson and Voltaire, religion was doomed by reason to gradually disappear, as science unveiled the true secrets of nature and the purpose of life (Stark 1999). This is essentially the basis of the great secularization theory that dominated the 20<sup>th</sup> century.

Swatos and Christiano claim various secularization theories in western discourse emerged from a 'disenchantment' with the epistemological (in)accuracy of institutional Christianity that began in Europe and spread across the globe through colonialism and

globalization (Swatos and Christiano 2000: 3). Barbour (1966: 16-25) shows that in premodern times, the medieval concept of how the universe functioned was based upon ancient Greek philosophy and Aristotelian science. This, coupled with Biblical faith and a prophet figure were the underpinnings of Christian cosmology and, thus, premodern European governance structures. According to Barbour, pre-Galilean theologians envisioned the world's purpose as a stage for the God-Messiah-Man drama. When Europeans began to understand more about the vastness of the universe, those realizations began to crack the glass ceiling of Christian medieval science and cosmology in much the same way the discoveries of Copernicus and Galileo did. Earth was no longer the centre. Man was no longer the centre, nor was he special. Rapidly ensuing scientific discoveries only further confused attempts to understand the world while maintaining a literal interpretation of Biblical text. The Enlightenment and the movements that followed had Christian philosophers and scientists like Newton struggling with the function of theology and the place of science within the matrix of existence.

As Lambert shows, Enlightenment and post-industrial scholars including Voltaire, Kant and Locke believed in the concept of “endless progress”, namely, that the methods of modern science are infallible and will reveal the purpose of life and what happens afterward, as well as explain all human behaviour (Lambert 1999: 5). However, the epistemological truth-claims of Enlightenment-styled science were meant to replace the truth-claims of Christian epistemology. The resurgence of religious experience(s) in a ‘post-secular age’ arise from the difficulties science has in answering the so-called ‘great questions’ religion

endeavoured to address. Many European scholars in the 18<sup>th</sup> and 19<sup>th</sup> centuries predicted the ‘end of religion’. As Stark remarks, Thomas Woolston claimed religion would be completely gone by 1900 (Stark 1999: 249). Scientific discovery, it was thought, would answer the questions that had previously been addressed by religion. Stark describes how Enlightenment thinkers (like Frederick the Great) theorized that religious practices everywhere were in decline. As Swatos and Christiano (2000: 17) point out, belief in the supernatural was not really declining; Christianity was becoming just another “competing system of ultimacy” in a world of increasing plurality. There is no actual evidence proving a decline in religious expression so the 18<sup>th</sup>-20<sup>th</sup> century secularization theories about a western monolithic theistic paradigm of the past being replaced by a universal, monolithic, secular-scientific paradigm of the future simply represent, according to Stark, “the product of wishful thinking” (Stark 1999: 61).

Contemporary sociologists have attempted to salvage the spirit of what secularization and secularism mean in today’s society. Borrowing from Dobbelaere, Peter Beyer claims that from a multidimensional and institutional perspective secularization is a descriptive and not a predictive hypothesis. ‘New’ religious movements and ‘new’ fundamentalist movements are emerging from what some thought would become a monolithic, monocultural secular society (Stark and Bainbridge 1987). While religion has not dissolved, the way it is approached and studied requires academic renovation. Lambert, in particular, describes the importance of public versus private secularization or, as he calls it, macro, meso, and individual level secularization (1999: 5). Peter Beyer also offers an important

observation to secular theory, writing that “it may be that globally, at the level of individual involvement and orientations, religion is as strong or as weak as it has ever been. Yet that idea does not address the question of the social forms of religion and the broader societal influence and significance of those social norms” (2000: 94). Beyer sees society secularizing and decentralizing in certain public ways. In this analysis, the concept of secularization is relevant particularly when applied to the sociological functions and fluctuations of religion. Beyer further redefines religion by applying a sociological methodology and creating various sub-groupings including collective cultural religion, organized religion, state-enforced political religion, and individualized, ‘invisible religion’, or ‘bricolage’. The way religion looks, feels and functions is definitely shifting. As fundamental changes occur in the ways people view the physical world and the way they live and assemble socially, religion as a reflection of human creative expression transforms as well. Lambert describes some of the modern religious attitudes that impact these changes, including vocational ethics, pluralism, denunciation of religious formalism, equality, love ethics, pragmatism, and individualization, in an attempt to study the function of social religion (Lambert 1999: 9). These distinctions become increasingly important when addressing the ‘religious’ aspects of moral systems entrenched in ‘secular’ public institutions such as the Universal Declaration of Human Rights.

As exemplified by Le Corbusier’s industrial ‘paradise’, homogenization, corporatization, and sterilization are also byproducts of Enlightenment ideology. Peter Berger adds capitalism, mass media, ultra-bureaucratization, technology, temporality and

societal megastructure to the list of modernity's influences (1977: 75). The shift from small community-based governance structures to what Berger calls 'megastructures' means that a federal democracy, like Canada's, is administrated by means of a massive, impersonal network of governing structures controlling social systems. This form of sovereignty, as well as modern individualism, limits the perspective of the average voting unit to local authorities making 'ethical' choices minor as well as socially meaningless. Individuals make choices every day but collective decisions made by voting and legislation through third party representatives are disconnected from the personal involvement or attention of the individual. Borrowing from Alexis de Tocqueville, Charles Taylor describes this state of functional impotence as "soft despotism". He writes:

The government will be mild and paternalistic. It may even keep democratic forms with periodic elections. But in fact, everything will be run by an "immense tutelary power" (Alexis de Tocqueville) over which people will have little control... Once participation declines, once the lateral associations that were its vehicles wither away, the individual citizen is left alone in the face of a vast bureaucratic state and feels, correctly, powerless. This demotivates the citizen even further, and the vicious cycle of soft despotism is joined.  
(Charles Taylor, *The Ethics of Authenticity* [Toronto: Canadian Broadcasting Corporation, 1991], 10)

The administrative state described above by Taylor relegates the responsibility of mediating individual social behaviours, including religion, to the private sphere.

By trying to eliminate or privatize religion, Enlightenment thinkers also disconnected the grand narratives embedded within society. In a postmodernist existential crisis where nothing is true, nothing is new, and nothing has purpose, secularization, or the erasure of religious expression represents the reflection of a society endeavouring to "wipe the slate

clean” (Locke 1996: xix) or, to use Robert Bellah’s analogy, “trying to jump outside our skins into a realm of pure reason” (2006: 121). If the self does not create culture but culture creates the self, as Lawrence Cahoon (2003: 5) writes, and if postmodernism makes culture meaningless, then the self becomes meaningless.

