

Religion and Human Rights: Universalism, Cultural relativism, and Integration¹

Introduction

This paper examines the interaction between opposing religious and cultural values, first in the realm of human rights, and then more specifically by looking at the integration of Muslims in Denmark. Lack of understanding of Islam and a lack of communication between the Western and Muslim worlds have led to conflicts between Europeans and Muslims in discussions of human rights. In the first part of this paper, the conflict between religion and the Western conception of human rights will be considered in a discussion of universality of human rights and cultural relativism.

The second part of the paper is more concrete, reflecting upon the role of religion in the integration of Muslims into the Danish society and comparing the difficulty of Muslim integration with the perceived ease of Jewish integration. The level of Jewish integration into Danish society can be seen as a factor contributing to the October, 1943 rescue of the Danish Jewry as well as the Jews' warm reception in Denmark when they returned from Sweden in 1945. Herberts Pundik, former editor-in-chief of the newspaper *Politiken*, comments that Jews were seen as "Danes of another faith", while the present experiences of Muslims indicate that Muslims have difficulty in becoming accepted as Danes instead of as foreigners.

Universal Human Rights and Religion

The most notable declaration of human rights is the United Nations' 1948 Universal Declaration of Human Rights (UDHR). Any such declaration, however, stems from a particular cultural and intellectual milieu; Herdrik Vroom and Johannes Reinders comment that the UDHR is based upon European Enlightenment thought focusing on the individual's rights and that "questions arise as to the universal validity of a rights doctrine that is based upon Enlightenment anthropology."² In particular, conflicts between the UDHR and many strains of Islamic thought regarding the rights and status of women demonstrate the difficulty of the developing and truly universal ideal of human rights which can be attained by all people and institutions.

The Cairo Declaration on Human Rights in Islam (1990), for example, states that all humans are equal in terms of dignity, but does not state that all humans share equal rights. Bashy Quraishy, journalist and minority consultant, explains Islam's treatment of women as the result of a strong emphasis on the family. This thought is supported by the African Charter on Human and Peoples' Rights (1981), which establishes the family as "the natural unit and basis of society" and also "stresses certain community values"

Bashy Quraishy is of the opinion that the Western world uses human rights issues to wage a political war on countries with different political systems. By bending the human rights debate to meet their own ends, Western countries lose their credibility. Western countries should look at their own human rights violations before criticizing others. Quraishy also mentions that the history of European colonization and exploitation demonstrates the insincerity of Europe where human rights issues are concerned. On the other hand, Tyge Lehmann, Senior Legal Advisor to the Danish

¹This article was published as one of eight reports written by fellows of The Danish-American Dialogue On Human Rights 1997 May 31-July 5, 1997 in the publication: *Vol. II, Resistance and Rescue*, sponsored by Thanks to Scandinavia, Inc – A Scholarship Fund, In association with Johns Hopkins University and in cooperation with The Research Institute of the U.S. Holocaust Memorial Museum. This version has been slightly amended.

²Vroom, Hendrik M. and Reinders, Johannes S. "Position Paper", in *Human Rights and Religious Values: An Uneasy Relationship?* ed. Abdullahi A. An-Na'im et. al. Amsterdam: Editions Rodopi 1995.

Government, states that one should not look at European history, but instead should examine how the system function today.

Bashy Quraishy is critical of the globalization of the Western perception of human rights. "I believe in the universality of human rights decided by the universe and the world, not by the white men in the West," he states. In his opinion, Western countries have been much more concerned with democratic values than with preserving peace, fighting unemployment, and feeding the people. According to Quraishy, the only universal human rights are the rights to food, shelter, clothing, and education. The fundamental ideas which conflict here are that of the state which provides for its people and that of the limitation of the state's power to interfere in the individuals' lives. Lehmann does not agree on that issue, for members of the United Nations have signed the Universal Declaration of Human Rights. He also mentions that the human rights concerning the judicial process, such as the principle of *in dubio pro reo*, are easier to implement than economic rights because the implementation of economic rights requires that a country have a stable economic foundation and because judicial rights are independent of a country's system of government.

Resolving Conflicts Between Religion and Human Rights

There is no standard method for resolving conflicts between religious freedoms and other essential human rights, so decisions must always be made in light of the circumstances of specific cases. Eva Lassen, senior research fellow at the Danish Centre for Human Rights, comments that, for example, it is not the employer's duty to take care of religious needs; she cites a case in England in which a Muslim teacher sued to be allowed to leave work an hour early on Fridays for religious observance. The European Commission on Human Rights ruled that it was not a violation of human rights not to allow him to leave early because he would be able to find another job which would allow him to leave early. According to Lassen, though, this issue will have to be faced again in the future when there are more people who demand such understanding of their religious practices if there are not employers willing to be understanding.

