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Adaptation – A model for bringing human rights and religions together

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From the perspective of a collective – e.g. a religion, culture, tradition, society, or civilisation, human rights can seem to be an individualistic approach undermining the community. This negative view of human rights can be enhanced by the claim of the universality of human rights provoking connotations of imperialism, colonialism, and neo-liberal globalisation. The call for a "universal culture of human rights", which can sound like the striving for a uniform culture, also strengthens these fears. Finally, a philosophical and social discourse about the groundings of human rights faces the challenge that human rights are defined as "*un hecho del mundo*" (Rabossi 1990: 161) – as a "fact of the world" – neglecting the need for a justification of human rights. Based on an analysis of the relation between human rights and religions, the following article will discuss the above-mentioned misunderstandings and deliberate on human rights as a "steering notion" of social theory and philosophy in their interaction with religions.

The relation between religions and human rights has different layers. Religions can be understood as societal actors, and contributions by religions to a realisation of human rights are expected from them, as is the case with other non-state actors. Within and outside their communities religions can enhance the respect for human rights; they can call on their members to respect and support the realisation of human rights, indicating to them the consensus between their own traditions, values and principles, and human rights. Religions can take a stand and raise their voice for victims of human rights violations if the voice of the marginalised is not heard or if the marginalised do not have a voice in the democratic opinion-forming and decision-making processes of a society. This role of advocacy is often played by religions also because it is possible that in another context they could find themselves in the position of a discriminated-against minority and therefore they possess an understanding of this marginalised situation.

Unfortunately there are sometimes tendencies in religions to interpret human rights in ways that seriously limit their scope (e.g. the position of women in some streams of religions; the preference for communal obligations over individual rights) or they try to interpret the tradition and teaching of their own religion in a way that does not respect human rights or the human rights of some human beings. Furthermore religions can also be bystanders when human rights violations occur, tolerating, for example, discriminatory behaviours or/and inequalities within or outside their communities. Finally they can even be part of movements or actions that do not respect human rights, or can actually be party to violations of these.

If the relation between human rights and religions is to be analysed, one must consider the differentiated reality of human rights as well. In order to see the connection between religions and human rights, the multi-dimensionality of human rights (see Kirchschlaeger 2013a) needs to be part of any discussion on the issue. There are four dimensions to human rights that help to guarantee that every human being is protected in those essential elements and areas of human existence that permit everyone's survival and life as a human. Firstly, human rights treaties as part of international law, regional human rights law, the incorporation of human rights in national law, and the corresponding mechanisms and institutions, build the legal dimension of human rights. This dimension is necessary for the implementation of human rights.

These elements of the legal dimension are a result of a political deliberation, political struggle, political opinion- and consensus-forming processes, and political decisions to entitle all human beings with human rights – this is the political dimension of human rights.

The historical struggle for human rights started with philosophical or/and theological ideas and concepts leading to the idea of human rights. Afterwards those ideas and concepts ended on the political agenda of nation-states and later on the political agenda of the international community. Human rights possess a historical contingence – and a historical dimension. This historical dimension of human rights focuses on their historical genesis in general and of particular human rights declarations and treaties.

While the historical dimension of human rights explains how they developed, why every human being is entitled to human rights still needs to be discussed. The examination of this question constitutes the moral dimension. In order to remain coherent with their own core concept of the autonomy of the individual, human rights need a moral justification because autonomy embraces the claim to know the reason why one's freedom should be restricted by human rights. According to Rainer Forst there is a "right to justification" which corresponds to all norms, actions and conditions (see Forst 1999). Human rights did not 'fall from heaven'. They are not the 'absolute truth'. In contradiction to definitions of human rights as a "*un hecho del mundo*" ("fact of the world") (Rabossi 1990: 161), which do not allow for a discussion about the justification of human rights, human rights need to be justified to every human being as both a right-holder and a "duty-bearer", as each human being needs to respect the human rights of others as well. Robert Alexy recognises that the existence of human rights depends exclusively on the possibility of their justification. Human rights need to be justified to everyone concerned with them (Alexy 1998). The reasons why every human being is a human rights-holder have to be elaborated in a philosophical and social discourse about the groundings of human rights. The relevance of this question grows even greater when, for example, there are attempts to exclude a specific group of humans from human rights in general or from some rights, when human rights in general are neglected, or when some rights are denied. Facing these realities, reasons that justify human rights are necessary. This challenge cannot be met by just pointing out that human rights have a historical, political, and legal consensus that seems to enjoy global acceptance. The necessity of coherence and criticism provoked by the claim for the universality of human rights and by the lack of implementation of them on a global scale reinforces the enquiry into the legitimacy of human rights from a moral perspective.

In this paper the four different dimensions of human rights, legal, political, historical, and ethical, are discussed in terms of their relation to religious belief and practices. The foundation for the universality of human rights must, it is argued, be based on rational, ethical justification. Given the demand both for reasoning in our common life together and for meaning, religions are seen positively as

contributing towards the furthering of human rights, as providing motivation and an awareness of blind spots in their application. And human rights in turn contribute something to the religions themselves. Based on this analysis the attempt to connect human rights with religions will be pursued because human rights have become "a monument outshining all other texts" (Joas 2011: 280), which play a decisive normative role in different dimensions within today's society. At the same time, this development creates the risk pointed out by Hans Joas, namely "that human rights become an ideological element of a new social self-sacralisation through a national, cultural and religious triumphalism" (ibid.). This provokes the need to connect human rights with religions. It is the model of "adaptation" rather than "interpretation" that is presented as the way forward in thinking through human rights in its relation to religions. In this way the "universal culture of human rights" can be seen not to be an imposition of one culture (the Western) on all others, and at the same time religions cannot be seen as an obstacle to this human rights culture.

1. The right to freedom of religion and belief and the right to nondiscrimination

The relation between human rights and religions embraces one of the spheres of human existence protected by human rights: religion. That means that religious faith is considered an essential element and sphere of human existence protected by human rights that enable every human being to survive and to live as human. The Universal Declaration of Human Rights of 1948 states in Article 1: "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" (UN Declaration on Human Rights 1948: GA Res 217A (III)).

Human rights protect the freedom of the individual to religion and belief and to participate in the cultural life of the community (articles 18 and 27 of the Universal Declaration of Human Rights of 1948) and therefore enhance religious practice indirectly. Beyond that, further leading principles of the freedom of religion are equality and non-discrimination and the freedom from any force. However human rights are individual rights and represent the perspective of the individual, not of the community: human rights do not protect religion as such but *the freedom* of the individual to share the beliefs, thoughts and world views of a community, to be part of a community and to practice their way of life. This difference is criticised as an individualistic bias of human rights, but this overlooks the social character of rights per se, the duties of the individual corresponding to human rights (which will be discussed below), and article 29 of the Universal Declaration of Human Rights of 1948. The latter positions the individual within

her or his community and underlines the important role of the community for the development of the individual and the responsibilities of the individual within the community.