Pluralism and the spiritual marketplace allow people to become individually selective in their self-formation choices. Relegating religion to the private sphere (and the individualization of society) has, to a large extent, personalized religious practice and the religious experiences of the individual, while society as a whole has seemingly absorbed the ethical system of the megastructure state’s corporate values of self-interest, material accumulation and indifference. As Berger remarks, individualism as a cornerstone of modern Western society is tied to the current trend of social inversion (Berger 1977: 75). People function as individual units of self-mediating morality in a public setting, deferring ‘moral’ responsibility (through legality) to the administrative state, or a megastructure that strives to be amoral.

There is no such thing as a morally devoid space, because people are meaning-makers. In his famous cave analogy, Plato describes how the people chained to the floor of the cave can see nothing but the shadows of the fire dancing across the dark walls that surround them. These shadows are their gods. When individuals break free from the floor they realize that the shadows are caused by puppets dancing behind the fire. These are their

new gods.<sup>4</sup> In other words, where meaning is removed, new meaning develops. People living together tend to adopt similar values in order to co-exist. In a pluralistic society with so many competing sets of values, a ‘secular’ democratic government resorts to creating a ‘neutral’ value-free public space whose primary function is economic. Cost effectiveness and economic strength become its principal concerns. The problem is that this is a code of ethics that is not secular, neutral or objective. Economic determinism is as ‘perfect’ a solution to cultural identity crisis as Le Corbusier’s concrete towers were to inefficient architecture. Just as artists reacted to unadorned, utilitarian, modern art in a cacophony of colours, forms, and with a whimsical nostalgia for the excessive and illogical embellishments of antiquity, religion with a twist is reincarnating from the graveyard of secularization not only in radical social movements but also in the form of fundamentalist religious movements (Lawrence 1998: 95).

Postmodern religious fundamentalism is also a response to Cartesian anti-Christian Nihilism (The New Atheist Movement [Burt 2011]). ‘Religion’ for many Western atheists is a loaded term with a very specific definition usually including monotheistic beliefs, supernatural agency, and the presence of a doctrinal moral code. The rejection of ‘theism’ is more indicative of a rejection of a perceived Euro-Christian cultural paradigm than a new human philosophical movement. Atheism is as functional as Le Corbusier’s plan to wipe

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<sup>4</sup> If they leave the cave, they see that the puppets were representations of real creatures living outside the cave. Looking up to the sun, they realize that it is the true god giving life to the earth. When they return to the cave, they try to tell their old cave-floor peers about the sun, but they are called insane and are stoned to death. (Plato 2010).

away Paris. It is an attempt not to build something new, but to take what some consider to be symbolic of human artistic and cultural splendour and others consider symbolic of human historical iniquity and completely destroy it, rather than come to terms with its complexity. In criticizing Le Corbusier and other Modernist artists, Robert Venturi writes that “in their attempt to break with tradition and start all over again, they idealized the primitive and elementary at the expense of the diverse and the sophisticated” (Venturi 1977: 16). Likewise, Durkheim remarks that “it may be said that nearly all the great social institutions have been born in religion... If religion has given birth to all that is essential in society, it is because the idea of society is the soul of religion” (Durkheim 1976: 419). Paris may be all that is wrong with the world for some, or it may be all that is right with the world for others, but to destroy it would be to destroy both, because both perspectives co-exist in the hearts and minds of people within it. Just as one cannot destroy society and be part of it at the same time, the New Atheist Movement (or post-war atheism in the West) represents a temporary shelter against the uncertainty of our times.

According to Taylor, the disadvantage of private plurality and state-sponsored secularism is that the previous authority of socially encoded morality no longer gives the government just cause for holding corporations responsible for ‘unethical’ choices and actions. As Taylor writes, “things that ought to be determined by other criteria will be decided in terms of efficiency or cost benefit” in a future of economic corporate rights over human or environmental ones (Taylor 1991: 5). If not Christianity or secularization, then what?

Rejecting a theocratic or monarchic authority and replacing it with a capitalist democracy creates a moral chasm where money determines action and money is power. ‘Incorporated’ companies in the United States were extended the rights of persons (‘corporate personhood’) on the back of the human rights movement.<sup>5</sup> While women still can’t own land in some parts of the world, corporations own the rights to music, writing, art and now even information. Almost any project is possible if financed by corporate interest.

So, with religious fundamentalism, on one hand, and unrealistic puritanical rationalism, on the other, there must be a valley of compromise as the dust of modernization settles. New Religious Movements and pseudo-ethical social movements have emerged, according to Stark and Bainbridge, to fill the holes left by the recession of Christianity in Western society in response to growing economic determinism (see Stark and Bainbridge 1987). One of these social movements is the emerging discourse of human rights as it mediates morality in various ‘secular’ spaces.

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<sup>5</sup> In the American case *Citizens United v. FEC*, corporations were granted the right to fund political campaigns as individuals. This means that policy-makers often owe their positions to corporations and lobbyists. This decision has set the precedent for subsequent court rulings regarding corporate personhood and the right to own property, the right to bear arms and a multitude of other ethical difficulties (Sopoci-Belknap 2011).

## **Chapter 3**

### **The Universal Declaration of Human Rights: A Global Attempt at Harmonizing Ethics**

Charles Taylor encourages people in ‘western’ culture to reassess the values our society is creating in today’s world. He believes our goal is to create a “culture of authenticity”, but we won’t know what that is if we don’t move beyond cultural critique to a candid evaluation of purpose (Taylor 2007: 34). Our government plays a significant role in cultural formation, and the increasing importance of the discourse of rights is the emerging forum where new theologies are expressed and enacted in the public realm.

The discussion of ‘human rights’ has become fairly mainstream in ‘western’ cultural narrative. Here, ‘western’ refers not to geography but echoes the ‘Western World’ characterization by former American president Franklin Roosevelt, who created the term ‘United Nations’ to describe the countries forming the ‘anti-German coalition’ (Doeneke and Stoler 2005: 63). Doeneke and Stoler tell us how these countries were associated with the victors of World War II. Through this alliance they homogenized their systems of governance and law to the extent that they adopted a legal body dependent on abstract individual and collective rights universal to all people without exception, based on the precept that it is possible to live in harmony despite cultural or religious incongruencies. As

written by Taine<sup>6</sup> regarding the French Revolution, “c’est, en vérité, le seul moyen de faire coexister les différences, les égoïsmes, les innombrables revendications hargneuses des familles, des races, des communautés, des associations, et des religions dans l’unité du droit et de la paix civile”<sup>7</sup> (Larousse 1989: 7). This internationally ratified 1948 Bill was called ‘The Universal Declaration of Human Rights’, drawing on a history of so-called ‘Natural Laws’ inspired by nature, a supernatural being, or by an innate human sensibility. This chapter will focus on the bill’s journey from righteousness and the ‘western’ perception of natural law to the contemporary United Nations Declaration of Human Rights, a narrative tied inextricably to the Enlightenment, secularization, and modern state formation, and a journey of influences which inform its character and content.

