

Culture

Freedom of religion or belief (FoRB) is frequently invoked in defence of practices that constitute human rights violations. In response, it is often argued that these are cultural practices rather than what is mandated by religion. However, the reality is that culture and religion are often interrelated, with cultural practices become incorporated into religion, and religious ideas coming to be associated with or defining particular cultures.

Recognising the fluidity of this relationship does not necessarily need to obscure the promotion of human rights and FoRB. Rather, by viewing culture and its relationship with religion holistically, we can find a more positive relationship between culture and FoRB. Religious expression may manifest itself in culture, for example through art, literature, politics and values, deepening our understanding of what FoRB looks like as a lived reality. It can also illustrate how religion, rather than being a static force, can be a tool to shape a culture into one that respects and protects FoRB and human rights.

Invoking freedom of religion for harmful cultural practices

When we look at culture and religion in relation to FoRB, it is usually in a way that examines the limits of FoRB. Those who believe religion, traditionalism and conservatism should override universal human rights standards often invoke FoRB to defend practices that are human rights violation or to argue that universal standards should not apply in certain areas. They claim that such practices are underpinned by religious doctrines and obligations. These claims are often with regard to the freedom of thought and expression, and guaranteeing women's rights to equality before the law and to equal enjoyment of all rights. The proclaimed 'sacredness' of religious tradition is intended to justify deviations from the universal standards of human rights. This argument has been rejected in the area of women's rights by several international actors, including the United Nations Human Rights Committee and Special Procedures mandate holders. These actors have stated unequivocally that women's rights or dignity cannot be infringed by claims to cultural or religious distinctions. The International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) both establish that freedom of religion, whether specifically or as part of cultural and customary patterns of conduct or practice, cannot justify the violation of other human rights.

Making a distinction between religion and culture

In an attempt to mitigate the apparent clash between universal standards of human rights and claims to FoRB, sometimes a distinction is drawn between culture and religion. Advocates argue that such practices are not actually mandated by religion, but rather that they are a cultural practice. This would lessen the tension between adhering to a religion, still fundamentally important to many across the world, and universal human rights standards. Others argue it is a means of exculpating religion from accusations of injustice.

Assuming that these practices are mandated by religion can result in the imposition of restraints on the outer limits of change and reform because the basis of religious doctrine and texts is considered sacred. By contrast, culture is theoretically evolving, thereby more responsive to change. While it is easy for culture to become static, the encouragement of cultural openness can mean continuing cultural change.

One example is female circumcision, recognised internationally as violating a host of human rights of girls and women, including the right to health, security, physical integrity, the right to be free from torture and cruel, inhuman or degrading treatment, and the right to life (when the procedure results in death). Many religious figures insist that the practice is not a religious rite, and condemn the practice. As further evidence that it is rooted in culture rather than religion, human rights practitioners often point out that female circumcision is practiced across different religious groups in a number of countries.

However, from the perspective of those who carry out female circumcision, the practice may have both cultural and religious motivations. While there are religious figures who totally condemn female circumcision, some avoid explicitly forbidding it even when the cultural basis of such practices are clear and predate religion. This complicates the distinction that is made between culture and religion, and suggests that the reality is more fluid and complex. Religious ideas become part of culture, and cultural practices get 'religionised'.

While reflecting on religion in this way may appear to further the negative overtures associated with FoRB and culture, accepting this complexity can also help us find ways to understand FoRB, as well as promote and protect it and other human rights. While there is debate about whether religion or culture is more fundamental, and therefore less changeable, both culture and religion can give us a more positive understanding of FoRB, and both have resources for change and evolution.

Culture and cultural expression helps us understand how FoRB manifests

One strand in the debate on religion and culture argues that religion precedes culture, and is therefore more fundamental. Religion is seen as a substantive and normative base that gets expressed in culture. But even if it is not fundamental, religion cannot be a self-contained area of culture, nor indifferent to other cultural developments.¹ It is therefore important to recognise culture as a fundamental component for the exercise and flourishing of FoRB.

This freedom of cultural expression goes to the core of what it means to be human. Culture is the human way of responding to the impact the world has on our lives, of the tensions we may feel between ourselves and our surroundings and of altering material forms in a way that reflects meaning back at us, through music, art and literature. Culture is therefore an output of religious expression because religion proclaims to reveal the most profound of meanings that humans carry – their origins, their purpose on earth and their destination beyond this physical world. The non-empirical, supra-natural nature of religion and belief is manifested through the creation of culture and adaption of material objects, for example, through the use of symbolism and metaphor. Looked at in this light, culture can give us an idea of what the manifestation of freedom of religion looks like in reality, and conversely, a lack of cultural expression serves as an indication of the more subtle ways FoRB may be restricted.

Religion can be a tool to building a FoRB culture.

Another strand within the debate argues that it is culture that is more fundamental because it is what a person is born into, and religion is what a person can adopt and choose. As a marker of how fundamental culture can be, it is said that it is religion that must be made relevant to a person's existing identity and culture. As an example, a number of Christian theologians of African origin talk about the importance of giving expression to Christianity in African religiocultural terms.

It is religion, rather than culture, therefore, that is more open and amenable to change for the cultures that adopt it. If that is the case, then it would also be wrong to presume that religion is necessarily a static force that impedes the progress of human rights. This means that rather than having to fight against its prevalence or argue that it plays no role in human rights violations, religion has and can continue to play a positive role in mitigating harmful cultural practices and building a culture that promotes FoRB, and human rights in general. For example, Islamic law gave women rights that they did not previously have in their culture. A recent emergence of 'liberation theology' within an Islamic context has seen scholars re-appropriating the process of interpreting Islamic sources in a way which develops an understanding of the religion that is emancipatory for women. Arguably, the use of religion in this way has more clout in tackling religious justifications used to impede human rights, than a western secular framework that is vulnerable to claims of 'foreignness' and 'irrelevance'.

¹ See E. M. Adams, *Religion and Cultural Freedom* (Temple University Press, 1993).

Recognising religion's ability to evolve, create and inspire evolution within a cultural context opens up possibilities for it to be used to promote a culture of FoRB. A practical example of this is the efforts that are made by interreligious organisations to promote respect, tolerance and dialogue in diverse nations. Rather than needing to lessen the presence of religion in people's identities in order to promote greater respect for FoRB of others not of the same affiliation, there is also argument that, a weak identity makes people more prone to exclusivism, and more likely to be afraid of any differences or change. A society in which individuals can understand and enrich their own identity is more likely to enable them to be open and unafraid of pluralism.