2. Religions challenging and benefitting from human rights

Besides this protection by human rights, with their claim of universality they are sometimes perceived as dangerous to religions. Although the UN Conference in Vienna 1993 reconfirmed the validity of the universality of human rights (see Eckel 2014: 826), this universality had critics. This criticism is surprising if one considers the following four distinct ways in which human rights seem to be on the side of religion, and not at all a "danger". *Firstly,* human rights protect the freedom of the individual to religion and belief (see Kirchschlaeger 2013b) and to participate in the cultural life of the community (articles 18 and 27 of the Universal Declaration of Human Rights of 1948), and therefore are enhancing cultural diversity. *Secondly* – this objection applies to religions that do not see themselves as having "Western origins" – regarding the alleged "Western origin" of human rights one must look closer when, where and by whom human rights were developed. In this search for the historical origin of human rights, of course what catches the attention is the Enlightenment, when the idea and concept of human rights experienced an agglomeration and crystallisation. Looking not only at the use of the term "human rights" but also taking into account the core nucleus of human rights, the idea of human rights was discussed much earlier in different cultures, traditions, and religions worldwide (see Joas 2015: 22; Clapham 2007: 5). More research – paying attention to the methodological challenges of such an analysis (see Eckel 2014: 29-31) – is necessary to get a more accurate picture of the origins of the idea and the concept of human rights. For the moment, the schematic distinction of three stages (Bobbio 1998) in the development of the idea of human rights (which should not be understood as a linear and teleological process) can be helpful. Following this model, the first phase consists of philosophical, religious, and theological ideas and concepts leading to today's understanding of human rights. Following this stage, the legal implementation of human rights on a national level, in the "Declaration of Independence of 1776" (see The Charters of Freedom 2014) and the "*Declaration des droits de l'homme et du citoyen de 1789*" (see *LegiFrance.gov.fr Service public de la diffusion du droit* 2014) build the second stage of this historical process. While the texts themselves are full of innovative thoughts and messages, they can still be understood as children of their time, since the Declaration of Independence and the *Declaration des droits de l'homme et du citoyen* had a particular understanding of rights-holders: white men with a certain socio-economic background who were citizens of particular nation-states. This meant that many people even within these

particular nation-states were excluded from being right-holders, let alone from a global perspective. In addition, at that stage slavery was still practiced and was not ended by these declarations although they certainly influenced the process leading to the abolition of slavery.

Because of these shortcomings, a third stage starting with the Universal Declaration of Human Rights of 1948 – still a work-in-progress consisting of the binding human rights treaties and the corresponding protection mechanisms – tried to raise to a universal level the concept and the implementation of human rights. If one considers the drafting process of the Universal Declaration of Human Rights of 1948 (see Gut 2008), one can see that representatives of all regions of the world, different cultures, traditions, civilisations, religions, world-views and value-systems participated in the process in order to achieve a global consensus (see Joas 2015, 71-80). The text should rely "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 in action. No doubt, this is little enough, but it is the last resort to intellectual agreement." (Maritain 1948) For this purpose they agreed on a pragmatic approach striving for a logical and practice-oriented text as Jacques Maritain reports: "Yes, we agree about the rights but on condition that no one asks us why" (ibid.:1). Jacques Maritain, in this introduction, seems to envisage a further stage in which greater consensus was reached about the scale of values underlying human rights – perhaps akin to the idea of the moral, rather than pragmatic, justification.

There is a pattern leading to human rights documents: historical experiences of injustices through the ages and their public perception and political discussion provoke the attempt to stop the injustices, to prevent them, and to avoid them in the future. E.g. the Universal Declaration of Human Rights of 1948 can be seen as a direct reaction to the human rights violations of the Holocaust and its intention to deprive people of their human dignity. "Most of the articles and rights in the Declaration were adopted as direct and immediate reactions to the horrors of the Holocaust" (Morsink 2010: 27). Indubitably World War II and the Holocaust played a decisive role in the drafting of the Universal Declaration of Human Rights of 1948. At the same time, one could have doubts that a single historical experience of injustice such as the Holocaust could have a universal effect despite its unique character. Historical accounts can exclude as well (e.g. the European perspective on World War II dominates while the African experiences and perceptions receive less than full attention), possibly leading to a case of double discrimination.

Beyond that, human rights can be respected by religions (see Hoeffe 1998), because religions benefit indirectly from the human right to freedom of religions

and belief, as mentioned above. "While I do not deny that human rights establish moral boundaries, it needs also to be seen that these rights enable members of religious communities and of other variants of cultural groups to maintain their distinct identity" (Zurbuchen 2009: 285). As the foundation for the protection of ideas, traditions and beliefs, human rights ask religions to contribute towards their realisation – be it in their own society or in other societies.

Finally, where human rights affect religions, they strengthen those forces within religions already committed to upholding human rights. Clearly, the basis for this view is an understanding of religions that neither assumes that all religions accept the existence of any other religion, nor that every religion is able to coexist with another religion and is prepared to discuss a consensus. At the same time, it does not assume a static, monolithic image of religions. Rather, it proposes a dynamic understanding of religions including the recognition of the possibility of a diversity of different movements within a religion unified around a shared nucleus. Consequently, liberal, conservative, or traditionalist movements within the individual religions may often resemble each other over the boundaries of religions more than their internal co-movements.

In addition the intercultural and inter-religious dialogue benefits from human rights as a framework ensuring that all possibilities of discrimination and of arbitrariness are excluded from this dialogue.

3. Religions and the four dimensions of human rights

A discussion of the relation between human rights and religions needs to address human rights in their complexity. Religions need to be connected with all four dimensions of human rights.

3.1 Religions and the Legal Dimension of Human Rights

"International human rights are legal entitlements of individuals against the state or state-like entities guaranteed by international law for the purpose of protecting fundamental needs of the human person and his/her dignity in times of peace and war" (Kaelin 2004: 17). Walter Kaelin's definition of human rights captures the legal dimension of human rights. Human rights in their legal dimension mean members of a legal system have a legitimate claim for them. States have a primary responsibility to respect and implement these rights. Transforming moral rights into positive law means a better chance of enforcement, less interpretation and concretisation problems, and the establishment of public institutions able to meet these obligations (see Alexy 1998).

One aspect should not be underestimated: human rights as positive law in a national context automatically make a distinction between the citizens of a constitutional democratic state, the human beings living in that state, and other human beings because human rights as positive law are part of a national legal system which only applies to the members of that legal community. As positive law human rights cannot avoid being incompatible with their own universality because as part of a national law, they apply only under certain conditions. This particularisation needs to be balanced, to a certain extent, with a "global process of positive transformation" including international, regional, and global institutions striving for legal enforcement of human rights so that human rights become positive law at those levels too, which changes legal obligations.

Religions are especially significant for the legal dimension because legal rights in general depend on a corresponding moral awareness and an ethos (see Kirchschlaeger 2007). The implementation and the realisation of legal rights – similar to human rights in their legal dimension – need the support of a corresponding moral awareness and an ethos because the respect for the law does not originate in the fear of sanctions but mostly in a corresponding ethical system sharing the same principles. This significance of the ethical foundation in order to change the legal system of a society towards a respect for civil rights was underlined by Martin Luther King, in his speech "Facing the Challenge of a New Age" at the NAAACP Emancipation Day Rally in Atlanta on January 1, 1957: "I know that there are those who say that this can't be done through the courts, it can't be done through laws, you can't legislate morals. They would say that integration must come by education not legislation. Well I choose to be dialectical at that point. It's not either law or education. It's both legislation and education" (King 1957). Human rights must go hand in hand with an appropriate ethos to ensure that they are enforced. "We all need to become increasingly aware that the realisation of human rights is never automatically achieved. Human beings may or may not be born free and equal, but in any case their actual freedom and equality depends on the extent to which authorities and individuals take the human rights message to heart. In other words human rights are not a gift but a task for all of us. If people fail to take action on behalf of their fellow human beings, if they lack sympathy for their suffering and do not show solidarity with the victims of human rights violations, if they do not cry out against oppression and disregard for human dignity and if they do not persist in calling for more justice, there can ultimately be no real peace in our world" (Kaelin 2004: 37). Beyond that, an ethical system serves as a frame of reference for a legal system, for the law-making process, and for law enforcement. "A just law is a manmade code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St Thomas

Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority" (King 1963: 6-7). Religions can on the one hand call their members to respect the law. On the other hand they can contribute to the horizon of meaning that serves the law-making process as a frame of reference.

3.2 Religions and the political dimension of human rights

The legal dimension of human rights is a result of a political process. This is one aspect of the political dimension of human rights (see Kirchschlaeger 2013c). Morally possible human rights are schematically transformed in legally protected human rights through a political opinion-forming and decision-making process. It is an outcome of a political act that human rights are transformed into positive law with the purpose of enhancing their enforceability, guaranteeing a more regulated and controllable judging process, and institutionalising the way these rights are bestowed.

So as to cohere with its own principles, the political opinion-forming and decision-making process itself must respect those parts of human existence that are protected by human rights, e.g. an individual's guaranteed right to participate in the political opinion-forming and decision-making process, the freedom to congregate and the freedom of expression and information. This means also means that this political process must remain within the boundaries set by human rights, e.g. the democratic process and democratic decisions are not allowed to be discriminatory, … (Kirchschlaeger 2014a) – a second aspect of the political dimension of human rights.