### **Natural Law and Human Rights as Righteousness**

Deriving some influence from the philosopher Plato, the first treatise on natural law is framed by the Roman orator Cicero.<sup>8</sup> He writes in *De Officiis* that “no man shall be allowed for the sake of his own advantage to injure his neighbour. ... This principle follows directly from the Reason which is in Nature. ... [L]oftiness and greatness of spirit, and courtesy, justice, and generosity are much more in harmony with Nature than are selfish

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<sup>6</sup> Hippolyte Taine is best known for his work on French Naturalism, and he started the Historical Criticism movement in Europe. (Kelly 1974: 143)

<sup>7</sup> English: “It is, in truth, the only way to balance differences, self-interest, and the numerous persistent demands of family, race, community, association and religion within the unity of civil law and peace.” (Author’s translation)

<sup>8</sup> Marcus Tullius Cicero (106-43 BCE) was a prominent lawyer, statesman and orator who spoke out against the conversion of the Roman Republic into an Empire. (Rieu 1971: i)

pleasure, riches, and life itself” (Cicero, *On Duties*, III, v. [Ed. E. V. Rieu 1971: 177]). This 44 BCE work had a significant impact on speeches and ideas compiled in the writings of the early Christian movement. According to Thornton, the first synthesis of Christian morality was composed by St. Ambrose<sup>9</sup> in a treatise modeled after Cicero’s (and quoted substantively). It became the basis for moral authority in the European Middle Ages. St. Thomas Aquinas, perhaps the most famous Christian philosopher-theologian, wrote extensively on Natural Law.<sup>10</sup>

Coyle claims that in these 4<sup>th</sup> to 13<sup>th</sup> century writings, the idea of Natural Law was transposed onto a singular supernatural force, the Jewish creator god Yahweh, and Natural Law formed the basis of the principle of ‘righteousness’ in several subsequent religious movements including Christianity and Islam (Coyle 1955: 224). A simple translation of the word ‘righteousness’ connotes ‘pleasing to God’ or ‘justified’ and essentially means that all behaviour is characterized as positive or negative in relation to being pleasing or displeasing to the deity as the ultimate creator of the natural world (Bornkamm 1995: 137). The ideology of righteousness and natural law remained popular as Christianity spread across Europe, enshrining moral and political authority in a singular god’s representatives on Earth, the religious specialists of Christian church communities.

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<sup>9</sup> Aurelius Ambrosius (340-397 CE) was born 28 years after the deathbed conversion of Constantine the Great to Christianity, living during one of the most pivotal and influential periods in early Christian history. Along with St. Augustine, St. Jerome and Pope Gregory I, St. Ambrose is one of the ‘Great Doctors of the Western Church’. (Thornton 1879: 1-13)

<sup>10</sup> Thomas of Aquino is often called the father of Natural Law, as he disseminated his writings on the subject to a wide Christian audience. He is also considered the father of Christian philosophy. Goyette, Latkovic and Meyers 2004: xi,xii, 199)

Howard (1998: 8) argues that the *Magna Carta* of 1215 represents a movement away from the traditional interpretation of natural law to an application of rationality and interpretation of authority. After a series of unsuccessful wars and conflicts with the Pope, King John of England was forced by his barons to sign a charter restricting his authority and protecting the rights of non-serf British males. The document's full name is *Magna Carta Libertatum*, or the Great Charter of Freedoms, and it represents a significant precursor to later conceptualizations of rights. This changing outlook eventually led to questioning the Catholic Church itself in the Protestant Reformation of the 16th century where a large portion of Christians, the predominant religious affiliation in Europe at the time, separated into a distinct aniconic movement emphasizing the power of the individual over centralized Papal control.<sup>11</sup>

### **Human Rights as Inalienable**

Individualism is the keystone of human rights. The writings of philosophers, theologians and political theorists in Europe and the European Americas after this time such as Kant and Rousseau reflect the end of tribalism and collectivism and mark what Charles Taylor calls an axial turn into a new age of rationality (Taylor 2007: 611).

So, too, Descartes believed that the rational problem with religion, philosophy and the humanities in general was people could not agree on the truth. He claimed certainty was

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<sup>11</sup> The Protestant faction further splintered into a variety of subgroups by the sixteenth century. The Age of Religious Wars, one hundred years of wars across Europe between Catholics, Lutherans, Calvinists, Puritans, and Anglicans followed this period, including The French Wars of Religion (1562-1598), English Spanish wars (1553-1603), and the Thirty Years' War (1618-1648). This is a very sparse relation of the Protestant Reformation. For a comprehensive account, please see Kagan, Ozment and Turner (2004: 353-389, 389-417)

possible through laws and principles derived from mathematics (Tantillo 2002: 3).

Descartes' famous line, "Je pense donc je suis,"<sup>12</sup> means that the individual should begin the process of obtaining knowledge by assuming everything is not real and collect data based on the thinker's own senses. He created a separation between the thinker and the world and this idea was grafted into natural law. By this logic, the human capacity for thinking placed them highest on a hierarchy of creatures, and animals or other living things fall within a "chain of being" organized on the principle of their relation to the thinking human. While these theories exploded in popularity, critics emerged (with far less influence). According to Tantillo, Romantics and artists like Goethe rejected teleology, the chain of being, preformation and the idea of epigenesis (Tantillo 2002). Goethe wrote that observing one's own theoretical perspectives and biases instead of making absolute (and supposedly objective) claims would produce more useful results. Contrary to natural law as a set of universal laws common to all life, he believed that "nature's parts, whether animate or inanimate, act according to their own impulses. ... These impulses, moreover, are different than instinct and the formative drive. ... Nor does nature act as it does due to divine intervention or divinely inspired ordered rules. The behaviour of nature is largely explained by its will to create." Goethe contended that "the theories of men like Newton and Descartes are impeding our understanding of nature" (Tantillo 2002: 1). Goethe argued that nature should be observed and understood as a whole matrix in action, in dynamic interplay, not as isolated elements. To date, there is no law of human behaviour agreed upon by all scientists,

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<sup>12</sup> 'I think therefore I am'. See Descartes (1856: 24).

theologians, politicians and economists; according to Tantillo, Goethe wrote that any law humans create to explain nature must also be equally applicable to humans, and the separation of the two is a faulty paradigm. However, Goethe was famous for his art, not his philosophy, and the Cartesian model of instrumental rationality prevailed as the growing dominant paradigm of Europe.

