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CULTURE, RELIGION, AND FREEDOM OF RELIGION OR BELIEF

By Mariam Rawan Abdulla

The common connection that we make between culture and freedom of religion or belief (FoRB) is often a negative one. Freedom of religion is often invoked to defend human rights violations and to protest against the introduction of provisions providing for gender equality. In response, many human rights advocates, as well as more "moderate" voices within the same religious groups as those claiming FoRB, argue that such human rights violations or discrimination against women are not actually mandated by religion, but rather they are a cultural practice. In an attempt to mitigate this clash between the universal standards of human rights and the claim to freedom of religion, a distinction is therefore drawn between culture and religion. What is insinuated is that culture is the problem, not religion.

However, this attempt to smooth over incompatibilities between human rights values and religion runs into problems when it is faced with the reality that in many cases, this distinction between culture and religion is not so distinct, with cultural practices becoming "religionized" and religious ideas and spaces becoming part of the culture. While acknowledgement of this interaction might throw into question this particular strategy of distinction to promote human rights, it can open up other avenues for a more positive understanding of the way we understand FoRB, culture and religion. Religion, culture, and human rights do not exist in isolation, but affect and influence each other, sometimes in negative ways, but very often in positive ways that can assist in the understanding and promotion of FoRB.

This article will demonstrate this by examining our ideas on culture, how it is used by and for religion, and how this can provide lessons for our understanding of FoRB. There are many starting points to examine this relationship and many intricacies to this relationship of culture, religion, and FoRB, which is never linear and too extensive for one paper. The starting point and centre of discussion for this paper is culture, because it is clear that the distinction between culture and religion is based on a view of culture

Abstract: The relationship between culture and freedom of religion or belief (FoRB) is often seen as a negative one, with freedom of religion often invoked to defend human rights violations. In response, many human rights advocates draw a distinction between culture and religion, and what is insinuated is that culture is the problem, not religion. However, the reality is that in many cases, culture and religion are not so distinct, with cultural practices becoming "religionized" and religious ideas becoming part of the culture. Recognizing this relationship can open up other more positive avenues for the promotion of human rights and FoRB.

Keywords: culture, religion, FGM, freedom of religion or belief, religious justification

as regressive, static force from which these violations and discrimination arise.

Therefore, to challenge the idea that not only is there a relationship between culture and religion, but this relationship can be a positive one that we associate with FoRB, a wider understanding of what culture is must be included. While there are many different understandings of culture, this paper will look at culture on two levels: the level of expressive forms, for example through music, the arts, heritage, and cultural places, and on the level of ideas, the non-physical ideas, belief systems, values, and norms that may govern social behavior.

On these two levels, culture interacts with, influences, and is influenced by, religion, and therefore provides lessons for the advancement of FoRB. In the first instance, cultural expression is the human way of responding to the impact the world has on our lives, on the tensions we may feel between ourselves and our surroundings, and on altering material forms in a way that reflects meaning back at us, through music, the arts and books. Therefore religion or belief, which reveals the most profound of meanings that humans carry–their origins, their purpose on earth–is naturally manifested through the creation of culture and the adaption of material objects, through the use of symbolism, places of worship, and sermons. Looked at in this light, culture can give us an idea of what the manifestation of freedom of religion looks like as a lived experience, and conversely, a lack of cultural expression can serve as an indication of the more subtle ways FoRB may be restricted.

In the second instance, the level of ideas, values, and norms is often what is highlighted in human rights discourse, but in a way that is fixed, unchanging, and most often, as an obstacle to human rights. Culture is seen as holding harmful practices such as FGM, containing barriers to gender equality, and being hostile or intolerant to other groups, including other religious groups or religious minorities. Yet a key debate concerns the legitimacy of these assumptions about both culture and religion. This has happened, in part, through the development of voices arguing that both culture and religion are changing, dynamic, and contain values that align with FoRB and with universal standards of human rights. These arguments regarding the change and dynamism of values suggest that culture can contribute to FoRB in a way that resonates with people on the ground and adds new dimensions to the understanding and promotion of FoRB.