In his "Religions and Rights: Local Values and Universal Declarations," John Clayton writes about five strategies for resolving the conflict between "universal" human rights and specific beliefs of groups.³ One technique involves searching religious texts to find bases for human rights, yet subsuming the "local" to the universal if there is an irreconcilable conflict. A second subsumes the "universal" to the local. The third strategy attempts to find common principles in religious traditions which can form the basis of a universal human rights doctrine. The fourth focuses on "non-negotiable core rights" which could stem from a variety of principles. The final strategy does not attempt to find *universal* human rights, rather, it seeks a "degree of overlap" between different rights schemes, so it may not be the case that "no one right appears on every list" of core rights. None of these strategies, however, promises to resolve all conflicts between the "local" and universal. Ultimately, there is no simple solution to the problems which arise from considering the issues of universal rights and religious freedom.

Cultural Relativism

Proponents of cultural relativism contend that one culture's practices and beliefs should not be judged by the standards of another. In this context, cultural relativists would argue that Islamic conceptions of human rights should not be judged by the standards of the Universal Declaration because the Declaration is an expression of Western thought. According to cultural relativism, then, human rights are not necessarily universal, or if they are to be considered universal, it should be accepted in general that human rights can be limited on the basis of religion, culture, or tradition.

Eva Lassen cautions that claims of cultural reasons for ignoring certain basic human rights may not

³Clayton, John. "Religions and Rights: Local Values and Universal Declarations," in *Human Rights and Religious Values: An Uneasy Relationship?* ed. Abdullahi A. An-Na'im et. al. Amsterdam: Editions Rodopi 1995.

actual be cultural. She states that one must examine who claims that rights should be limited – often, it is a dictatorial regime which claims "culture" or "religion" as justification for its policies, not the general public. Although "universal" human rights do stem from Western thought, Lassen sees them as rights common to all humans, not just Westerners.

Handling Cultural Relativism

The European Court of Human Rights (The Court) has established the concept of a "Margin of Appreciation" to meet some of the demands from the member states. Isi Foigel, judge at the Court of Human Rights in Strasbourg, fears that if The Court did not give member states in certain margin in cases of special national conditions due regard to moral and religious issues, The Court would lose its credibility and authority. The Margin of Appreciation is a balancing act, giving the states some liberty in return for a general acceptance of an expanding, dynamic regional court system. Naturally it is a fine balance, because returning to much power to the states will result in The Court undermining its own authority. So far The Court has not encountered major problems as a result of its solution of what could be called the problem of European Cultural relativism. The explanation of that could be that there exists among member states a more or less common inheritance of moral values and perception of religion and that The Court uses a strict interpretation of the Margin of Appreciation in cases of a confrontation with fundamental human rights so that the rights will not lose their validity.

According to Tyge Lehmann, all members of the United Nations agreed in 1993 to accept the final Vienna Document, which stresses that it is the participating States' duty to implement human rights while bearing in mind that countries have different religious and cultural traditions. The solution to conflicts between religion and other human rights must therefore consist of a general acceptance of the universality of human rights over the theory of cultural relativism as the main guideline for the interpretation of the declaration of human rights, but one must still respect certain cultural and religious diversities.

Integration of Muslims into Danish society

One factor which is often pointed out as contributing to the October 1943 rescue of the Danish Jews is the level to which Jews (and still are) integrated into Danish society. The newest category of immigrants to Denmark, Muslims, faces great difficulties in the integration process. The term "Muslim" is somewhat misleading because it seems to indicate that there is a single group of immigrants with a single set of beliefs and a single culture; this, however, is not the case – many of the beliefs and customs which are seen as "Islamic" are actually cultural rather than religious. Bashy Quraishy uses the term "ethnic minorities" to indicate the heterogeneity of the entire group of immigrants, commenting that "a Moroccan Muslim", apart from the religion, has nothing in common with a "Pakistani Muslim". We will use the term "Muslim", however, because Danes tend to view these immigrants as homogeneous group and also to emphasize the role religion plays in the integration process.

