

Ian Linden's paper for 10/8/13

Seven propositions and one conclusion:

1. The primary and basic tension in human rights is between universality and national particularity. Tensions between religion and human rights need to be situated in this framework as having an interactive international dimension.

2. We need to think of human rights therefore both in terms of citizenship and the rights of citizens which can justifiably be claimed from governments. and in terms of an international order in which states have mutual expectations of each other. In this sense all rights are political in the sense of relating to the common good and the global common good.

3. All citizens are more than citizens (Archbishop of Canterbury Rowan Williams) in the "thin" sense of having identities greater than that of membership of a nation state that make claims on them, instill convictions and create expectations of certain particular freedoms, duties and rights.

4. This being more-than a citizen creates different situations in different political contexts. In theocratic states or those in which one religion is privileged by the state this means that core citizenship rights may be denied minorities while religion, being more than a citizen,, is privileged, though only the majoritarian religion: Iran, Malaysia etc. In liberal democracies this may mean that core citizenship rights are honoured but limitations put on full public role of religion in the public square by programmatic secularism (cf procedural secularism). In a cyberworld these two violations of human rights interact leading to different types of religious claims.

5. In liberal democracies the situation is characterised by rival claims from different citizen groups that lay claim to being more than citizens on basis of different identities, most notably sexual identities. Thus genuine tension between gay identities and many religious identities.

6. But "identity" differs in value. Religious identity covers a large part of life. Theology and Law is about everything potentially. Sexuality is about something. This needs reflection when "balancing" claims as weight of claim not necessarily equal. A different sort of belonging and a different imperative. Sacralisation.

7. Example of gay "equal .marriage in UK. Equality in law already given in Civil Partnership legislation> What then was unequal? RESPECT.

Two failures. State secular juggernaut versus Religious failure to realise public opinion was based on concern for equality. Failure of Churches to query idea of equality as sameness and failure to make accommodation on Civil Partnership.

Question What kind of accommodations are realistically possible and should we persist in talking about identities as if all identities carry similar weight