This article will, firstly, describe the discourse in which the relationship between freedom of religion and culture is a negative one, and how in response, a distinction is made between culture and religion. How far this distinction actually exists will then be considered. The second section will then reflect on cultural expression, how it interacts with religion, and how this provides lessons for FORB. The third section will then consider culture on the level of ideas, norms and belief systems, demonstrating that rather than being a barrier to human rights, its dynamic nature and the positive values it contains, which are often overlooked, can contribute to feeding into a lived reality of FoRB.

The Use of FoRB and the Distinction That Is Made

FoRB is so often invoked because of its legal and social power to justify human rights violations or to stymie movement in progressive causes. In the process, a distinction is made between culture and religion. Both assertions mean that the relationship between FoRB and culture carries negative connotations.

It may well be that those who invoke FoRB. religious freedom, do so because of a genuine belief that their religious conviction prohibits or promotes whatever they are attempting to achieve with this invocation. However, it is also true that this language holds normative weight, which means it is conceivable that some calculation goes into its use. We can see this in the fact that it has protection as a separate category as opposed to it simply being protected within "freedom of thought and conscience" and that it carries more legal weight than cultural rights.

A large part of why "freedom of religion" is specified as a legal right is the sacredness with which religion or belief is considered to be held. As philosopher Martha Nussbaum describes it: "To be able to search for an understanding of the ultimate meaning of life in one's own way is

among the most important aspects of a life that is truly human. One of the ways in which this has most frequently been done historically is through religious belief and practice; to burden these practices is thus to inhibit many people's search for the ultimate good" (Nussbaum 2001, 179). Individual conscience, the freedom to believe and express that belief in public, is considered as fundamental to the preservation of democracy (Trigg 2013, 164). But the centrality of religion to other modes of human capabilities and activity, such as ethical and intellectual expression; moral education of the young, family, and larger community; and cultural continuity and other forms of affiliation and interaction (Nussbaum 2001, 178–179), explains why it is afforded special protection beyond freedom of conscience. Even if substitute forms of expression and activity are available "to strike at religion is thus to risk eviscerating people's moral, cultural, and artistic, as well as spiritual, lives" (Nussbaum 2001, 180). It therefore warrants a different category of protection than that afforded by the freedom of thought and conscience, because while it also is concerned about right and wrong, it also involves more than that in that it includes a set of beliefs about the nature of the universe, ritual practice, and is embedded in doctrine, stories and tradition (McConnell 2013, 784). Beyond its centrality in human life, professor of philosophy Roger Trigg also suggests that "Religion may merit special protection because it provides a source of authority that may appear to be at odds with that of secular society" (Trigg 2013, 165–166). The weight given to FoRB may help to explain why it is more likely to be referenced than cultural rights. If practices are considered "religious," then they are typically afforded greater legal protection from interference from the state than if they were considered as cultural practices (Earp 2015). As Frances Raday, an academic human rights expert and current Rapporteur-Chair of the UN Human Rights Council Working Group on Discrimination Against Women, explains, religions, as opposed to culture, "have codified custom into binding source books that predate" human rights culture, backed by" legal and institutional structures to enforce their principles" (Raday 2003, 669–670).

The higher level of protection that is afforded when religion is seen to be behind a practice makes it clear why advocates for human rights are often keen to stress that human rights violations are a result of culture, rather than religion. While international conventions protect both FoRB and the right to enjoy one's culture, invocations of culture, religion and tradition can never justify violations of human rights, for example, General Comment 28 on Article 3 of the binding International Covenant on Civil and Political Rights (ICCPR) stresses that, "State parties should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women's right to equality" (UN Human Rights Committee 2000). The context of male and female circumcision provides a useful example of how differently practices are judged according to whether religious or cultural motivations are behind them Brusa and Barilan (2009). note how the distinction between "cultural" and "religious" motivations is common in the literature, where it is "is implied that 'religious' circumcision deserves protection and even assistance on the grounds of respect for people's faiths and own perception of divine commandments, whereas 'cultural' circumcision is more like a habit that deserves less tolerance." This is reflected in legal cases, for example a UK case regarding a young girl subjected to FGM, in which Judge Sir James Munby noted the distinction in UK family law between FGM and male circumcision, one reason being that "FGM has no basis in any religion [whereas] male circumcision is often performed for religious reasons."

