

# Religion as a human rights liability

Posted: Wed, 16 Apr 2014 by [Nida Kirmani](#)

*While human rights movements must engage people of all religions and none, **Nida Kirmani** argues that explicitly linking religion to human rights can lead to the exclusion and persecution of minority groups and undermine human rights' claims to universality.*

It is no secret that many human rights have an inherently religious dimension, as Larry Cox [recently argued](#) on Open Global Rights. But do religion and human rights really need each other, as he suggests? While many of history's greatest human rights movements have been inspired by religious ideals of justice and equality, the explicit linking of religion and human rights can be highly problematic for particular people groups, especially women and sexual and religious minorities.

Although Cox argues that faith-based action is an important force in undermining repressive political regimes, women's movements in the Indian and Pakistani contexts have generally operated from a secular platform, arguing for a clear distinction between religion and matters of the state. In fact, women's movements in both countries are acutely aware of the dangers of combining religion and government, precisely because the interpretations adopted usually favor the interests of powerful (male) groups. In India, an officially secular state, religious pluralism provides a separate set of family laws for each religious "community," an approach that is itself problematic because it denies the complexity, divisions, and hierarchy within religious communities. In the case of [Muslim personal law](#), women are at a particular disadvantage in matters related to divorce and maintenance. For sexual minorities, the recent reinstatement of Section 377, which essentially criminalizes homosexuality, was at least partially due to pressure from religious conservative groups, who came together in a rare case of [multi-religious cooperation](#).

In the Pakistani context, where Islam is the official state religion, a host of religiously justified laws were introduced under the regime of Zia-ul-Haq. These laws included the [Hudood Ordinances](#), which made it nearly impossible for women to prove a rape in court without the testimony of four male witnesses. Also included was the [Law of Evidence](#), which reduced the testimony of all women and non-Muslim men to half that of a Muslim man. While the Hudood Ordinances have since been somewhat reformed, women's rights continue to stand on shaky ground largely because religious conservative groups have significant lawmaking power. For example, despite years of struggle, the [Domestic Violence Bill](#) has not been passed because some religious groups see it as an assault on their conception of the family. Even less progress has been made in terms of sexual minority rights in Pakistan, as no LGBT movement has yet emerged. In fact, in [June 2011](#), as an indication of what such a movement would incite, several religious groups vocally protested the US embassy's "gay pride" event as an attack of "cultural terrorism."

The amalgamation of religion and the state has also been extremely detrimental to religious minority groups in both India and Pakistan. In India, the rise of the Hindu Right, which views India as an essentially Hindu nation, has had exceptionally negative consequences for members of minority communities, including Muslims and Christians. This movement has led to horrific episodes of communal violence, from the riots across India in 1992-1993 following the destruction of the [Babri Masjid](#), to the pogroms in [Gujarat](#) against Muslims in 2002, to the violent clashes in [Muzaffarnagar](#) in August and September 2013.

In Pakistan, the blending of religion with the nation-state has had even more explicit negative consequences for members of religious minority groups. The official identification of the [Pakistani state as 'Islamic' in 1949](#) has led to all non-Muslims being automatically given second-class status as citizens. This political marginalization has also provided tacit justification for countless episodes of violence against religious minority communities. Because blasphemy is a crime punishable by death, Christians have been attacked both as individuals and as a community, with entire neighbourhoods, such as [Badami Bagh in Lahore](#), being burned to the ground. Both the state and Islamic groups have also developed a progressively narrow definition of "Muslim," which began with the Ahmadi community being [legally declared "non-Muslim" in 1974](#). This quest to define the "true Muslim" has led to a steady increase in sectarian violence across the country. The [targeted killings of Shia professionals](#) across the country, and the attacks on the Hazara community in [Quetta](#), are some of the worst examples of such violence in recent years.

In both the Indian and Pakistani contexts, then, the dangers of *not* taking a secular approach to human rights are all too clear. Cox argues that human rights movements should harness the power of religion in order to build support. Yet the question remains, which religion will be harnessed and whose version of that religion will be preferred? In multi-religious societies, an explicit use of religion as a mobilizing force means the exclusion of minority religious communities, as well as a denial of internal hierarchies and tensions within religious communities. In India, where Hindus are the majority, any attempt by the women's movement to use Hindu religious symbols, such as the goddess Kali, has alienated non-Hindu women. In Pakistan, where Muslims are the vast majority, an appeal to Islamic ideas of justice and equality also means an exclusion of women from minority communities.

While one cannot deny that ideas about dignity, equality, and justice are enshrined in all of the world's religions, the interpretation of these terms differs greatly amongst and within religious traditions. In addition, all of the world's religions contain strands that are clearly unsupportive of human rights. Even the most progressive interpretations of most major religions eventually hit a brick wall with certain rights, particularly regarding gender and sexuality. Therefore, while it is tempting to pick and choose aspects of religion that support human rights, the complications and risks that arise from doing so are simply too great.

At the same time, we should not ignore the importance of religion as a motivating force to achieve human rights, and we should not deny people the right to express their religious beliefs, provided that such expression does not also deny the rights of others. However, there is a difference between being personally motivated by religion, which can be a powerful driver, and religiously identifying as a movement, which can exclude non-believers and provide space for more fundamentalist religious interpretations to thrive.

For human rights activists, it is important to remember that protection of human rights is the bottom line. Bringing religion back into human rights can be appealing, particularly at a time when the human rights movement seems to be lacking "soul" as Cox implies, but including religion in the debate is also dangerous. For women and other minorities, it can quite literally become a matter of life and death.

*This article was originally published on [Open Democracy](#) as part of their Open Global Rights debate, "[Religion and Human Rights](#)". Nida Kirmani is an assistant professor of sociology at the Lahore University of Management Sciences (LUMS) in Pakistan, in the Mushtaq Ahmad Gurmani School of Humanities and Social Sciences. You can follow her on Twitter [@nidkirm](#)*

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