The mid 18th to mid 19th century bore witness to a cross-Atlantic cultural revolution in Europe and newly created European colonies. It was the time of Voltaire, Newton, Rousseau, Jefferson, and Catherine the Great. The steam engine was invented, the Wars of Spanish and Austrian Succession took place, the storming of the Bastille occurred on the eve of the French Revolution, while across Europe and overseas the Seven Years' War raged and the American Republic was born. The development of European colonies in North America created a liminal space in a land separated from Europe by a great expanse of ocean where concepts of individualism born of European revolutionaries seeded and ripened in the “fresh, green breast of the New World”—a vision reminiscent of Nick Carraway, the narrator in F. Scott Fitzgerald’s *The Great Gatsby*.<sup>13</sup> A group of politicians, philosophers, scientists and businessmen formed a government independent from their British rulers, and the more

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<sup>13</sup> F. Scott Fitzgerald’s memorable narrator Nick Carraway in *The Great Gatsby* describes looking out over Long Island Sound, imagining a time before all the mansions were built: “Most of the big shore places were closed now and there were hardly any lights except the shadowy, moving glow of a ferryboat across the Sound. And as the moon rose higher the inessential houses began to melt away until gradually I became aware of the old island here that flowered once for Dutch sailors’ eyes - a fresh, green breast of the new world. Its vanished trees, the trees that had made way for Gatsby’s house, had once pandered in whispers to the last and greatest of all human dreams; for a transitory enchanted moment man must have held his breath in the presence of this continent, compelled into an aesthetic contemplation he neither understood nor desired, face to face for the last time in history with something commensurate to his capacity for wonder.” (Fitzgerald 1993: 115)

geographically Southern colonies of North America were declared united in the form of one large state-system country calling itself the United States of America. In 1776, Thomas Jefferson, the young clerk who penned the Declaration of Independence, wrote that “we hold these truths to be self-evident; that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness” (Squella 1989: 199). This large, economically strong territory was now a republic, unshackled by some of the constraints of deep-rooted, systemic aristocratic authority of their European ancestry.

France’s leader Napoleon Bonaparte found that war with England at home as well as in the Americas was fiscally unsustainable, and sold ‘Louisiana’<sup>14</sup> for fifteen million dollars to America under Jefferson. He wrote that “this accession of territory affirms forever the power of the United States, and I have given England a maritime rival who sooner or later will humble her pride” (Godlewski 1977: 320). As Kagan and Ozment note, France continued funding America's war efforts to capture land from England’s control to further subvert their British enemies (Kagan and Ozment 2004: 574). Braff describes how during this time, Napoleon rediscovered the ancient city of Pompeii, heavily influencing French architecture and culture.<sup>15</sup> Pierson and Cooper write that this influence carried into the United States, where American politicians sought to cut England from their history and

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<sup>14</sup> “Louisiana” refers not the modern southern American state of Louisiana, but a 2 100 000 km<sup>2</sup> territory constituting 23% of the land that is the United States today, including fourteen contemporary American states. (“Louisiana Purchase: 1803.” 1992)

<sup>15</sup> For example, Napoleon commissioned the Arc de Triomphe in Paris after the excavation of the Roman Forum. (Braff 2001)

associate with the pre-British Empire Roman Republic. As the USA began its search for national identity, a deep attraction to Neoclassicism emerged;<sup>16</sup> not only were its roots detached from and predating European aristocracy, ecclesia, and centuries of European power struggles, but the ‘Founding Fathers’ of America envisioned the beginning of a great empire, much like that of ancient Rome (Pierson 1986: 214). Jefferson, a scholar of classics, drew heavily from the writings of Cicero and the ideals of natural law in his own publications on democracy. In 1784 he made the fashionable grand tour,<sup>17</sup> ending in France where he spent five years as ambassador, and he witnessed firsthand the events leading to the French Revolution. Lehman describes how Jefferson was amazed to realize through the discovery of political campaign propaganda painted across the walls of the buildings lining the *via Nucarina* in Pompeii that positions of bureaucratic importance could be filled by people of lower social status (Lehman 1949: 98). After repression by and subsequent separation from imperialist British rule, America was receptive to the concept of democracy.

While Christianity became less accepted among the aristocracy during this politically tumultuous period, Cicero’s work remained popular. Voltaire, a French philosopher advocating democracy, wrote in 1771 of *De Officiis* that “no one will ever write anything more wise, more true, or more useful” (Rieu 1971: 157). Many French Enlightenment

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<sup>16</sup> Many Roman themes are evident in early American iconography, most notably, the arrow motif, the eagle, and the adoption of a Senate structure of political legislature. (Cooper 1993: 274)

<sup>17</sup> The Grand Tour was a voyage lasting from several months to several years taken by wealthy young men who had completed their literary education, notably the study of Greek and Latin literature. Often they would leave with several servants and tour guides (and sometimes an artist to document the trip) and return home with trunks of souvenirs as testaments to their wealth and culture. (Wilson 2004: 466)

thinkers drew on the concept of Natural Law. Jean-Paul Rabaut de Saint-Étienne wrote that “notre histoire n’est pas notre code,”<sup>18</sup> representing the shift in European modes of thinking to an era of historical criticism where instrumental rationality unpacked the origins of laws both codified and unspoken of society (Larousse 1989: 5). The American Revolution and subsequent French Revolution were the solidification of the category of ‘Natural Laws’ into something called rights through the concretization of the abstract principles of “liberté, égalité, et fraternité” (Larousse 1989: 6).

Many philosophers of this period are worthy of mention, as their popular writings both reflected and influenced the sentiments of politically unstable societies on the brink of the formation of nation-state identity and radically different forms of political governance. Thomas Paine in the United States (*The Rights of Man*), John Stuart Mill in England (*Essay on Liberty*), and Friedrich Hegel in Germany (*Science of Logic*) all explored the concept of universality during the 18<sup>th</sup> and 19<sup>th</sup> centuries—and are still heavily debated today.

### **Human Rights as a Political Responsibility**

The next great shift in the human rights movement was the emergence of the labour movement. While democracy (in its various structures) was the powerful new governance ideology of nations considered ‘modern, free societies’, critics such as Friedrich Engels, Karl

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<sup>18</sup> English: “Our history is not our future (our doctrine).” (Author’s translation)

Marx (Marx and Engels 1888), Pope Leo XIII<sup>19</sup> and members of the Chartist Movement pointed out that the conditions of the poorer working class did not actually improve with the extension of democracy. As the ‘working poor’ often did not own land they had no right to vote, ceding any influence they might have had in a democratic system over laws which continued to benefit the wealthy. The Chartists critiqued the vague concept of ‘liberty’ as it became clear that while impoverished employees with dependants were ideologically free to quit their jobs, realistically that freedom was an illusion (Held 1989: 217). Louis Blanc exclaims that “the poor man, you say, has the *right* to better his position? So! And what difference does it make, if he has not the power to do so. What does the right to be cured matter to a sick man whom no one is curing?”<sup>20</sup> The transition from the communal village system to the Industrial Revolution spurred by agricultural innovation and booming cross-Atlantic trade, brought the issue of the industrial class to the fore as the urban poor population exploded. Held writes that trade unions, riots and revolution forced wealthy landowners to establish laws concerning minimum working conditions and wages, and the regulation of child labour. In France, fifty-nine years after the French Revolution, over twenty-nine thousand workers took up arms against the government demanding political reform; this resulted in an estimated ten thousand deaths, and eleven thousand insurgents

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<sup>19</sup> Pope Leo XIII issued an influential Papal Encyclical called the *Rerum Novarum* in 1891 on the subject of the reprehensible working and living conditions of the working classes, and the “prevailing moral degeneracy” of the wealthy who allow it. (Pecci 1891)

<sup>20</sup> “Right considered abstractly is the mirage that has kept the people in abused conditions since 1789... Let us say it then once and for all: freedom consists, not only in the RIGHTS that have been accorded, but also in the power given men to develop and exercise their faculties, under the reign of justice and the safeguard of law.” (Ishay 2004: 140)

were shipped to the colonies. In 1871, another fifteen thousand French anarchists and socialists supporting the Paris Commune were killed in violent protests, tainting the influence of popular writer Karl Marx (Held 1989: 125). However, as Held notes, the spirit of revolution spread across Europe and across the Atlantic with unstoppable momentum. In South America, Simón Bolívar and José de San Martín led the Latin American Independence movement against European colonial powers, and Greece became a nation independent of Turkish control (Held 1989: 122).