To demonstrate that such practices are rooted in culture rather than religion, human rights practitioners often point out that FGM is practiced across different religious groups in a number of countries. The "Advocate's Guide to Action," a practical guide of FGM published by the Center for Reproductive Rights lists four main justifications cited for FGM: (1) preserving custom and tradition, (2) society's attempt to control women's sexuality, (3) religion, and (4) social pressure. In describing the justification of religion, the guide states immediately, "It is important to note that FGM is a cultural, not a

religious, practice. In fact, while FGM is practiced by Jews, Christians, Muslims, and members of other indigenous religions in Africa, none of these religions requires it" (Center for Reproductive Rights 2006, 7). Many religious scholars and academics in the West also take pains to insist that the practice is not rooted in religion but rather in culture. "When one considers that the practice does not prevail and is much condemned in countries like Saudi Arabia, the centre of the Islamic world, it becomes clear that the notion that it is an Islamic practice is a false one," maintains Haseena Lockhat, a child clinical psychologist at North Warwickshire Primary Care Trust (quoted in (Von Der Oston-Sacken and Unwer 2007)).

However, even on the particular issue of FGM, we can see that the distinction between culture and religion can easily fall into trouble. While there are imams who stress that FGM is not mandated in Islam, there are also those who argue that while it is not mandated by religion, it is a cultural practice that was not explicitly forbidden (Stop FGM Middle East n.d.), thus blurring the power of the argument that the practice should be prohibited just because it is cultural. It is also clear that those who practice FGM do so with both cultural and religious motivations (Stop FGM Middle East n.d.). Even those who stress that FGM is a cultural practice and not a religious one, encourage the use of religious spaces to challenge these perceptions (Suleman 2017), illustrating again, the tools religion has, in the form of collective spaces and voices of authority, to challenge cultural practice. While this still does not mean that FGM is mandated by religion, it does demonstrate that a relationship between culture and religion exists. Furthermore, this relationship could be a positive one in the promotion of human rights. In particular, exploring this relationship can open up new ways of understanding and promoting FoRB, to counter the current negative impression we currently have around FoRB and culture.

The Definitions and Distinctions of Culture and Religion

In order to explore these different ways in which culture interacts with religion, and the positive implications they may have for FoRB, it is useful to try to understand them as distinct terms, in order to more easily describe the relationship between the two. However, it is important to recognize that attempting clean and separate definitions of these two terms has its limitations. For example, the indigenous spiritual traditions in Australia show that the distinctions between culture and religion are problematic, since indigenous traditions see less distinction between religious and other dimensions of existence and spiritual traditions as helping to define and produce economic and social relations (Maddox 2010, 2). The idea of a singular concept of religion, set apart from the non-religious and secular, has been critiqued by Talal Asad (1993) as a Judeo-Christian idea and not a distinction used elsewhere, but rather imposed by Western scholars on ideologies, practices and belief systems in the rest of the world. Even for those for whom religion is a separate category, the way in which religion interacts with other dimensions is recognized. Emile Durkheim (Durkheim 2001), for example, emphasizes that religion is something eminently social, providing social cohesion, control and purpose for people, as well as allowing individuals to interact and reaffirm social norms.

Therefore, this article, in treating religion and culture as separate categories to begin with and then seeking to describe the relationship between them, does not intend to gloss over the fact that such a relationship is already recognized, albeit to different degrees. But it finds it necessary to use this method because culture and religion are intentionally and explicitly separated for human rights purposes. It therefore makes most sense to begin with the same starting point, and to begin with religion and culture as they are defined outside of their relationship to each other, before exploring a relationship between the two that is relevant to FoRB and human rights.

With this in mind, let us begin with a noted definition of religion by historian of religion Martin Riesebrodt, who tries to find one definition that includes both Abrahamic and Asian religions:

> Religion is a complex of practices that are based on the premise of the existence of

> superhuman powers, whether personal or impersonal, that are generally invisible. … The "superhumanness" of these powers consists in the fact that influence or control over dimensions of individual or social human life and the natural environment is attributed to them—dimensions that are usually beyond direct human control. Religious practices normally consist in using culturally prescribed means to establish contact with these powers or to gain access to them. What contact or access means depends on the religious imagination and on the social and cultural forms of accessibility (Riesebrodt 2010, 74–75).