Bashy Quraishy cites a survey which shows that Danes see lack of language skills, lack of understanding of Danish culture, and lack of knowledge of the Danish mentality and humor as barriers which hinder the integration of ethnic minorities into Danish society. Ethnic minorities, on the other hand, list skin color, religion, ethnic background, and cultural background as the major factors which have, in their experience, made Danes less likely to accept them into Danish society. In a similar vein, Klaus Rothstein, director of information for the Danish Refugee Council, states that when asked what they perceive as the greatest problem in Denmark today, Danes list unemployment first, but when asked what they think other Danes consider to be the largest problem, they cite the refugee situation. Perhaps this difference is due to the conflict between real concern about refugees and immigrants and the desire not to be seen as xenophobic or because, according to Rothstein, the Danish media concentrates on issues concerning immigrants and

refugees while most Danes have never personally encountered problems with foreigners. With this disparity of perceptions in mind, we will examine several factors which may indicate why the Muslim experience in Denmark is so different from that of the Jews and why Jews are so integrated into Danish society while Muslims are not.

Time

Rabbi Bent Melchior, the former Chief Rabbi of Denmark, stresses that the integration into Danish society was not an easy or fast process for Jews. Jews first came to Denmark during the seventeenth century. In 1684 King Christian V gave Jews permission to hold services in private homes, but it was not until 1743 that the first synagogue in Denmark was built with permission from the government. In 1814, Jews were given full rights of citizenship and a royal decree made the Jewish community legally equal to the state church, so that rabbis would have the authority to marry people and register births. In this year there was also a wave of anti-Semitism in Europe, so the Danish government's actions were part of a trend of good will toward Jews which would continue into the 1940's, when the Danish Jewish population was approximately 7,000, and up to the present when, 10,000 Jews live in Denmark.

Muslims first came to Denmark in significant numbers in the late 1960's as "guest workers" from Yugoslavia, Turkey, Pakistan, and other countries; the number of Muslims grew to the present population of about 100,000 with the immigration of the guest workers' families (under the reunification law) and other immigrants as well as refugees from the former Yugoslavia and other countries. Denmark has had a Muslim population for about thirty years, so perhaps it is unreasonable to expect the Danes to accept Muslims so quickly into their homogenous society, considering the length of time that it took the Jewish community to win the acceptance it enjoys today.

Religion

Danes perceive Islam as more of a "foreign" religion than Judaism. Bashy Quraishy attributes misperceptions of Islam to the Danish media's portrayals of Muslims. Islam is presented in the Danish media as a fanatical religion, while, in fact, only a few Muslims are religious extremists. According to Talha Khan, a second-generation immigrant, there is no relationship between extremists in Algeria and Egypt and Danish Muslims.

Although Quraishy stresses that Islam is "a continuation of Judaism and Christianity" and acknowledges the validity and importance of Judaism and Christianity, most Danes are not aware of the relationship between Islam and Christianity and think that Islamic values contradict Christian values. Many Danes think that Muslim women who wear head-scarves are oppressed or religious fundamentalists, but ignore any possible cultural factors such as the desire to preserve ethnic identity which could contribute to these women's choice of dress. There are many examples of Turkish girls who were first required to wear scarves in Denmark; perhaps these families feel threatened by Danes' liberal attitudes toward the family and women's roles in society.

Although religion was also a barrier to Jewish integration, it did not have such a large effect on the acceptance of Jews into Danish society. Bent Melchior comments that the Jews are somehow "known"; this could stem from the long history of Jews in Denmark, but also can be a result of the long standing relationship between Judaism and Christianity – even if such a relationship has often been one of oppression. Christians and Jews have interacted. The Christian religion also finds its foundation in Judaism. Christians believe in the same Commandments as Jews and therefore do not see the moral basis of Judaism as objectionable or "foreign". According to Bent Melchior, the relationship between the Danish Lutheran Church (*Folkekirken*) and Judaism is more congenial than the relationship between the *Folkekirke* and Catholicism.

Another factor relating to integration is the visibility of Muslims as religious. According to Uffe Østergaard, about 80 percent of Danes are members of the *Folkekirke*, but the vast majority do not attend church except for baptism, confirmation, marriage, funerals and Christmas. This secularism may make the Danes even more suspicious of Muslim fundamentalists, and more likely to consider normal religious behavior such as daily prayer an act of fundamentalism. Another aspect of Islam which Danes may find threatening is its historical emphasis on conversion, which is not shared by Judaism. While it would be unreasonable to think that Jews have the intent or ability to take over Denmark, many Danes think that Muslims in Denmark have ulterior motives and hold the same beliefs as fundamentalists in Afghanistan, Iran, and other countries.

