

## Interreligious cooperation, religious rights and pluralism

### **Presentation by Gerald Filson at International Law and Religion Conference, “Religious Rights in a Pluralistic World”, Brigham Young University, October 2-4, 2016**

I want to comment on a few challenges that face interreligious cooperation and how we understand religious rights and pluralism.

My comments derive from a concern that religions be careful not to adopt unwittingly or without awareness a framework for thinking about how best to influence society through interreligious cooperation that is rather more a framework that is secular or liberal than it is religious. Human rights, including religious freedom rights, are extremely important and we must, by all means, use all legal powers in our various countries and by way of the international human rights standards, to uphold, protect and promote those religious freedom rights. Furthermore we should respect the ideal of pluralism, that minorities and that a diversity of religious identities or groups or populations, should all feel and be considered as equal citizens.

However, I want to be also clear that religious language, understanding and practices, which should have ample play and expression in the public sphere, are not necessarily the same kind of language as the language of human rights or the language that human rights norms and standards have become. Nor do we operate, as religious believers with a conceptual framework and an idea of human society that is the same as the worldview or the conceptual framework that has become the standard version of human rights and an ideal of a modern legal order – as much as we might applaud the strengths and importance of such a modern legal order and the standard interpretations of human rights.

While this point is somewhat philosophical, there is no better opportunity to do this than at a high-level conference such as this with the very distinguished group of participants, among whom I feel very honoured to have been invited.

I’m making a claim here that the conceptual framework or the worldview that human rights and modern legal orders, in which a powerful understanding, and a very important understanding, of religious rights and pluralism is located, is a conceptual framework that is distinct and different in a number of ways from a conceptual framework that religions or spiritual traditions have in view. There is a danger for religions, especially at the national and international level where interreligious cooperation initiatives involve well educated representatives who meet each other across borders between different religions and spiritual traditions to feel the language of human rights and a modern ideal of moral self-sufficiency among human beings is the best way to proceed. And it is a very helpful way, to be sure, as it contains the promise of a universalism in which all humanity is included. But each of our religions or spiritual traditions also, I believe, has the resources and the richness to give expression to a universalism that is equally as inclusive.

Religious rights, in a conception of human rights and norms, is a wonderful thing, of course, and in many ways a genuine accomplishment of the human race and the international community. But it is a modern way of taking in the world, of making assumptions about a set of concepts and ideas that are, on deeper analysis, might well be influenced by religion (and the story of that history and influence on modern conceptions of law and human rights go back in time to Christianity, Islam, Judaism, and the Eastern Religious traditions, with a lot of Greek philosophy and Roman jurisprudence thrown in, that is a history that is being written). But, though influenced by religion, our public expression and ways of religions interacting with each other and with politicians and other leaders of thought can very easily succumb to a way of language and attitude that is quite cut off from God, from the Transcendent, from a recognition that there are spiritual forces at work, and rely on a world view and appreciation of human rights that is morally self-sufficient, that can reach to very inclusive intersubjectivity, that we are all able to participate, after all, in authoring the laws and rights that allow us in a pluralistic society to get along, but we can do so but accepting a view that in such a realm of public discussion, deliberation and ways of being with each other, does not need God, or reference to spiritual forces, the divine, and so forth.

And, too often, religions seem only to use the language of legal claims to rights as their public face and posture. Religions seem to be unable to communicate the enormous contribution they make to social well-being, to health, to education, to family stability to a range of positive forces in society, and do that by relying, not on rights, but on their virtues of sacrifice, generosity, love of the divine, and so forth. And this is the feature of interreligious cooperation that needs greater emphasis in affirming a proper place for religion in the public sphere, not joint statements that, in morally self-righteous tones, deplores this or that crisis or event taking place, often put within a context of religious rights.

The ideal in much of the history of the emergence of modern human rights (as distinguished from human rights and religious toleration codes that go back in pre-modern times) was a history of learning how, without religion, without God, human beings could develop a *modus operandi*, a way of living together by enjoying rights as long as they didn't infringe on others' rights, and by working out ways of being moral without having to draw on particular religion or spiritual traditions. Pluralism and human rights and religious freedom in this modern moral and universal order, can move forward and should move forward and can do so without reference to a very difference conceptual framework or worldview that sees human beings, the human community, very much reliant on God, on spiritual forces, on a Covenant with God, on virtues of trust, generosity, sacrifice, suffering and endurance in the face of material or worldly contingencies, and the like. There was a value in that, I believe, but it is not sustainable.