The selection of those essential parts of human existence which enjoy special protection by human rights – based on historical experiences of injustice and the corresponding public and political discussion – belongs to this transformation process as well. It is a third aspect of the political dimension of human rights.

As a fourth aspect of the political dimension, political statements rely on human rights language. Experiences of injustice are identified as "human rights violations", and basic needs and fundamental requests are defined as relevant to human rights. "Despite the continuing intercultural disputes about how they are to be interpreted, human rights speak a language that enables the dissidents to express their suffering and their demands against their repressive regime – in Asia, South America, and Africa no less than in Europe and the United States"

(Habermas 1998: 221). All over the world, protests against violations of human rights choose – independently of the religious fundament, the cultural context or the horizon of worldviews – the language of human rights. Protesters calling for reform and the end of dictatorship and absolute regimes refer to human rights to express and achieve their aims. And human rights lead to peaceful coexistence – in the interest of all human beings: "Human rights are as fundamental to the poor as to the rich, and their protection is as important for the security and prosperity of the developed world as it is for that of the developing world. It would be a mistake to treat human rights as though there were a trade-off to be made between human rights and such goals as security or development, [...]. Strategies based on the protection of human rights are vital for both our moral standing and the practical effectiveness of our actions" (Annan 2005: para. 140).

Not only does the use of human rights language help to shape the political discourse but it also helps to determine political projects for the cause of human rights. As long as human rights are violated, they remain a political mandate calling for appropriate political decisions and actions in order to minimise or eliminate the violations – a fifth aspect of the political dimension of human rights.

Beyond that, human rights serve the political discourse as a legal and an ethical frame of reference of human rights – a sixth aspect of the political dimension of human rights.

Unfortunately human rights can be abused for other political purposes that damage the human rights tradition. If the political purpose, or its pursuit, itself violates human rights then the negative impact is even higher. This includes perceptions of human rights which links them e.g. with imperialism and neocolonialism. The potential of political abuse represents the seventh aspect of the political dimension of human rights.

The interplay between the political dimension of human rights and religions is mainly dominated by the voice that religions (as a societal actor) have in the political discourse and in their potential to take a stand for human rights and to defend a position for the cause of human rights (see Banchoff and Wuthnow 2011). In addition, religions can defend the point of views of minorities or marginalised people whose voice is not heard or is under-represented in the political discourse.

3.3 Religions and the historical dimension of human rights

In the historical dimension of human rights the focus lies on the explanation of their historical genesis. This does not constitute a moral chain of argument as to why all human beings are holders of human rights but clarifies why and by whom an idea was conceived or an approach introduced and developed. The

exemplary nature of a historical injustice does not constitute a moral judgement but a contingent evaluation of the experience as a threat to, or a violation of, essential elements and areas of human existence.

The historical dimension of human rights deals with their historical contingence as well. Therefore human rights are dynamic and open for new essential elements and areas of human existence, which maybe in the future will need the special protection by human rights because new challenges and threats can arise. Therefore human rights lose neither their relevance to the present nor their sustained significance for the future. "The human rights abuses on the minds of the 1948 drafters occurred during the Holocaust, while today we can point not only to the Nazi atrocities, but to atrocities in Bosnia, Cambodia, Rwanda, Darfur and in other contexts" (Morsink 2010: 36). The historical dimension of human rights sends out the clear message that humanity is able to react to wrongs suffered by human beings in the past, in the present, and in the future.

The historical analysis of the genesis of human rights outlines new aspects of human rights. These aspects constitute additional knowledge and are of systematic interest for human rights theory and practice (see Gut 2008).

Religions contributed to the genesis of human rights but were not the only contributors; the role of religions as a driving force must not be overestimated nor should the development of human rights be located in specific religions because both approaches would not do justice either to the religious traditions or to human rights (see Bielefeldt 1998: 25-44). Heiner Bielefeldt clarifies: "Being a specifically modern achievement, human rights cannot be simply 'deduced' from the basic sources of the great religions" (Bielefeldt 2006: 256). In addition, "recent tendencies to reframe the concept of human rights in Christian or Islamic language can lead to problematic claims to an exclusive heritage, claims by which a full understanding of the spirit of human rights seems to be reserved for the adherents of the respective religious traditions" (Bielefeldt 2006: 258).

For example, the concept of the difference between human beings and objects culminating in the teaching of human dignity as a moral source of human rights is a concept that most of the world religions seem to share. The fundament of the respect of the dignity e.g. in Judaism and Christianity (see also Traer 1991: 99-110; Ceming 2010: 75-110; Brumlik 2013: 99-110; Traer 1991: 19-95; Lohmann 2010 126-152; Otto 2001: 13-45; Witte 2015; Ceming 2010: 111-184) of all human beings consists in the Jewish-Christian belief in the *imago Dei* – humans created in the image of God – which is formulated in Genesis 1:26-27: "[26] Then God said, 'Let us make man in our image, after our likeness. And let them have dominion over the fish of the sea and over the birds of the heavens and over the livestock and over all the earth and over every creeping thing that creeps on the earth'.[27] So God created

man in his own image, in the image of God he created him; male and female he created them." The Jewish-Christian teaching of the *imago Dei* is based on two substantives: the Hebrew word *säläm* means sculpture, image. *Demot* means "appearance", "resemblance", "analogy". It needs to be emphasised that the main focus of the text does not describe what the *imago Dei* consists of but why the *imago Dei* is given (see Middleton 2005; Schuele 2005, 1-20; Schuele 2009, 591-611; Neumann-Gorsolke 2004; Niskaner 2009, 417-436). The Hebrew word *säläm*, translated as image, also names statues that represent the king in the city-centres of that time (see Loretz 1969, 118; Duncker 1969, 77-87; Schuengel-Straumann 1998, 2-11). This means that they ensured the presence of the king in his absence. In the same way humans are called upon to be the emblem of God on earth, to conserve and to implement the claim of power by God (see Von Rad 1967, 46). In this biblical context, power of God – considering also that JHWH was honoured as a king – embraces the responsibility of God to take care of those who are entrusted to him. Genesis 1:26-27 embraces a rather practical understanding of the *imago Dei* rather than a substantial notion of the image of God (see Barr 1968, 11-16). Humans perform the duty to take care of all other humans respectively the entire creation in the name of God (see Middleton 2005). Therefore the *imago Dei* refers mainly to the relations among humans and between humans and the environment. It is a gift of God to humans that God entrusts to humans this responsibility representing God on earth as his image.

This understanding of the *imago Dei* gives a clear notion of human dignity including a precise orientation – God. This orientation towards God builds also the fundament of the relation with God that is the basis of the relation with all other humans and with the entire creation respectively. The significance of relation and of community for humans then results from the second creation-narrative in Genesis 2:4b-24 (see Kirchschlaeger 2011, 63-82).

Finally Genesis 1:26-27 must be read together with Genesis 5:3 where the same term *säläm* is used for the resemblance between father and son (Adam and Set). Because of this semantic relation between Genesis 1:26-27 and Genesis 5:3 the *imago Dei* is complemented with the closest possible blood relationship – childship. Humans receive not only the gift of the responsibility for all other humans and for the entire creation, but they also resemble God like a child resembles his or her parents. A midrash – an exegesis of the Torah – here related to Rav Kahanā, deliberates on this relation of childship: "It is like with twins: If one of them suffers headache, the other feels it as well" (PesK 5,6 [translation by Kirchschlaeger]; see Thoma/Lauer 1986, 139-140). This sympathy must be understood first of all in one direction – from the father to the child – as God feels with humans as a father feels with his child. This relation as close as possible between God and humans is part of the *imago Dei*, and adds another element to the understanding of human

dignity: human dignity is nurtured by God's love and care – like a father would for a child.