The Definition of Culture

Similarly, it is necessary for us to consider what culture is, outside of its relationship with religion. This is not an easy task. Culture is considered one of the most complicated words in the English language, due to the fact it is used in a number of intellectual disciplines. Even within one discipline, there is a diversity of culture, such as the levels of family, workplace, church and state (Raday 2003, 666).

An extensive amount of definitions are offered. English anthropologist Edward Tylor (1871, I,1) defined "culture or civilization" as that complex whole which includes knowledge, beliefs, art, law, morals, customs and any other capabilities and habits acquired by a person as a member of society. Marvin Harris (1975, 144) says that "a culture is the total socially acquired life-way or life-style of a group of people. It consists of patterned, repetitive ways of thinking, feeling, and acting that are characteristic of the members of a particular society or segment of society." Another way in which culture is referenced is as expressive culture, which is one way to describe the cultural elements produced by a society. Expressive culture has been described by Joyce Burstein, as the "processes, emotions, and ideas bound within the social production of aesthetic forms and performances in everyday life" (2014, 132). Art is therefore integral to this definition, because culture is communicated through various art forms, which provide a way for people to construct creations showing how they think and view the world, to express ideas and emotions, to answer questions, and to give comfort. While this list is not exhaustive, these forms include sensory experiences, such as dance, music, literature, visual media, and theater, and the visual performing arts, which use body and voice to create or interpret. Burstein explains how visual and performing arts predate formal writing, with visual representations such as symbols and painting being the prehistoric artifacts discovered by archaeologists in the Americas and Early Egypt (2014, 132). Oral storytelling is another kind of expressive culture, which helps preserve the ideas and traditions of that culture by passing down stories through folktales and moral stories. Often contextual and historical influences are critical features of storytelling and storytaking, such as in the African American oral tradition (Banks-Wallace 2002). There is also so-called "popular culture," which refers to such activities as shows on television, rock music, and ballroom dancing (Panopio and Rolda 2007, 29).

For the sake of simplicity, this article will approach culture on two levels, that of cultural expression and that of belief systems, values, ideas, and attitudes, based on the common use of two definitions of culture in the literature; that of non-material culture (ideas created by members of a society) and material culture (things created by members of a society) (Macionis and Plummer 2008, 128). However, this article opts to refer to the latter as manifestations of culture, rather than just material culture, to include non-physical culture such as oral traditions and storytelling, common in religious traditions, but still only a message which expresses the ideas, values, and belief systems which lie beneath it (Vansina 1985, 124).

Cultural Expression

Religion Motivates Cultural Expression

What is clear from the literature is that culture and cultural expression is seen as fundamental to a person's existence and humanity: "To be fully human, humans need to have either a form of self-expression which is self-defining; or the freedom to partake in forms of cultural

expression; or to participate in ceremonies with cultural (and possibly religious or spiritual) dimensions; or to engage in artistic endeavors"(Gala and Gershevitch 2011, 2). Culture is the human way of responding to the impact the world has on people's lives, and of the tensions they may feel between themselves and their surroundings, through altering material forms in a way that reflects meaning back at us, through music, the arts and books. The arts play a role in providing a sense of narrative and facilitating a sense of agency, which allows people to form a coherent sense of self (Mulligan 2008, as cited in Gala and Gershevitch 2011). As former special rapporteur in the field of cultural rights, Farida Shaheed describes, cultural rights as the means by which people "develop and express their humanity, their worldviews and meanings assigned to their existence and development" (Shaheed 2015). The wider benefits of cultural expression, and of diversity in that expression, are also important. The Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO 2005) specifies that cultural diversity creates a rich and varied world, which increases the range of choices and nurtures human capacities and values, and is essential for sustainable development and the full realization of human rights.