And today there are challenges or contested areas or dislocations between the idea of human rights as a moral order, a universalism that cosmopolitans and liberals, that national and international elites, embrace while religions carry on, doing a great deal of good work at local and national levels, but by relying on religious virtues and ways of life not on the benefits, necessarily, of religious rights – and often in the face of quite serious deprivation of those rights by relying on moral courage, sacrifice, ability to endure limitations and even persecution, and still serve the interests of the public.

One recent characterization or summary of the challenge I am raising here comes from a kind of arch-liberal or classical liberal, and very much modern public intellectual, but I think it is representative and illustrates a challenge we face in advancing religious rights or learning how to best conceptualize religious rights. Michael Ignatieff at Harvard, who after failing in an effort to become Prime Minister of Canada, and now en route to take up his position as President of the Central European University in Budapest (I think that is George Soros' university), has just completed an interesting three year study funded by the Carnegie Foundation, and he will be publishing a book shortly that has the title "The Ordinary Virtues: Moral Operating Systems in a Post-Imperial World" (Harvard Press, 2017). He argues that the goal of making human rights the shared moral language of the global community has failed and has run into near insurmountable challenge or conflict with ordinary, local virtues – notably the virtues of trust, tolerance, reconciliation, forgiveness, and resilience. Those virtues are at work in local communities from South Central Los Angeles and Jackson Heights in Queens to Zama Zama, South Africa, to Bosnia, Mandalay and Fukushima, Japan, from Rio de Janeiro to Canada. Local communities, against a shaking and confused world "out there" are doing alright, building, creating safe and workable communities relying, not on some universal moral code and human rights, but relying on ordinary virtues. Ignatieff dispairs that we cannot bridge the gap and create a global norm called human rights.

PARAGRAPH HERE TO DESCRIBE THE DISJUNCTURE BETWEEN THE LOCAL AND THE GLOBAL, THE RESIDENT AND THE STRANGER, THOSE LIKE US AND THE ALIEN AND "OTHER". IN ORDER TO BRING OUT THE DISJUNCTURE AND DANGER RESIDENT IN THE GAP BETWEEN LOCAL VIRTUES AND A UNIVERSALISTIC MORAL ORDER THAT HUMAN RIGHTS AND THE LIBERAL DREAM OF PLURALISM ASSUMES.

PARAGRAPH DISCUSSING THE DIFFERENCE BETWEEN THE LEGAL AND MORAL ORDER as rights based, AND THE ETHICAL or WAYS OF LIFE approach, BETWEEN RIGHTS AS A LANGUAGE, AND THE GOOD, OR THE GOOD LIFE, AS A LANGUAGE, AND HOW IMPORTANT THEY BOTH ARE, BUT THAT THE ROLE OF RELIGION IN THE PUBLIC SPHERE IS NOT TO CRITICIZE OR DISPARAGE THE FORMER, RATHER TO PRAISE IT AND USE IT, BUT TO GIVE MUCH GREATER EXPRESSION TO THE LATTER, THE LANGUAGE OF ETHICS AS DISTINCT FROM LEGAL, MORAL LANGAUGE. REFERECE POSSIBLE HERE TO DWORKIN'S PHILOSOPHY OF JUSTICE, A VERY LIBERAL BUT ADMIRABLE APPROACH AND HOW IT FALLS SHORT OF CAPTURING THIS IDEA, AND REFERENCE HERE TO HABERMAS' ALSO LIBERAL, BUT INCREASINGLY POROUS AND OPEN UNDERSTANDING OF PUBLIC DISCOURSE AND THE VALUE ADDED OF RELIGIOUS LANGUAGE HE NOW FEELS CAN CONTRIBUTE MEANING AND RICHNESS TO THE STRICTLY NEUTRAL AND LIBERAL AND MODERN LANGUAGE THAT A HUMAN RIGHTS LANGUAGE CAN LACK.

I think Ignatieff is right, and I don't believe liberalism and a language rooted in the modern ideals of self-sufficiency, self-determination, and popular sovereignty (as valuable as they are) can bridge the gap between the anxieties and fears and challenges of building local communities and also provide the institutional and community preconditions that can facilitate the building of a safe, prosperous and peaceful global community. Without religions, that global order cannot be built, and without interreligious cooperation that global order can't be built.