The *imago Dei* is further reinforced when the Jewish-Christian principle of the love to fellow humans (Leviticus 19:18; Marc 12:28-24 par; Romans 13:8 10; Galatians 5:14) is combined with the universalism of human dignity. Every human is one's neighbour – in his or her misery a human is identified with Jesus Christ (see Mt 25:40.45). The focus is on humans as creations of God, everything else is irrelevant, which builds the origin of the independence of the dignity of all humans from citizenship, from social position, from gender, … – elaborated in Galatians 3:28 for the baptised: "There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus". This limitation to the baptised should not be overlooked. Yet the unlimited solidarity of Jesus Christ and his unlimited commandment of love point the direction of interpretation. In the New Testament this message was explosive and dangerous. Any differentiation between Christians and all other humans must be confronted with the universality of human dignity based on the *imago Dei*: All humans, not only Christians, receive the gift of *imago Dei* by God (see Loretan 2010, 59; Gabriel 2009, 7; *Dignitatis humanae*, 1, 9, 11, 12; *Gaudium et spes* 26, 29, 78; Mack 2015: 10). The love to fellow humans indicates the categorical nature of human dignity, which means that human beings do not have to fulfill anything in order to possess human dignity but they have it by being human.

Based on the teaching of the *imago Dei* is the Christian concept of personhood as ultimate source of the Kantian notion of humans as autonomous, reasonable individuals (see Joas 2011; Griffin 2008). Further examples show that several religions contributed to the development of human rights (see further on Bahá'ì discourse Vader 2006: 129-133, Vader 2006: 155-158; on Buddhist discourse H. H. the 14th Dalai Lama 2006: 165-169; Traer 1991: 129-145; Ceming 2010: 321-373; Unno1988: 129-147; Thurman 1988: 148-163; on Chinese discourse Paul 2010: 236- 262; Li 2013: 111-121; on the Indian perspective Kirloskar-Steinbach 2010: 219-235; Traer 1991: 129-145; Ceming 2010: 251-320; Carman 1988: 113-128; on Muslim discourses Dhouib 2015: 53-69; Mayer 2013; Diaw 2013: 52-75; Ceming 2010: 185-250; Bassiouni 2010: 177-218; Bassiouni 2014; Little, Sachedina, and Kelsay 2010: 57-83; Duncker 2006; Traer 1991: 111- 128). At the same time, there were objects, bystanders, accomplices, and subjects of human rights violations in the past as well. (The assessment of the negative role played by religions requires a high degree of differentiation to avoid false accusations because often conflicts caused by poverty, ideologically motivated policies, and political power-play use the mask of religions [see Maus 2015: 15; see Armstrong, 2014]). Religions can support the historical dimension of human rights in the research regarding the role religious traditions and

theologies played in the genesis of human rights and in the analysis of religious sources regarding normative contents contributing to human rights. Regarding the normative contents, the historical dimension of human rights can learn from religions how the relation between human history and normative contents respectively religious truth need to be addressed and understood.

3.4 Religions and the moral dimension of human rights

While human rights embrace a minimal standard of elements and areas of human existence that a person needs in order to survive and in order to live as a human being, religions open a wider horizon of meaning for human existence. Their transcendence distinguishes itself clearly from the moral dimension of human rights. Although the moral dimension of human rights is a minimal standard and practice-oriented, it still serves as an ethical framework of reference on an individual-ethical and social-ethical level (see Kirchschlaeger 2013d).

Beyond that, the moral dimension of human rights proves to be fundamental in that it gives them legitimacy and lays the foundation for their claim to universality. The moral dimension of human rights is constitutive for all other dimensions of human rights because it is here that the question how they can be justified finds its adequate discussion. It is only in the moral dimension where the justification of human rights finds adequacy in meeting this challenge because only here can we outline plausible reasons which can be universalised – a "*conditio sine qua non*" for the moral justification is needed to present this without any traditional, cultural, religious, metaphysical limits (see Tugendhat 1998). The challenge of universalisation cannot be mastered by a legal, historical and political justification: while a legal justification of human rights, e.g. going back to a democratic opinion-forming and decision-making process in a country, cannot satisfy the universality of human rights, as it remains irrelevant for a human not living in that country (if e.g. the democratically elected parliament in one country decides to ratify the UN Convention on the Rights of Persons with Disabilities, it has no direct impact on humans living in another country and possesses at most an exemplary effect). The historical and political rationales face exactly the same obstacles: in the case of the historical justification the problem arises that its focus belongs to the historical genesis, not the historical validity; the political justification-models remains often imprecise or too narrow in their understanding of human rights, and this can be shown in the approach of John Rawls' "overlapping consensus". John Rawls' understanding of human rights (see Rawls 1999, Rawls 1971) seems, among others, to be limited to national borders, to exclude several human rights in an arbitrary way (e.g. the right to education)

not respecting the principle of indivisibility, and to be too tolerant towards states violating human rights (see Kirchschlaeger 2013e: 192).

The moral dimension of human rights is what gives human rights their universality and this stands out in the following five paradigmatic cases:

- All human beings are holders of human rights, even if they live in a state that does not respect human rights at all or does not respect some human rights.
- All humans are holders of human rights, and human rights must be implemented, even if human rights are challenged by theoretical or practical resistance against them.
- All humans are holders of human rights, even if alleged "democratic decisions" – i.e. decisions by a majority not respecting the rule of law, in particular the human rights of minorities – aim to deprive some humans or a group of humans from their human rights.
- All humans are holders of human rights, even if there are groups in traditions, cultures, civilizations, religions, and value-systems trying to interpret human rights in ways that seriously limit their scope (e.g. the position of women in fundamentalist streams of traditions, cultures, civilizations, religions, worldviews; the precedence of communal obligations over individual rights).
- All humans are holders of human rights, even if one deals with a horizontal relationship (between individuals) as human rights regulate simultaneously horizontal and vertical relationships (between individuals and the nation-state): at the end of the day human rights protect the essential elements and areas of human existence which a human needs for survival and for a life as a human, and it does not matter who is the subject of the human rights violation and who the duty bearer.

So far it has been shown why human rights should be seen as universal. "Everybody matters" (Appiah 2007: 174) – differing from "not everybody matters" it emerges clearly that without their universality and their moral dimension human rights per se, some specific human rights, or some humans as holders of human rights, would not be respected, and that universality of human rights takes into account the diversity among humans. "However, a universalistic claim can only be granted to human rights in as far as they address themselves self-critically and are not directly coupled with a claim to cultural superiority" (Huber 2015: 13). Can it be justified that human rights must be respected, implemented, and realised universally? Is there a justification for every human to be a holder of and a duty-bearer corresponding to human rights? Is it legitimate that human rights have an impact on religions? These questions must be addressed

within the moral dimension of human rights because – as mentioned above – a reflection of them within a legal, political or historical dimension would be too limited in its validity (see Kirchschlaeger 2007). Jürgen Habermas emphasises that it is important at this point to free "*das Verständnis der Menschenrechte vom metaphysischen Ballast der Annahme eines vor aller Vergesellschaftung gegebenen Individuums, das mit angeborenen Rechten gleichsam auf die Welt kommt*" ("the understanding of human rights from metaphysical baggage in terms of an individual supposedly before any socialisation who comes into the world with innate rights") (Habermas 1999: 399).

The questions raised here can be answered by showing that every human being is a holder of human rights and therefore this individual claim must be respected even within religions because the justification of human rights equals a legitimisation of them. This justification of human rights has an impact within and outside religions. In other words, it is legitimate that human rights have an impact within and outside religions if all human beings can be justified from a moral perspective as holders of human rights.

This justification of human rights must respect the conditions of rational ethics or morality. "*Eine rationale oder kritische Moral ist eine, die für ihre Grundsätze den Anspruch rationaler Begründbarkeit erhebt. Moralische Grundsätze sind rational begründet, wenn sie allgemein zustimmungsfähig sind, d. h. annehmbar für alle betroffenen Personen unter der Voraussetzung ihrer vollkommenen Gleichberechtigung und Selbstbestimmungsfähigkeit*" ("A rational or critical morality is one that claims for itself rational justifiability for its principles. Moral principles are rationally justified if they are generally endorsed by, that is to say acceptable to, all affected persons, given their full equality and effective self-determination") (Koller 1999: 75). This means that they are based on arguments that are plausible and acceptable to all humans in the sense of a model of thought and not a real referendum. The justification of human rights thus builds upon "good reasons" that fulfil this criterion.