### **Human Rights and Secularization**

The first documented usage of the term “Human Rights” emerged in Henry David Thoreau’s *On the Duty of Civil Disobedience* of 1849 (Thoreau 1964: 10). Marx and Engels also wrote that achieving universal Human Rights meant “the dying out of religion”, and that the freedom of religion espoused by various rights declarations was a way for wealthy conservatives to maintain their power (Marx and Engels 2001: 90). Micheline Ishay tells us that the ideals of human rights at this time “were associated with the pretence of a universal liberal and religious morality that camouflaged the particular interests of the bourgeoisie” (Ishay 2004: 130). Universal Human Rights for all became the new way in which Christians “should feel obligated to ameliorate the economic and political conditions of the working class” (Ishay 2004: 130). Marx and other socialists also advocated universal human rights for all, but their own versions they thought to be less Christian. Where Marx thought that revolution and progress would come from an uprising proletariat “who had nothing to lose

but their chains” (Marx and Engels 1998: 15), Hegel saw the emerging business middle class—“the pillars of the state, as far as honesty and intelligence are concerned” (Hegel 2008: 175)—as the source of equalizing political change. Marx’s proletariat won victories in the labour movement through strike and uprising as seen more starkly in France, but the antislavery movements and women’s rights movements that swiftly followed particularly in the U.S. were both processes of intellectual organization on the part of middle-class women and their allies and groups such as the Quakers that had been advocating equality since the 15<sup>th</sup> century joined alongside the emerging suffrage organizations.<sup>21</sup>

Slavery was abolished in Canada, followed by the rest of the British colonies in 1833; not so in the United States.<sup>22</sup> In 1828, British ambassadors and Canadian representatives granted legal freedom to “every slave who affected his landing upon British ground”, guaranteeing sanctuary to all who made it north of America’s borders (Howe 1864: 14). From then onward, the number of fugitives fleeing from the United States to Canada steadily increased. The early American economy was heavily reliant on the abundance of New World natural resources, however, by the end of the 1700s major industrial business was thriving, mostly in the Northern regions. The Southern states continued to rely on traditional

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<sup>21</sup> In 1758, Quakers ‘owning’ slaves could no longer attend meetings, and by the New England Yearly Meeting of 1770 it was declared that all Quakers with slaves must manumit them. Any practitioners who refused to free their slaves were removed from their Meetinghouses. 1780 saw freed slaves and racial minorities officially invited to attend Quaker services and events as equals. (Marietta 2007: 117) (Switala 2001: 6)

<sup>22</sup> In the pre-constitutionalized days of the Canadian region, the French colonies supported slavery, and when the English gained control, the practice was further promoted by British monarch George III, who published an Act “for encouraging new settlers in his Majesty’s Colonies and Plantations in North America”. As noted above, by 1833 slavery was abolished. (Howe 1864: 8)

agricultural practices, boosted massively by the forced labour of Africans abducted from their homes and taken as prisoners across the Atlantic Ocean. Twenty percent of Africans died of dehydration before ever reaching the Western continents (Falola 2007: 397). Brutal treatment and living conditions as well as the changing economy made it increasingly difficult for American slaveholders to justify slavery. Quaker communities in the United States and Canada organized a network of safe houses called the Underground Railroad, where escaped slaves were sheltered while making their way north to legal freedom in British Canada. Slavery was abolished in New England by 1800 due to constant government petitioning by large antislavery Quaker societies (Blackburn 1988: 97). The election of Abraham Lincoln in 1860 marked the challenge of free labour to the Southern plantation economy. After a gristly Civil War, in 1866 the United States extended the rights of the Declaration of Independence to black American men (Salhany 1986: 4), forcing the labour-driven cotton industry of the South to invest in the farming equipment manufactured by Northern industries.<sup>23</sup>

Many key figures in the abolition movement had been women and women's organizations, however, "the weaker sex" was still denied the rights outlined in the various bills of human rights (Grudem 1988: 144). As Ishay states, they were "used and exploited as the cheapest segment of the labour force" working in factories for as many hours as men and

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<sup>23</sup> In addition, in 1800, ninety-six percent of the slave population lived in the Deep South and Border South, so the Slave States feared that abolishing slavery would release a giant influx of impoverished labour surplus onto the economy, causing a recession. Their economy would be crippled, and they were already indebted to the North by three million dollars. (Briggs 2003: 44) (Catton 2005: 161)

for less money, and going home afterwards to care for children and husbands (Ishay 2004: 161). Quaker Susan B. Anthony who had fought for abolition founded the National Women's Suffrage Association with Elizabeth Cady Stanton in 1868. Virginia Woolf wrote that "as a woman I have no nationality, as a woman my country is the world" (Braidotti 1994: 253), and the suffragettes fought for the rights of women everywhere.<sup>24</sup> In 1918, suffrage societies founded by such revolutionaries as Millicent Fawcett and Emmeline Pankhurst celebrated political victories in Britain and in 1920, women were granted the right to vote in the United States constitution as well.

Widespread industrialization and population explosion contributed to significant changes in social orders. Ishay writes that national liberation movements all over the world drove out their colonial overlords, uniting under a national identity. Massive-scale production of goods made regions band together for economic consolidation. For example, Germany's thirty-nine independently ruled small states joined to form a confederacy (Ishay 2004: 121). Thus, an era of nation-building dawned, and imperial rivalries escalated and solidified to a state of war involving more people than ever before in history. We call this period the 'World Wars'.

Massive nation-state wars lead to crashing social disillusionment as the dreams of universal rights fell to pieces. Democratic nations developed technologies to more

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<sup>24</sup> These prominent suffrage associations focused on recruiting middle and upper class women, however, they worked to gain voting rights, child custody and inheritance rights, and other measures of legal equality on behalf of all women. For example, British and American suffrage societies supported the Women's Suffrage Alliance, a Chinese feminist association, both financially and in solidarity to march on parliament demanding the right to vote. (Ishay 2004: 165)

efficiently kill each other on an exponentially larger scale. Keene cites estimates that over one hundred million people were killed in World War I and World War II (Keene 1995: 124). Attributing the term to his mentor Gertrude Stein, Earnest Hemingway (1996: 29) refers to this age cohort of both survivors and fatalities of the Wars, as ‘The Lost Generation’.