The relationship between culture and religion is revealed in the motivation and manifestation of cultural expression. If culture expresses how humans experience and understand the world; religion is a fundamental way in which humans experience and understand the world. Religion is seen as a substantive base that is expressed in culture, because as stated by Elie Adams (1993, 193) "religion cannot be a self-contained area of culture, nor indifferent to other cultural developments." On the contrary, religious expression and motivation can drive cultural expression, with culture being a means to which humans can express the purpose and meaning religion gives them. This transpires into the artistic and cultural heritage of religions. The culture that arises from religion has been broadly categorized in four ways: (1) "immovable," for example ancient places of worship or sites of spiritual significance, (2) "moveable," such as artifacts used in religious ceremonies with artistic heritage values and are of high quality craftsmanship, (3) "tangible," such as books and manuscripts of holy texts or music, and (4) "intangible," which takes the form of various traditions, orally transferred knowledge or specific practices and beliefs that are transferred across generations and between practitioners of a faith (Gala and Gershevitch 2011).

More than cultural expression being simply a by-product of religious conviction, there is also an intentional use of culture by religion. Art is seen as a manifestation of religious worship (Dyrness 2001) and is often commissioned by religious institutions, such as complex geometric designs in Iranian mosques and stained glass windows in Gothic cathedrals, which are then responsible for the development of unique artisan knowledge and become iconic religious legacies that form part of a shared cultural heritage (Gala and Gershevitch 2011, 17).

Cultural Expression Subsequently Enriches the Religious Experience

And in the same way religion contributes to culture, culture then yields further religious and spiritual benefits, since it serves to enrich and propagate both the religious experience and education. It heightens religion for the religious, and the tangible and intangible mediums both serve as a means to transfer knowledge to members of a faith community and future generations, including the norms and expectations of the faith (Gala and Gershevitch 2011, 17–18). It is therefore clear that many interactions take place between culture and religion. At a fundamental level, they are impossible to separate. Culture is a manifestation of humans seeking to express and understand what is within them and what this life means, and religion is one crucial way in which humans find this meaning.

The freedom of religion or belief itself incorporates the importance of being able to manifest these beliefs, teaching, practice, and worship. It is clear culture plays a large and valuable role in this manifestation. Yet culture is also important to belief, heightening the understanding and experience of many who

encounter its cultural manifestation. If that is the case, then the relationship between culture and religion can help us both understand and promote FoRB, because the allowance and flourishing of cultural expression, particularly those related to religion or belief, is one way of fleshing out what genuine freedom of religion or belief looks like on the ground, as it is lived.

A Restriction on Culture Is Therefore a Restriction on FoRB

Restrictions on cultural expression may equally illuminate the state of FoRB. This is a particularly useful measure when a government or state official insists that there is freedom of religion or belief. Because culture is often a physical manifestation or shared experience within a religious group, the state of cultural affairs can often serve as an indicator of the true state of FoRB, and most often a better one than the rhetoric of the state. A restriction on culture serves as an indicator of the nature of FoRB in a given place in two ways. The first is a general restriction and shutting down of cultural and artistic expression is; the second is when only state-sanctioned religious culture is permitted.

THE STATE OF CULTURAL AFFAIRS CAN OFTEN SERVE AS AN INDICATOR OF THE TRUE STATE OF FoRB

This will inevitably affect freedom of religion, because religious motivation often drives artistic expression. Culture is often shut down, because it can be as potent and powerful as explicit political activism, and it is often at odds with government policy. As with media and political activism, culture serves as a means of questioning our lives, perceptions of ourselves and others, world visions, and power relations eliciting emotional and intellectual responses (Shaheed 2013, para.35), making it as dangerous as explicit critique. The prolific British designer Craig Oldham (2017) goes as far as to state, "There has never been a movement for social or political change without the arts," since art, design, music, theater, and photography are often pivotal to a movement or cause, against the established order, and a force which "agitates, educates, and organizes." The response of governments to art pieces that question the political establishment makes clear they see it as worthy of response as any political critique that is more explicit, such as the arrest of Malaysian cartoonist Zunar under the country's Sedition Act for allegedly insulting Prime Minister Najib Razak (Reuters 2016) and the firing of cartoonist Gado from his Kenyan newspaper, allegedly after pressure from government officials, for mocking the president (Starkey 2016).