It must be acknowledged that it is difficult to provide a foundation for human rights fulfilling this criterion. The difficulty of this task becomes obvious when a possibly promising path is opened instead of a positive approach (e.g. by Immanuel Kant, Christoph Horn, Julian Nida-Ruemelin, Peter Schaber, Joel Feinberg, Ralf Stoecker, Juergen Habermas [see for a critical discussion of positive approaches Kirchschlaeger 2013e: 31-41]) – in order to avoid above all the risk of a discriminatory effect on human beings who might be different in exactly the characteristic representing the definition of human beings by a positive approach – by an approach *ex negativo*: a (possible) response to the question why every human is a holder of human rights is given by the principle of vulnerability

(see Kirchschlaeger 2013e: 231-335). The principle of vulnerability starts with a human being's self-awareness of his or her own vulnerability (see Kirchschlaeger 2013e: 231-267). For example, a healthy human being knows that he or she could fall ill in the future. The awareness-building of one's own vulnerability is a self-recognition process, the empirical correctness of which is not relevant. It is crucial though that humans are willing to do something about this awareness, namely to protect themselves from vulnerability or to find a reasonable way to deal with it. During this awareness-building process a human being recognises *ex negativo* the "first-person perspective" (Runggaldier 2003: 143-221). Human beings understand that they make and interpret this basic anthropological situation of vulnerability as a subject (meaning as the first person singular) who is acting, deciding and suffering, and who is living as a human being. "By acting and suffering, human beings experience themselves as living beings, which are not just living like all other beings but which live by living their own lives. To relate to themselves, to act neither compulsively nor arbitrarily but to be guided by reasons and to pursue freely-chosen purposes constitutes the life form which connects them with all human beings as their own kind. This life form makes them vulnerable as the self-relation which is inherent in this life form depends on fundamental conditions for realization" (Honnefelder 2012: 171-172). During the awareness-building process of one's own vulnerability and of one's own "first-person perspective", human beings put themselves in a relationship with the self and with all other human beings, recognising their own vulnerability and the vulnerability of all other human beings. They become equal in terms of vulnerability; they make themselves equal. Human beings share this vulnerability.

During this awareness-building process, human beings understand that they share not only vulnerability with other humans but also the individual "first-person perspective" on their individual vulnerability and on the vulnerability of all humans, and the individual self-relation that every human is the subject of his or her life. They recognise the equality of all humans in their vulnerability, the "first-person perspective", and "self-relation". They realise that the "first-person perspective" and "self-relation" are prerequisites for human life.

Based on this entire multilayer awareness-building process, a human is prepared to entitle all humans and himself or herself to human rights in order to reduce vulnerability and to actively balance and compensate in the case of a transformation from vulnerability to violations.

This justification model of human rights based on the principle of vulnerability shows why all human beings are holders of human rights. It represents an explicative model *ex negativo* that is accessible for religious and secular

conceptions of human rights, and it differs substantially from approaches to justification by e.g. Habermas.

In the moral dimension of human rights, the justification of human rights based on the principle of vulnerability confirms their universality and this implies that they affect religions as well. On the one hand human rights protect cultural and religious diversity by acknowledging the significance of religiosity on the individual level as one of the essential parts of human existence, and the necessity of non-discrimination. Especially through the right to religious freedom and through the prohibition of discrimination, human rights contribute not only towards diversity but also towards the peaceful coexistence of, and the dialogue between, religions. On the other hand, they expect reciprocity from religions to respect and support human rights, namely their realisation and implementation – be it within or outside their own communities.

Finally – and this point goes beyond for example the argument advanced by Habermas – the search itself for a justification of human rights can also create an opportunity to build a bridge to traditions, religions, cultures, civilisations, and value-systems. There is an opportunity for religions to open up access to human rights with the approach of an "adaptation" (see Kirchschlaeger 2013e: 162-184) and to contribute that way to their justification and to their implementation and realisation.

4. Adaptation – A model for bringing human rights and religions together

4.1 What Is Adaptation?

An adaptation process makes it possible to link one's own religious foundations with human rights. As opposed to "interpretation" (used among others by Habermas), which does not exclude the possibility that the content of human rights can change,[1] "adaptation" preserves the identity of human rights but translates them into the language of one's own religion. Adaptation gives access

1 See e. g. Cairo Declaration on Human Rights in Islam of 1990 which is an "interpretation" of human rights changing their content, among other with its article 24: "All the rights and freedoms stipulated in this Declaration are subject to the Islamic Sharia"; or its article 19: "There shall be no crime or punishment except as provided for in the Sharia"; e.g. the Bangkok Declaration of Human Rights of 1993 which represents an "interpretation" of human rights changing their content as well, among others with its article 6: "Reiterate that all countries, large and small, have the right to determine their political systems, control and freely utilize their resources, and freely pursue their economic, social and cultural development".

to human rights from the perspective of one's own religion by identifying and indicating the key concepts, main principles, and core values of one's own religion overlapping with human rights. Adaptation also embraces the proposals of substance for key concepts of human rights, e.g. human dignity, freedom, etc.

4.2 Religious foundations for human rights

Beyond that, adaptation embraces the discourse about reasons justifying human rights that can lead to justification models based on religions. Such justifications may be limited in their immediate relevance outside a specific community, since they are based on ideas that people outside the community find difficult to grasp or follow, since the ideas lack directly convincing rationality. Thus, they may fail because they do not comply with the pluralistic addresses and the claim to universality of human rights. At the same time, they have an internal function, since they grant access to human rights, and achieve a significant motivational impact.

Furthermore, they can strengthen the validity of human rights within a specific community. Without an additional internal justification of human rights, some might assume that human rights are something purely secular, i.e. that they have no relevance for the traditions, cultures, religions, or worldviews in question. This conclusion however clearly contradicts the universality of human rights, and shows the need to try and justify them from the point of view of religions. These attempts at justifying human rights based on a religious foundation as part of adaptation prove to be bridge-building between religions and human rights.

Within the discourse about the justification of human rights, religions offer justification models for *why* human beings are holders of human rights at all, as well as why they are holders of *these specific rights*. Robert Alexy, for instance, differentiates eight groups of justification models, including several based on religion: 1. religious, 2. biological, 3. intuitive, 4. consensual, 5. instrumental, 6. cultural, 7. explicative, 8. existential (see Alexy 2004: 17-21). The consensual, instrumental, explicative, and existential do correspond to the criterion for a critical or rational justification of morality by outlining the above-mentioned "good reasons". The biological group faces the challenge of a naturalistic fallacy. The intuitive and the cultural share the same challenges with the religious group: on the one hand the outreach of a religious attempt to justify human rights is mostly limited to the corresponding religious community. On the other hand a religious model of justification grants an access to human rights of a particular quality: a justification model based e.g. on a religious belief might possess an extraordinary intensity and might touch a believer in a way that a rational approach could not. A religious justification model of human rights increases the probability

that concrete engagement will follow the recognition of human rights and the individual responsibility for the realisation of human rights. Guido Vergauwen points out that a secular state cannot give the orders that religions must grant access to human rights (among others because the membership is voluntary, because of the right to freedom of religion, ...), but it can recognise the potential contribution by religions as indispensable, thereby encouraging this contribution indirectly (see Vergauwen 2009: 855). Vergauwen argues convincingly that the state in its secularity has a new interest to fall back on credible, universal justifications of human rights from religious and spiritual resources of its citizens (see ibid.). Similarly Habermas states: "*Der liberale Staat hat [...] ein Interesse an der Freigabe religiöser Stimmen in der politischen Öffentlichkeit. Er darf die Gläubigen und die Religionsgemeinschaften nicht entmutigen, sich als solche auch politisch zu äussern, weil er nicht wissen kann, ob sich die säkulare Gesellschaft sonst von wichtigen Ressourcen der Sinnstiftung abschneidet*" ("The liberal state has [...] an interest in the free expression of religious voices in the political public sphere. It should not discourage believers and religious communities from expressing themselves as such politically, because it cannot be sure that it is not thereby cutting off the secular society from important resources of meaning".) (Habermas 2005: 137). This potential contribution by religions is part of the dialogical process of adaption embracing this participation by religions.