This ‘Lost Generation’ gave birth to an alliance of states and in 1945 an organization called the United Nations was formed to facilitate regular dialogue between nation-states to avoid future-armed conflicts. Arising from treaties on universal ‘laws of war’ the *International Bill of Rights* of 1948 was created to form a loose, ideological legal foundation for the principles of the United Nations. The term “United Nations” was first used by Franklin Roosevelt to describe the Allied Powers, and it was first used in literature to describe the 26 governments that had signed the Atlantic Charter, pledging that “their countries seek no aggrandizement, territorial or other... they respect the right of all peoples to choose the form of government under which they live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them... all the nations of the world, for realistic as well as spiritual reasons, must come to the abandonment of the use of force... They will aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments” (Brinkley and Facey-Crowther 1994: xvii). This international alliance meant the privileging of democratic values, Christian religion, and capitalist economies on the world stage. As presaged by Marx and Ishay the Declaration of Universal Human Rights as it stands today reflects a very specific

cultural agenda. One of the greatest current criticisms of the United Nations is that it is sometimes viewed as the “oppressive legacy of Western domination of the rest of the world” (Ishay 2004: 5). Whether or not that is a fair or realistic description is a subject of great debate beyond the scope of this essay. However, there seems to be no solution to the pitfalls of both cultural relativism and universalism. Many European democracies and their colonies experience post-imperial guilt and confusion, fearing to adopt, as Hellgren and Hobson point out, “a simplistic view on ethnic communities... that sees western people as less bound by culture – and more morally mature – than ‘primitive others’” (Hellgren and Hobson: 2008: 399). We see inherent in the ideology of Universal Human Rights is the acceptance of individualism, modernization, and capitalist culture tied to the powerhouse states of the United Nations. By contrast, arguments for cultural relativism sometimes contribute to the further repression of women and other underprivileged minorities who may have immigrated to escape some form of inequality. In regards to the protection of minority religious and cultural practices, Bruckner argues that “enthusing about their inviolable differentness alleviates us from having to worry about their condition. However it is one thing to recognize the convictions and rites of fellow citizens of different origins, and another to give one's blessing to hostile insular communities” (Bruckner 2007: paragraph 12).

The text of the Declaration of Universal Human Rights certainly can be related to ‘western’ sources, but that does not mean that it does not reflect the values of many of the world’s cultures. World leaders met and discussed the definition of human nature—Lebanese delegate Charles Malik asked “Is man merely a social being? Is he merely an

animal? Is he merely an economic being?" (Glendon 2002: 39) Weeks of heated discussion followed. The drafting committee for the Universal Bill of Rights was shortlisted to include American Eleanor Roosevelt, Chinese philosopher Pen-Chung Chang, Malik, and Canadian John Humphrey. Accusatory disagreements continued, and Humphrey was given the task of drafting it himself. French ambassador René Cassin took Humphrey's list of forty-eight rights and reorganized it more eloquently, and Malik presented it to the General Assembly. He declared that it was a truly universal treatise "where [each nation] could either find its own contributions or the influence of the culture to which it belonged" (Sunstein 2002: paragraph 4). Sunstein notes that Indian delegate Hansa Mehta "played a key role in advancing the antidiscrimination principle, especially with regard to women," "political and civil liberties owed a great deal to the work of the United States and the United Kingdom, and the social and economic rights were greatly influenced by the Soviet Union. Thus the Declaration had been produced on a firm international basis wherein no regional philosophy or way of life was permitted to prevail," to the extent that the concerns of non-democratic and non-Christian nations were free to be culturally interpreted in context within the significantly vague terms of the Declaration (Sunstein 2002: paragraph 5). Jacques Maritain, a prominent French Catholic theologian who was involved in the discussions told the media that "yes, we agree about the rights, but on condition that no one asks us why. [We agree] not on the basis of common speculative ideas, but on common practical ideas, not on the affirmation of one and the same conception of the world, of man, and of knowledge, but

upon the affirmation of a single body of beliefs for guidance on action" (Sunstein 2002: paragraph 7).

Notable critics include some libertarian groups uncomfortable with the overregulation implicit in the right to "social protection" (The Universal Declaration of Human Rights: Article 25) and Article 26's endorsement of compulsory education (The Universal Declaration of Human Rights: Article 26), as well as representatives in some Islamic countries arguing that the Declaration is "using the universality of human rights as a pretext to interfere in the states' internal affairs and impair their national sovereignty" (Resolution 62/27-p, number 7: Organization of the Islamic Conference). In 1990, 45 countries signed the Cairo Declaration on Human Rights in Islam, an alternative Declaration "reaffirming the civilizing and historical role of the Islamic Ummah which God made the best nation ... to guide a humanity confused by competing trends and ideologies and to provide solutions to the chronic problems of this materialistic civilization" (The Cairo Declaration on Human Rights in Islam: Preamble). It grants the rights of men to supervise the control of property, children, and the duties of women, the prohibition of conversion to atheism, and other proscriptions that are inconsistent with the Declaration of the United Nations.

In addition, the Declaration faces criticism from atheist groups. Article 1 of the Universal Declaration of Human Rights states:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.  
(The Universal Declaration of Human Rights, Article 1)

Article 2:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.  
(The Universal Declaration of Human Rights, Article 1)

This message appears in response on the homepage of [www.newatheistmovement.com](http://www.newatheistmovement.com):

All people are NOT equal... Children are not equal to adults. A baby is not necessarily equal to a child. A very old, dying man is NOT equal to a healthy infant. We all of us place different value to different people based on varying degrees of evaluation... I am NOT the same as a criminal, a murderer, a Chinese baby, a woman, the destitute, the rich, a genius, or a want-wit. A woman who sells all her possessions in order to feed a starving child is not the same, or the equivalent of a triple-murder-rapist. This is such an obvious statement of fact, yet so often overlooked because of the throw-away lines available.  
(Trevor Burt, "Let's Think for a Change" [New Atheist Movement, April 2011] [www.newatheistmovement.com](http://www.newatheistmovement.com))<sup>25</sup>

This argument proposes that either circumstance does not excuse or affect punishment, or that people should be categorized and punished according to their group. The Universal Declaration of Human Rights states that all people are equal, however, this does not mean that all people are 'the same'. For example, whether or not an individual has committed a crime, (s)he has the right to a fair legal process before being convicted regardless of race,

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<sup>25</sup> "The New Atheist Movement is an organization that promotes New Rules of Conversation and public discourse primarily concerning, but not limited to, religion and its adherents, as well as informing the general public about what Atheism, Anti-theism, and Agnosticism stands for in a modern context."  
[www.newatheistmovement.com](http://www.newatheistmovement.com)

gender, etc. The declaration also offers special protection to children and mothers due to recurrent vulnerability.