IF TIME REFERENCE TO THE DEBATE BETWEEN CANADA'S CHIEF JUSTICE BEVERLEY MCLACHLIN AND UNIVERSITY OF CHICAGO'S JEAN BETHKE ELSHTAIN ON WHAT WAS MORE IMPORTANT THE LAW OR RELIGION, AND HOW BETHKE ELSHTAIN CARRIED THE DAY IN NOTING THAT OUR WAY OF LIFE, OUR ETHICAL ORDER, THAT RELIGION PROVIDES, IS MORE IMPORTANT AND ENCOMPASSING THAN THE LAW, WHICH MUST BE UNDERSTOOD AS A TOOL FOR LIVING TOGETHER IN PLURALISTIC SOCIETIES, BUT ONLY THAT.

I do think, with interreligious cooperation, if we folks who claim a religious belief or adhere to a spiritual tradition, who don't believe in a morally self-sufficient universe but know that human beings do have to call on the grace and good Will of God, or the Divine, or the spiritual forces that permeate and sustain this material world and our contingent mortal lives, I do think we can bridge the gap between the ordinary virtues, which are, after all, religious virtues and from whence they derive, to a global set of virtues that are universal in so far as they bring us to the realization that strangers and others from other lands are our brothers and sisters. My conviction that religion can do this is because religions, the great world religions, have been global and transnational, transcultural and certainly translocal long before modern market globalism or some kind of cosmopolitan modern moral set of norms arrived. Religious communities rely on the so-called ordinary virtues, but they become more than local virtues through the transnational communities that religions happen to be.

The point I am making here is that religions have to now see that religious language, which is not the same as human rights and legal language, legal claims, demands for rights, identification as a victim of persecution, and a whole litany of ways of conceiving of pluralism and equality, can make a very important contribution to the public conversation about how we human beings can get along in the world.

PARAGRAPH THAT IS NOT JUST A QUESTION OF LANGUAGE, VOCABULARY, BUT OF TONE, OF STYLE OF WAYS OF SPEAKING IN THE PUBLIC SPHERE, OF BRINGING THE FORCE OF LOVE, FELLOWSHIP AND HUMAN COMPASSION TO THE PUBLIC IN ORDER TO BEGIN TO OVERCOME PARTISANSHIP, COMPETITION, POLITICAL SELFINTERESTED LANGUAGE, ETC.

The challenge for religions in this interreligious cooperation is to draw on our ethical ways of life that we practice and understand in our own communities that are profoundly religious and spiritual, and not simply born of a moral universalism (a la Kant) that is devoid of roots and relationship to religion. This means overcoming sectarianism, triumphalism, and seeing more commonality in regard to our relationship to a spiritual reality that extends beyond and encompasses our human and moral and material reality, and not be afraid of giving expressing to that world view, and to do so together in interreligious ways, in the public arena. In other words, to go beyond joint statements that reflect a kind of NGO or political or common strategy that, coming from religions, can so often be interpreted as moral self-righteousness, and develop ways of interpreting world crisis and events with a language that references God, the Divine, the Transcendent and the spiritual, and not so much that references the legal claims though, of course, and understandably, that must be the approach and response of governments and the international community as they try to manage the crisis and the human suffering and the like which, I'm inclined to believe, the decline of religion in society has hastened. Religions'

added value, their resources, are of a different kind than other NGOs, different than the role of government, and that is now more needed than ever, and it will require interreligious cooperation but in a new key.

IF TIME REFER TO HOW DIFFICULT THIS KIND OF INTERRELIGIOUS CONVERSATION IS, AND TO THE EXAMPLE OF THE CANADIAN INTERFAITH CONVERSATION.

FINAL POINT IS ABOUT OUR UNDERSTANDING RELIGION AND SPIRITUAL TRADITIONS AS WAYS OF KNOWLEDGE, AS SYSTEMS OF KNOWING, NOT BLIND FAITH, NOT CONTRASTED TO SCIENCE BUT AS A WAY OF SPEAKING OF EXTENDED REALITY BEYOND THE MATERIAL BUT IN A WAY THAT ACCOMODATES EFFECTIVELY THE REALITY OF THE HUMAN SPIRIT, HUMAN CONSCIOUSNESS AND HUMAN COMMUNITY. UNDERTAKE THIS EXPLORATION IF TIME.