4.3 Religions contributing to a "universal culture of human rights"

The concept of adaption allows for religions to not only provide access to human rights by their justification of them but also to contribute to a "culture of human rights" (see Kirchschlaeger 2014b) by fostering awareness-building for human rights within their own communities and with the public in general. Religions can be an advocate for human rights. The concept of a "universal culture of human rights" has been introduced by several human rights instruments,[2] e.g. the UN Declaration on Human Rights Education and Training[3] adopted without vote on December 19, 2011 by the UN General Assembly, defines as one of the aims of human rights education and training "to empower [...] to contribute to the building and promotion of a universal culture of human rights" (UN Declaration on Human Rights Education and Training).

2 See e.g. the Report of the United Nations High Commissioner for Human Rights on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education (A/51/506/Add.1); Revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education (A/59/525/Rev.1); the UNESCO/Bilbao Prize for the Promotion of a Culture of Human Rights, ...

3 The author has contributed as a consultative expert to the development of the UN Declaration on Human Rights Education and Training during the entire preparation process of the Declaration.

A "culture of human rights" has, furthermore, nothing to do with a "globalised culture" that intends to replace other cultures. The use of the term "universal religion of human rights" by Wilhelm Graeb, for example, could be understood that way and seems therefore to be problematic from a human rights perspective because human rights protect religious and cultural diversity indirectly as mentioned above. Wilhelm Graeb clarifies though: "Next to this universal religion of human rights cultural and religious differences will indeed continue to exist" (Graeb 2015: 49). Still, the phrase "universal religion of human rights" is more problematic than helpful because human rights are neither a religion nor do they originate from a religion, despite religions' contributions to the genesis of human rights and to the discourse about them. The phrase "universal religion of human rights" seems to create confusion because it seems to imply a specific understanding of human rights that Wilhelm Graeb does not seem to intend (e.g. human rights provoking the end of religious and cultural diversity), and because it seems to obscure Wilhelm Graeb's position: "Religious cultures have to legitimise themselves to human rights and not vice versa. Religions, their practices and legal interpretation have to prove themselves to be compatible with human rights, [...] this means that one has to insist on the validity of human rights [...] even if they are opposed to religious ideas of morality" (Graeb 2015: 51).

Beyond that, the idea behind a "universal culture of human rights" is not to create a uniform culture that excludes any form of contextualisation. Within a "culture of human rights", the diversity of religions continues to be protected based on the individual right to cultural life, and the right to freedom of religion. "Culture of human rights" means that the structure, the actions and responses of an entire society are informed by and based upon human rights. Article 4 of the UN Declaration on Human Rights Education and Training (see Kirchschlaeger 2011) elaborates the aim: "[...] a universal culture of human rights, in which everyone is aware of their own rights and responsibilities in respect of the rights of others, and promoting the development of the individual as a responsible member of a free, peaceful, pluralist and inclusive society".

A "culture of human rights" depends on contributions from different actors: governments by implementing and respecting human rights, public authorities by orienting their decisions and actions toward the values and principles of human rights, a society by publicly accepting and taking a stand for human rights, individuals by respecting human rights of the other with an awareness of their own rights (see McEvoy and Lundy 2007), and religious communities by demonstrating to their members the commonly shared elements of their own "truth" or value system and human rights.

In reality, a "universal culture of human rights" needs the support of religions as such a culture is not yet where it should be. Human rights are still

a "minority phenomenon", because the vast majority of human beings still do not enjoy the realisation of their human rights. Universality is still a claim, not the reality. A "universal culture of human rights" struggles with particular interests, e.g. by states which prioritise their sovereignty over the universality of human rights; by religions, and value systems expressed by institutions or leaders concerned about a possible loss of institutional power and influence and which usually do not relate to the core elements of the religious truth shared by the communities; or by the private sector which claims self-regulating approaches and uses this to define its sphere of influence within certain limits. Obviously, religions can contribute to a "universal culture of human rights".

4.4 Dialogue of reciprocal critique

As previously said, human rights have a legitimate effect on religions. Part of this influence is that human rights criticise religions when religions are bystanders, accomplices or subjects of human rights violations within or outside their communities.

At the same time, and building this dialogue of reciprocal critique of adaptation, human rights can be criticised by religions, e.g. when the international human rights discourse emphasises some specific human rights while neglecting other specific human rights, not respecting the principle of indivisibility of human rights (for example, focusing on political rights while neglecting the social, economic and cultural rights). Furthermore religions contribute to the human rights discourse with their criticism of misbalances, their identification of illegitimate emphases, their perception of abuses (e.g. by states) of human rights for other political purposes, or their criticism of poor performance by state or non-state actors playing the role of advocates of marginalised humans whose voice is insufficiently heard. The criticism by religions remains within the limits human rights themselves define, as foreseen by the concept of "adaptation" as distinct from "interpretation", which also permits changing human rights. This is not so with adaptation, where the identity of human rights is not touched.

Beyond that, religions offer a critical reading of human rights from their perspective of a wider horizon of meaning, which can show the human rights discourse's possible blind spots or new challenges.

5. Conclusion

The relation between human rights and religions is a complex one encompassing the multidimensionality of human rights, religions benefiting indirectly from the protection of human rights, religions contributing to the realisation of human rights, or religions being bystanders, accomplices, or even subjects of

human rights violations … In this complexity human rights are explored as a "steering notion" of social theory and philosophy in the interaction with religions. As the model of justification of human rights based on the principle of vulnerability confirms their universality, human rights have a legitimate impact on and beyond religions as well.

Beyond that, the model of adaption gives the chance to bring human rights and religions together by considering these different aspects which constitute the complexity of this relation, while embracing both as partners of a critical dialogue about essential elements and spheres of human existence. Adaptation provides the opportunity to understand the relation between human rights and religions as a *dialogical relation of reciprocal critique*. In this relation religions can on the one hand be critiqued when religious communities are expected to respect human rights and to contribute to their realisation. If they do not fulfill their obligations to do with the human rights of their members and followers, critique based on human rights is the consequence. On the other hand, and building with religions this relation of *reciprocal* critique, human rights can be criticised by religions when the international human rights discourse emphasises some specific human rights while neglecting other specific human rights – always staying within the limits human rights themselves are defining.

Adaptation makes this relation not only reciprocal but also a dialogical relation of reciprocal critique, because as human rights affect religions in a legitimate way, religions contribute to the human rights discourse with proposals and criticism.

The dialogical relation of reciprocal critique between human rights and religions helps religions not only to respect human rights but also to be in accordance with their own core elements of religious truth and message (as there is no religious truth or message calling their followers to human rights violations). It supports the realisation of human rights – not only because of the contribution by religions but because human rights receive guidance in remaining coherent with their own concepts.

Bibliography

Alexy R (2004) Menschenrechte ohne Metaphysik? *Deutsche Zeitschrift für Philosophie* 52: 15-24.

Alexy R (1998) Die Institutionalisierung der Menschenrechte im demokratischen Verfassungsstaat. In: Gosepath S and Lohmann G (eds) *Philosophie der Menschenrechte*. Frankfurt a. M.: Suhrkamp.

Annan K (2005) In larger freedom – towards development, security and human rights for all, UN Doc. A/59/2005. New York: United Nations General Assembly.

Appiah KA (2007) *Der Kosmopolit. Philosophie des Weltbürgertums*. München: C. H. Beck.

Armstrong K (2014) *Fields of blood: religion and the history of violence*. London: Random House.

Banchoff T and Wuthnow, R (eds) (2011) *Religion and the global politics of human rights*. Oxford: Oxford University Press.

Barr J (1968) The image of God in the Book of Genesis – A study of terminology. *BJRL* 51: 11-26.