Despite controversy, the effects of the Declaration on post-war political movements are significant. Almost every constitution created “in the aftermath of communism” has been influenced by the Declaration, sometimes quoted verbatim (Sunstein 2002: paragraph 3). In the midst of political revolution in Egypt in 2010 and elsewhere in the Middle East, the Declaration’s words are a source of empowerment for those seeking political and civil liberties within authoritarian regimes (The Egyptian Organization for Human Rights 2010).

## Chapter 4

### Alternative Rights Paradigms

The aspect of the Declaration drawing considerably from ‘western’ influence is the emphasis on *human* dignity. The Universal Declaration of Human Rights deals exclusively with the rights of humans. As mentioned earlier, this mentality stems from the Cartesian concept of humans being the greatest, most important creatures on earth, separate from and responsible for all organisms ‘below’. Increasingly, we are realizing that sustaining human life requires respecting (and even offering rights to) the environment, animals, plants, and other inhabitants of the earth. According to a Cree prophecy, “when all the trees have been cut down, when all the animals have been hunted, when all the waters are polluted, when the air is unsafe to breathe, only then will you discover you cannot eat money” (Oikarinen 2011: 166). Increasing concerns about the state of the environment and non-sustainable industrial and commercial practices as well as the growing social exchange between Western nations and cultures that value non-violence have contributed to changing attitudes regarding the rights of non-humans. While countries like India have embraced the mandate of the United Nations in regards to upholding the Declaration of Human Rights, it would be interesting to see what a declaration of rights would look like if it originated in India, or elsewhere.

For example, the Jain communities of India believe that while of all living things humans have the most influence on the world, humans are not separate from nature;

reincarnation means that humans, animals, plants, and even the five elements (earth, water, air, fire, and space) are interconnected (Shah 1998: 102). According to Jain teaching, the most important principle is that of *ahimsa*, commonly translated as non-violence. Jains are perhaps most famous for their avoidance of killing things, including animals, insects, water *jivs*,<sup>26</sup> and other living beings. In Jainism, even using negative words is considered violence. Some practitioners do not tread on grass and some wear the *mupatti*, a mouth covering, to avoid breathing in air *jivs*. When confronted with Jainism and its doctrine of non-violence, people often ask: if violence is wrong, then where should it end? This is actually the wrong question, as *ahimsa* specifically concerns intention, not violent acts. Mehta clarifies that *himsa* does not mean violence, but literally translates to “wish to kill” (Mehta 2009: 10). It is not the actual killing, the violence itself, but the *wish* to kill that needs to be conquered. While these concepts may go hand in hand, it is an important distinction to make; for example, if you crush a bug by accident, you have committed violence, but that in itself is not the crime. If a fly is buzzing around your head and you try to squish it, the crime is in the *wish* to harm, not the harm itself that is caused or not caused. As Shah writes, “The practice of treating other souls as equal to our own, virtuous thinking, and meditation all help to nullify the potentiality of karmic body in harming others as well as ourselves” (Shah 1998: 102).

The second principle is that of *anekantavada*. *Ekanta* means ‘absolute’, *anekanta* means ‘non-absolute’, and *anekantavada* means an infinity of viewpoints (Singh 1993:

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<sup>26</sup> *Jiva* is the Jain word for spirits, life forces, or the eternal matter in a finite being. (Shah 1998: 47)

14:4). According to this doctrine, all things are true, all perspectives are valid.

*Anekantavada* also is “the basis of the Law of Causation, because an ‘absolute real’ can neither be cause nor an effect” (Singh 1993: 2:7). As Singh explains, “a thing is neither an absolute unity nor an irreconcilable multiplicity. In fact it is both, multiplicity-in-unity” (Singh 1993: 2:7).

Gandhi (not a Jain, but influenced by Jaina ideas) said that “the greatness of a nation and its moral progress can be judged by the way its animals are treated” (Gandhi 1927: 137). Some critics of the Animal Rights movement (and by extension Jaina philosophy) argue that by granting rights to nature, human life is devalued. Philosophies like Jainism reveal that it is possible to operate within a cosmology that ideologically values all life equally (though still hierarchically) without destroying humanity in its practice. Jains recognize the impossibility of complete non-violence—simply, one must breathe—but advocate the elimination of the *desire* to harm, reflecting a philosophy of respect toward all living things. The principles of *ahimsa* and *anekantavada* are a Jain declaration of rights.

The Inuit paradigm also values an integrated relationship between humans and the environment. To the Inuit animals are equal players within the community. English-speaking *Qallunaat*<sup>27</sup> colloquially use the word “animal” in a pejorative sense to connote ‘wild’ or ‘savage’ behaviour. The use of terms, such as “it,” to refer to one’s animal kin overlays an involuntary value judgment and a hierarchy on day-to-day communication in *Qallunaatitut* or non-Inuit language. Within a life system words have power as symbols that

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<sup>27</sup> *Qallunaat* refers to non-Inuit peoples. It is translated as ‘people who wear unnatural textiles’. (Stevenson 1997: xxi)

assign and create meaning, and the language of the Inuit characterizes and re-inscribes the Inuit social world. While Cartesian logic places humans outside of the ‘natural’ world and the human mind outside of his/her body, Inuit see themselves as integrated pieces of the ecosystem and environment. The discourse of ‘traditional people in a modern world’ implies that these life-ways are no longer compatible with the world in which they are situated. Today they have been driven to the boundaries or margins of Canadian society, facing poverty and unemployment in a “land of plenty”—to borrow a phrase from DuFresne (DuFresne 2009).

‘*Iñua*’, the Inuktitut word for ‘life-force’ is applicable equally to an Inuit woman, child, man, polar bear, salmon, or seal (Guédon 2008). The non-human persons within the northern Canadian landscape are part of the social world of human persons. In traditional Inuit stories, animals are often interchanged with humans and share similar social characteristics. In the popular story of Sedna, as told by Nakasuk, the woman gives birth to puppies who founded nations, and within Inuit communities dogs who are members of the household are seen as members of the family (Nakasuk 1999: 155). Anthropologist Marie-François Guédon notes that “we [humans] are different than animals in our speech and our mental construction. Our similarities lie in our emotions and reactions to each other” (Guédon 2008). The distinction in western culture of man as the only soul-carrying, sentient being does not characterize Inuit-person, non-human person relations.