Immigrants' Attitudes

Another factor that may contribute to the difficulty Muslims have in integration is the attitudes the immigrants themselves hold toward their stay in Denmark. When Jews immigrated to Denmark, they intended to stay and become Danes, and therefore worked toward integration. Muslims have often come to Denmark as guest workers and refugees, however, not intending to remain in Denmark permanently. There would therefore be more of an incentive for Muslim immigrants to retain their own cultures rather than attempt to become part of Danish society and raise their children as Danes. Anette Marcher writes that it was not until the end of the 1980's that large numbers of Muslim guest workers began to recognize that they probably would never leave Denmark and therefore had compelling reasons to become integrated.

Lack of Religious or Cultural Unity

Because Muslims in Denmark come from many countries and interpret Islam in many different ways, there is no central "Islamic" point of view and no official spokesperson for Muslims in Denmark. Both Bent Melchior and Bashy Quraishy stress that if Muslims were united, they would be more able to work for integration into Danish society. Although Jews in Denmark come from many different backgrounds, the Jewish community acts as an umbrella organization for the synagogue and other Jewish institutions, and the Chief Rabbi can serve as an official spokesperson for the Jewish community. Bent Melchior comments that when Jewish and Islamic slaughtering practices came under fire in Denmark, he spoke up for Muslims because there was no Muslim who took a role of leadership. Although Bent Melchior and Bashy Quraishy agree that it would greatly assist the integration process if Muslims in Denmark were to form some sort of unified organization, the cultural and religious diversity among Muslims in Denmark leads Bashy Quraishy to doubt that such an organization would ever be formed.

Cultural Conflicts

There are more cultural conflicts between Islam and the culturally Christian Denmark than between Judaism and the Danish culture. The Danish workweek is more conducive to Jewish than to Muslim worship because the weekend is Saturday and Sunday; people are expected to work on the Islamic holy day of Friday. Any Danish employers also see the tradition of prayer five times daily as a disturbance, even though it may not necessarily be the case in practice. According to Bashy Quraishy, there are no specific times at which one must pray, so there is built-in flexibility which allows Muslims to pray without disturbing their work or education. Eva Lassen, Senior Research Fellow at the Danish Centre for Human Rights described a court case in which a student was expelled from an AMU Center (an educational center) because, according to school authorities, his daily prayer in the cafeteria was a disturbance. In fact, the disturbance stemmed from the non-Muslim students who taunted the Muslim student. The case is pending in the Danish court system, and Lassen thinks that the Muslim student will win the case. The fact that the student would be expelled, though, indicates the unwillingness of some Danes to accept Muslim practice. Bashy Quraishy recommends that immigrants adapt themselves to some Danish customs such as promptness and not yelling in public transportation. He also stresses, however, that Danish society must adapt to immigrants and take part in the process of integration.

A Downside to Integration?

In a country which is nearly completely monocultural, as Denmark is, integration often becomes assimilation, according to Bent Melchior. There does indeed seem to be an attitude among many Danes that "Jews are so well integrated that one can't tell who is a Jew." Although this level of assimilation probably helped the Jews retain a low profile during the occupation and eased the escape to Sweden, we must not overlook the loss of culture that occurs when a minority population is assimilated rather than integrated. Bashy Quraishy states that ethnic minorities should have their own language and culture even when they take part in the Danish society. Perhaps we should not view the extreme extent of Jewish integration into Danish society in a solely positive light. Although it is impossible to know what factors led to the increasing secularization of the Jewish community in Denmark, Bent Melchior attributes some of the loss of religious Jewish life to assimilation, stating that in country as homogeneous as Denmark, the majority culture wins in the long run. The ongoing process of Muslim integration gives Denmark an opportunity to welcome a new culture and religion in Denmark without assimilation.

Conclusion

The importance of developing a common understanding of human rights must not be underestimated, especially in the light of the present trend toward internationalization and globalization. Because there will be more interaction between people who do not share religious and cultural backgrounds and values, there will be more conflicts between freedom of religion and other human rights. Bashy Quraishy predicts more problems in Denmark in the future as the size of the Muslim population in Denmark increases and it becomes more critical that Denmark accept people whose cultural or religious backgrounds differ vastly from most Danes'.

While there is a strong tendency in the West to accept the universality of human rights, religious differences must not be forgotten. Vroom and Reindes comment that if one upholds the principle of universality without any leeway for cultural differences, "the question arises as to how the doctrine of human rights can inspire people to embrace it as the core social morality, if therefore in public life they have to set aside their religious ideals of the good life." WE must value religious differences as well as preserve the concern for fellow humans regardless of religion which was demonstrated in the October, 1943 rescue of the Jews.

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