Bassiouni M (2010) Islamische Menschenrechtsdiskurse. In: Liedhegener A *Menschenrechte und Menschenrechtspolitik*. Wiesbaden: VS Verlag für Sozialwissenschaften.

Bassiouni M (2014) *Menschenrechte zwischen Universalität und islamischer Legitimität*. Frankfurt a. M.: Suhrkamp.

Bielefeldt H (1998) *Philosophie der Menschenrechte. Grundlage eines weltweiten Freiheitsethos*. Darmstadt: Wissenschaftliche Buchgesellschaft.

Bielefeldt H (2006) Universal rights and religious traditions. In: Kirchschlaeger, PG and Kirchschlaeger, T (eds) *Human Rights and Religions, International Human Rights Forum Lucerne (IHRF), vol. VI*. Bern: Staempfli Verlag.

Bobbio N (1998) *Das Zeitalter der Menschenrechte, Ist Toleranz durchsetzbar?* Klaus Wagenbach: Berlin.

Brumlik M (2013) Prophetisches Völkerrecht und Heiligung des Menschen. In: Johannsen F (ed) *Die Menschenrechte im interreligiösen Dialog. Konflikt- oder Integrationspotential?* Stuttgart: Kohlhammer

Carman JB (1988) Duties and rights in Hindu society. In: Rouner LS (ed) *Human Rights and the World's Religions*. Indiana: University of Notre Dame Press.

Cemingk (2010) *Religionen und Menschenrechte. Menschenrechte im Spannungsfeld religiöser Überzeugungen und Praktiken*. München: Kösel-Verlag.

Clapham A (2007) *Human rights: a very short introduction*. Oxford: Oxford University Press.

Dhouib S (2015) Limits of the culturally relative view of human rights. In: Graeb W and Charbonnier L (eds) *Religion and human rights: global challenges from intercultural perspectives*. Berlin: Walter de Gruyter.

Diaw MAH (2013) Das Verhältnis von Menschenrechten und Gottesrecht (Scharia) im Islam. In: Johannsen F (ed) *Die Menschenrechte im interreligiösen Dialog. Konflikt- oder Integrationspotential?* Stuttgart: Kohlhammer.

Duncker A (2006) *Menschenrechte im Islam. Eine Analyse islamischer Erklärungen über die Menschenrechte*. Berlin: Wissenschaftlicher Verlag Berlin.

Duncker PG (1969) Das Bild Gottes im Menschen (Gen 1,26.27). In: Schefczyk L (ed) *Der Mensch als Bild Gottes*. Darmstadt: Wissenschaftliche Buchgesellschaft.

Eckel J (2014) *Die Ambivalenz des Guten. Menschenrechte in der internationalen Politik seit den 1940ern*. Goetinngen: Vandenhoeck & Ruprecht.

Forst R (1999) Das grundlegende Recht auf Rechtfertigung. Zu einer konstruktivistischen Konzeption von Menschenrechten. In: Brunkhorst H, Köhler W and Lutz-Bachmann M (eds) *Recht auf Menschenrechte*. Frankfurt a. M.: Suhrkamp.

Gabriel I (2009) Woher kommen die Menschenrechte? Spurensuche in Bibel, Theologie, Tradition und moderner politischer Kultur. *Freunde der Theologischen Kurse, Manuskripte* 6: 2-20.

Graeb W (2015) The "Universal Declaration of Human Rights": A confessional basis of a universal religion? In: Graeb W and Charbonnier L (eds) *Religion and human rights: global challenges from intercultural perspectives*. Berlin: Walter de Gruyter.

Griffin J (2008) *On Human Rights*. Oxford: Oxford University Press.

Gut W (2008) Eine Sternstunde der Menschheit. Die Allgemeine Erklärung der Menschenrechte von 1948. *Schweizerische Kirchenzeitung* 49(176): 816-819.

Habermas J (2005) *Zwischen Naturalismus und Religion. Philosophische Aufsätze*. Frankfurt a. M.: Suhrkamp.

Habermas J (1999) Zur Legitimation durch Menschenrechte. In: Brunkhorst H and Niesen P (eds) *Das Recht der Republik*. Frankfurt a. M.: Suhrkamp.

Habermas J (1998) Konzeptionen der Moderne, Ein Rückblick auf zwei Traditionen. In: Habermas J (ed) *Die postnationale Konstellation, Politische Essays*. Frankfurt a. M.: Suhrkamp,.

H. H. the 14th Dalai Lama (2006) Message of the Dalai Lama. In: Kirchschlaeger PG and Kirchschlaeger T (eds) *Human rights and religions, international human rights forum Lucerne (IHRF), vol. VI*. Bern: Staempfli Verlag.

Hoeffe O (1998) Transzendentaler Tausch. Eine Legitimationsfigur für Menschenrechte? In: Gosepath S and Lohmann G (eds) *Philosophie der Menschenrechte*. Frankfurt a. M.: Suhrkamp.

Honnefelder L (2012) Theologische und metaphysische Menschenrechtsbegründungen. In: Pollmann A and Lohmann G (eds) *Menschenrechte: Ein interdisziplinäres Handbuch*. Stuttgart: J. B. Metzler.

Huber W (2015) Human rights and globalization. In: Graeb W and Charbonnier L (eds) *Religion and human rights: Global challenges from intercultural perspectives*. Berlin: Walter de Gruyter.

Joas H (2011) *Die Sakralität der Person. Eine neue Genealogie der Menschenrechte*. Suhrkamp: Berlin.

Kaelin W (2004) What are human rights? In: Kaelin W, Müller L and Wyttenbach J (eds) *The face of human rights*. Baden: Lars Mueller Publisher.

King ML Jr. (1957) Facing the challenge of a new age. Address delivered at NAAACP Emancipation Day Rally January 1, 1957. [Online]. Available: http://action.naacp.org/page/-/History/Facing.the.Challenge.of.A.New.Age.at.Atlanta.Branch.Emanicpation.Program.1-1-57.pdf [July 29, 2014].

King ML Jr. (1963) Letter from Birmingham Jail, 16 April 1963. [Online]. Available: http://www.thekingcenter.org/archive/document/letter-birmingham-city-jail-0 [July 29, 2014].

Kirchschlaeger PG (2014a) The Relation between democracy and human rights. In: Grinin LE, Ilyin IV and Korotayev AV (eds) *Globalistics and globalization studies: aspects & dimensions of global views*. Volgograd: Uchitel Publisher House.

Kirchschlaeger PG (2014b) The concept of a "Universal Culture of Human Rights". *23rd World Congress of Philosophy* (in press).

Kirchschlaeger PG (2013a) Die Multidimensionalität der Menschenrechte – Chance oder Gefahr für den universellen Menschenrechtsschutz? *Menschen-RechtsMagazin* 18(2): 77-95.

Kirchschlaeger PG (2013b) Religionsfreiheit – ein Menschenrecht im Konflikt. *Freiburger Zeitschrift für Philosophie und Theologie* 60(2): 353-374.

Kirchschlaeger PG (2013c) Menschenrechte und Politik. In: Yousefi HR (ed) *Menschenrechte im Weltkontext. Geschichten - Erscheinungsformen - Neuere Entwicklungen*. Heidelberg: Springer Verlag.

Kirchschläger PG (2013d) Human rights as an ethical basis for science. *Journal of Law, Information and Science* 22(2): 1-17.

Kirchschlaeger PG (2013e) Wie können Menschenrechte begründet werden? Ein für religiöse und säkulare Menschenrechtskonzeptionen anschlussfähiger Ansatz. *Religions Recht im Dialog Bd*. 15. LIT-Verlag: Muenster.

Kirchschlaeger PG (2011) Human rights education as an important instrument for realizing human rights. The draft UN declaration on human rights education and training. *HURIGHTS OSAKA* 96(3): 12-13.

Kirchschlaeger PG (2007) Brauchen die Menschenrechte eine (moralische) Begruendung? In: Kirchschlaeger PG, Kirchschlaeger T, Belliger A and Krieger D (eds) *Human Rights and Children, International Human Rights Forum Lucerne (IHRF), vol. IV*. Bern: Staempfli Verlag.