The discussion of extending rights beyond humans is tied to the concept of rationality in western science and the legitimacy of logic. As Dunbar (1968: 37) contrasts, to Inuit, the

invisible side of the world is vastly larger than the visible side. The physical world is saturated with a massive interconnected web of psychic currents to be mastered. An integral part of this worldview is The Dreaming. Thoughts, feelings, instincts, dreams, and emotions are all as important as the temperature, the shape of a house, or the sound of a drum. The Dreaming means that the world of the body and that of the mind are inseparable and co-creative (Bodley 2005: 38). Inuit 'sacredness' (if that word is appropriate in this context) permeates all aspects of life, becoming a way of being instead of a segregated 'thing' called religion. Exposure to Inuit philosophies reveals that it is possible to operate within a cosmology that cherishes all life within a system of interdependence without devaluing humanity in its practice. To the Inuit, human-persons are not privileged over other-than-human persons in terms of cosmological importance. For example, if treated with indignity in death, the polar bear's *iñua* will take vengeance on the community, or else refuse to be reborn to perpetuate the hunting cycle (DuFresne 2009). It is dangerous to kill one without the help of a shaman. The shaman's success as a spiritual specialist is determined by his or her ability to convince animals to sacrifice themselves to hunters. A good hunt is indicative of powerful magic. Animal souls are considered to have equal power to human souls, such that a *nanuq* (polar bear) can be a shaman (Guédon 2008). When a creature dies, its soul resides within the beings that ate it. People (human or non-human) are in a process of collecting souls. An Inuk hunts through a process of enticing the prey to give its soul away through various rituals of respect, so hunters (Inuk) who can't seem to make any kills are chastised for being disrespectful. Eating an animal means ingesting its soul, a powerful

force that could potentially destabilize the soul of the Inuk, therefore rituals and respect are necessary in a sort of covenant of mutual compassion. As Houston observers, properly returning the bones to the sea is as important to the hunter as interring his own body correctly (Houston 2004). This is popularly called the ‘diet of souls’ representing a careful balance between all members of an ecosystem (Houston 2004). John Bodley notes that while *Qallunaat* culture seems to focus on accumulation of irreversibly manipulated materials and processed goods to be stored in some sort of containment, the material culture of foraging aboriginal societies lies within the vastness of nature and the environment (Bodley 2005: 36). When nature is wealthy, the people (*et al.*) are wealthy, and reorganizing it in an unsustainable way seems suicidal (Wenzel 1991: 60). As Annahatak notes, traditional ideologies and life-ways are sometimes difficult to blend with increasing dependence on a market economy (Annahatak 1994: 15).

These brief examples of Jain and Inuit alternate worldviews or life-ways concerning the vesting of rights represent ideologies increasingly acknowledged by and influencing so-called secular industrial democracies. In 1988 Sweden introduced a Bill of Rights for farm animals preventing factory farm crowding, hormone induced growth, and excessively inhumane slaughter (Lohr 1988; Sweden 2009: The Animal Welfare Act). Tolstoy wrote that “as long as there are slaughterhouses, there will be battlefields,” remarking on the connection between all variations of exploitation and violence (Tolstoy cited in Ives 1998: 152).

Even plant suffering is being explored. In Switzerland, the Federal Ethics Committee on Non-Human Biotechnology has extended protective rights to plants in the form of “the protection of biodiversity, species protection, and the duty to take the dignity of living beings into consideration when handling plants” (Willemsen 2008). Plants have defenses for self-preservation; they use poisons to discourage interference, some try to prevent themselves from being touched, they warn each other of diseases and approaching dangerous insects, they sense light, smell, taste, touch, and possibly sound. Each plant has an individual genetic composition. The strongest argument against protecting their rights as equivalent to those of humans is that it would be incredibly inconvenient.

Indeed the post-humanist movement further pushes the limits of rights boundaries since, as Kittler notes, “the age of media... renders indistinguishable what is human and what is machine” (Kittler 1999: 146). Post-humanism and the growing reality of human presence in space impel us to consider the agency of lives we will encounter on other planets.

## **Chapter 5**

### **Conclusion**

The idea of the secular state is a grand one, allowing no cultural agenda to rise above the others to oppress the people. Unfortunately, this public secularism can be ethically confusing. Taylor argues that individualism narrows our spectrum of concern to the small world of our own affairs, and the wealthy mega-state leaves us feeling powerless and indifferent at the state of our government (Taylor 1991: 5). Women do not have the right to vote in some parts of the world, anti-Semitism is still widespread, and we hesitate to impose human rights ideology on our minority communities, in one sense respecting their culture and in another denying their disadvantaged members the human rights we desire our own children to have. We are confused and uncertain in an age of uncertainty. Jakobsen and Pelligrini (2004: 59) write that “the public is not expected to take a stand against injustice, but merely to tolerate both sides of a conflict. In fact, the public can become paralyzed in its ability to address justice, because it cannot distinguish between competing claims and groups that it is supposed to tolerate.” Often choices are made purely on the basis of economics. Taylor (1991: 5) writes that “things that ought to be determined by other criteria will be decided in terms of efficiency or cost benefit”.

Avoiding coming to a conclusion is not preserving neutrality. Whether we vote one way or another, or whether we destroy our ballot or do not vote at all, we are each making a choice. Codes of social conduct are woven with every fibre of our actions, no matter how impartial we intend to be. The difficulty in plurality is that the previous authority of socially

encoded morality no longer holds corporations responsible for their choices and actions. The moral code and cultural formation of ‘secular’ society is economic. In a secular society, Walmart is the new “opium of the masses” (Marx 1982: 131).

*Sapere aude!* Kant’s (1784) exhortation in *What is Enlightenment* demands that we “dare to know”. Globalization and pluralism do not mean that people should be paralyzed with indecision in a socially agnostic limbo; the Enlightenment was about daring to know, now the approach must be *facere aude*: dare to act.

As I have shown in this essay, human beings are meaning makers. Extracting religion through secularization from public discourse removes one kind of doctrine but is inevitably replaced by another. As stated, the ‘secular’ is a vacuum where public censorship of ideologies and beliefs creates governments that ‘stand for everything, and stand for nothing’, negating a history of overcoming the injustices of slavery, abuse of women, and other struggles that continue today. The Universal Declaration of Human Rights, as we have seen, offers a vague but tangible set of teachings with the ultimate goal of avoiding human conflict and ensuring “a common standard of achievements for all peoples and all nations” (International Bill of Human Rights 217: III). The examples of Jainism and the Inuit were included in this essay to demonstrate that I do not make any claims about human rights as a universalizing replacement for world religions, and that other cultural groups approach the discourse surrounding rights from fundamentally different perspectives. I argue that the post-world-war construction of human rights is an attempt at critically problematizing ‘divine’ inspiration governing or justifying state affairs and subsequently addressing the

issues arising from abandoning culturally established norms of morality inherent to those religious institutions.

Human Rights. Why has this powerful narrative driven so many nations to unite under a common belief and aspiration to protect, cherish and enforce a set of common goals aimed at addressing injustice? The Universal Declaration of Human Rights is an attempt at peace. In my view, our 'secular' governments should re-evaluate the importance of personal conviction in connection to public decisions to reflect something closer to empathetic justice, actively creating more meaningful policies for a more peaceful world.

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