Kirloskar-Steinbach M (2010) Interkulturalität und Menschenrechtsbegründungen – Eine indische Perspektive. In: Liedhegener A (ed) *Menschenrechte und Menschenrechtspolitik*. Wiesbaden: VS Verlag für Sozialwissenschaften.

Koller P (1990) Die Begründung von Rechten. In: Koller P, Varga C and Weinberger O (eds) *Theoretische Grundlagen der Rechtspolitik. Ungarisch-Österreichisches Symposium der internationalen Vereinigung für Rechts- und Sozialphilosophie, ARSP 54*. Stuttgart: Franz Steiner Verlag.

LegiFrance.gov.fr Service public de la diffusion du droit (2014) Declaration des droits de l'homme et du citoyen de 1789. [Online]. Available: http://www.legifrance.gouv.fr/Droit-francais/Constitution/Declaration-des-Droits-de-l-Homme-et-du-Citoyen-de-1789 [July 29, 2014].

Li W (2013) Genese und Geltung – Die Idee der Menschenrechte in China. In: Johannsen F (ed) *Die Menschenrechte im interreligiösen Dialog. Konflikt- oder Integrationspotential?* Stuttgart: Kohlhammer.

Little D, Sachedina A, and Kelsay J (2010) Human rights and the world's religions: Christianity, Islam, and religious liberty. In: Ghanea N (ed) *Religion and human Rights: critical concepts in religious studies*. London: Routledge.

Lohmann F (2010) Die Bedeutung des Protestantismus für die Menschenrechtserklärungen der Moderne. In: Liedhegener A (ed) *Menschenrechte und Menschenrechtspolitik*. Wiesbaden: VS Verlag für Sozialwissenschaften.

Loretan A (2010) Religionen im Kontext der Menschenrechte. *Religionsrechtliche Studien. Bd. 1*. Zürich: TVZ.

Loretz O (1969) Der Mensch als Ebenbild Gottes. In: Schefczyk L (ed) *Der Mensch als Bild Gottes*. Darmstadt: Wissenschaftliche Buchgesellschaft.

Mack E (2015) *Eine Christliche Theorie der Gerechtigkeit*. Baden-Baden: Nomos Verlagsgesellschaft.

Maritain J (1948) Introduction. In: UNESCO (eds) *Human rights. Comments and interpretations, UNESCO/PHS/3 (rev.), 25 July 1948*.

Maus I (2015) *Menschenrechte, Demokratie und Frieden. Perspektiven globaler Ordnung*. Frankfurt a. M.: Suhrkamp.

Mayer AE (2013) *Islam and human rights: tradition and politics*. Boulder: Westview Press.

McEvoy L and Lundy L (2007) Securing a human rights culture through the protection, promotion and fulfilment of children's rights in school. In: Anthony G, McEvoy K and Morison J (eds) *Judges, transition and human rights*. Oxford: Oxford University Press.

Middleton JR (2005) *The liberating image: The Imago Dei in Genesis I*. Grand Rapids: Brazos Press.

Morsink J (2010) The Universal Declaration and the conscience of humanity. In: Huhle R (ed) *Human rights and history: A challenge for education, foundation remembrance, responsibility and future*. Berlin: FATA Morgana Verlag.

Neumann-Gorsolke U (2004) Herrschen in den Grenzen der Schöpfung. Ein Beitrag zur alttestamentlichen Anthropologie am Beispiel von Psalm 8, Genesis I und verwandten Texten. *Wissenschaftliche Monographien zum Alten und Neuen Testament 101*. Neukirchen-Vluyn: Neukirchener Verlagsgesellschaft.

Niskaner P (2009). The poetic of Adam: The creation of *'dm'* in the image of *'Ilhjm'*. *Journal of Biblical Literature* 128: 417-436.

Otto E (2001) "Menschenrechte" im Alten Orient und im Alten Testament. In: Hoever G (ed) *Religion und Menschenrechte. Genese und Geltung*. Baden-Baden: Nomos Verlagsgesellschaft,

Paul G (2010) Menschenrechtsrelevante Konzepte in traditionell ethischen und religiösen Lehren Chinas. In: Liedhegener A (ed) *Menschenrechte und Menschenrechtspolitik*. Wiesbaden: VS Verlag für Sozialwissenschaften.

Rabossi E (1990) La teoria de los derechos umanos naturalizada. *5 Revista del Centro de Estudio Constitucionales*: 159-175

Rawls J (1999) *The law of peoples*. Harvard University Press: Cambridge.

Rawls J (1971) *A theory of justice*. Harvard University Press: Cambridge.

Runggaldier E (2003) Deutung menschlicher Grunderfahrungen im Hinblick auf unser Selbst. In: Rager G et al. (eds) *Unser Selbst – Identität im Wandel neuronaler Prozesse*. Paderborn: Schöningh.

Schuele A (2005) Made in the "Image of God": The concepts of divine images in Gen 1-3. *Zeitschrift für die alttestamentliche Wissenschaft* 117: 1-20.

Schuele A (2009) Menschsein im Spiegel der biblischen Urgeschichte (Genesis 1-11). In: Janowski B and Liess K (eds) *Der Mensch im Alten Israel, Herders Biblische Studien 59*. Freiburg i. Breisgau: Herder.

Schuengel-Straumann H (1998) Genesis 1–11. Die Urgeschichte. In: Schottroff L and Wacker M-T (eds) *Kompendium Feministische Bibelauslegung*. Gütersloh: Gütersloher Verlagshaus.

The Charters of Freedom (2014) Declaration of Independence (1776). [Online]. Available: http://www.archives.gov/exhibits/charters/declaration_transcript.html [July 29, 2014].

Thoma C and Lauer S (1986) Die Gleichnisse der Rabbinen. Erster Teil. Pesiqtā deRav Kahanā (PesK). Einleitung, Übersetzung, Parallelen, Kommentar, Texte. *JudChr 10*.

Thurman RAF (1988) Social and cultural rights in Buddhism. In: Rouner LS (ed) *Human rights and the world's religions*. Indiana: University of Notre Dame Press.

Traer R (1991) *Faith in human rights: support in religious traditions for a global struggle*. Washington, DC: Georgetown University Press.

Tugendhat E (1998) Die Kontroverse um die Menschenrechte. In: Gosepath S and Lohmann G (eds) *Philosophie der Menschenrechte*. Frankfurt a. M.: Suhrkamp.

Universal Declaration of Human Rights (1948) GA Res 217A (III), UN GAOR, 3rd sess, 183rd plen mtg, UN Doc A/810 (10 December).

Unno T (1988) Personal rights and contemporary Buddhism. In: Rouner LS (ed) *Human rights and the world's religions*. Indiana: University of Notre Dame Press.

Vader S (2006) The equalization of men and women within religions. In: Kirchschlaeger PG and Kirchschlaeger T (eds) *Human rights and religions, international human rights forum Lucerne (IHRF), vol. VI*. Bern: Staempfli Verlag.

Vader S (2006) Human rights – consensus or reason of conflict between religions. In: Kirchschlaeger PG and Kirchschlaeger T (eds) *Human rights and religions, International human rights forum Lucerne (IHRF), vol. VI*. Bern: Staempfli Verlag.

Vergauwen G (2009) *Homo homini amicus. Zur Grundlegung der Menschenrechte, Rektoratsrede am Dies Academicus der Universität Fribourg, 14. November 2009. SKZ* 177: 847-855.

Von Rad G (1967) *Das erste Buch Mose. Genesis, Das Alte Testament Deutsch. Bd. 2/4*. Göttingen: Vandenhoeck & Ruprecht.

Witte J Jr. (2015) Die Reformation der Rechte. Recht, Religion und Menschenrechte im frühen Calvinismus. *Theologische Anstoesse 8*. Neukirchen-Vluyn: Neukirchener Verlagsgesellschaft.

Zurbuchen S (2009) Universal human rights and the claim to recognition of cultural difference. In: Sitter-Liver B and Hiltbrunner T (eds) *Universality: from theory to practice. An intercultural and interdisciplinary debate about facts, possibilities, lies and myths*. Fribourg: Academic Press Fribourg.