Religious conviction can be the basis of this political critique and when it motivates political dissent, it often uses its cultural tools and places as vehicles for transmission of this message. Indeed, religion has been noted for its potential in galvanizing the masses and posing a threat to the state. As per Beetham's (1991, 11) conceptualization of legitimacy, the use of religion in a political movement can be a unifying force for those who share similar beliefs to that of the religion used. The ruling party of China, the CCP, identifies religious groups as potential threats to national security, with YeXiaowen, the former director of the State Administration for Religious Affairs for China, stating that "religion became a weapon in the hands of dissidents for inciting the masses and creating political disturbances" (cited in Albert 2018). In an attempt to curtail this, the culture of religion has been targeted. This has included blocking entry to sites of worship, dismantling crosses and demolishing churches, as well as interrupting gatherings.

What accompanies this, often, is the allowance of only a state-sanctioned religion. In many of these cases, freedom of religion may be heralded by the government, but even a cursory glance at the cultural practices and places of worship—an immovable type of culture that allows for gatherings and the passing on of intangible cultural traditions like sermons and storytelling—show that they are heavily monitored and state-sanctioned. Returning to the example of China, these state-sanctioned churches have been forced to install surveillance cameras and preachers being selected by the

government (Chow 2017). As a result, underground churches have cropped up, where telling biblical stories that encourage the defiance of worldly authority in favor of worshiping God isn't forbidden (Chow 2017). This development of alternative culture in the form of places of worship, and the resulting sermons and traditions that can take place there free from state surveillance, demonstrates the lack of genuine freedom of religion or belief when it is state-sanctioned. In this way, the turn that the development of culture has taken to alternative avenues deepens our understanding of the true nature of FoRB in a given country.

The Destruction of Cultural Heritage

Cultural expression can also enhance our knowledge of FoRB in a given place when we look at cultural heritage. This is because cultural heritage and cultural property are cultural expressions that warrant protection, which we can see in the legal instruments that cover this. Article 1 of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (UNESCO 1954) defines "cultural property" broadly to include moveable and immovable property, such as monuments of architecture, art or history, artworks, archaeological sites, manuscripts, books and scientific collections, as well as the institutions that house them. Cultural heritage has a broader definition, which includes tangible heritage composed of sites, structures and remains of archaeological, historical, religious, cultural or esthetic value, as well as intangible heritage comprising traditions, customs and practices, vernacular or other languages, forms of artistic expression and folklore (Bennoune 2016, para. 49). If cultural heritage is a type of cultural expression, then the discussion around this, specifically the destruction and preservation of cultural heritage, give us another dimension of cultural expression that aids our understanding FoRB, violations of FoRB, and the protection of FoRB.

Cultural heritage is often used as a means of education within the practice of religious beliefs because cultural heritage encompasses the resources which enable the cultural identification and development process of individuals and groups, which they, implicitly or explicitly, wish to transmit to future generations (Bennoune 2016, para. 47). This religious education is lost if this heritage is destroyed. For example, there are ancient languages and religious practices tied to sacred spaces and structures and cultural landscapes of northern Iraq and the Syrian Arab Republic which are being lost as populations are displaced and objects, texts, and historic structures are destroyed, naturally impeding transmission of religion and culture to future generations (2016, 77). A joint statement made by the then UN experts Heiner Bielefeldt, Special Rapporteur on Freedom of Religion or Belief, Rita Izsák-Ndiaye, Independent Expert on Minority Issues, and Farida Shaheed, Special Rapporteur in the field of Cultural Rights has also made clear the relationship between cultural heritage and FoRB after the destruction of Sufi religious and historic sites from October 2011 through to August 2012 in Libya, where tombs and libraries were targeted, including one of Libya's most important Sufi Shrines, Sidi Abdul-Salam al Asmar al-Fituri in Zliten. The UN experts noted that "it is a loss for us all, but for the local population it also means denial of their identity, their beliefs, their history and their dignity" (Bielefeldt, Izsák-Ndiaye, and Shaheed 2015).

Indeed, while these acts of international destruction harm all, by depriving all of humanity of the rich diversity of heritage, they disproportionally affects religious minorities (Chainoglou 2018, 120). As well as the loss of education future generations and the development of their already vulnerable religious beliefs, the destruction of cultural heritage can give us an understanding of what else is happening to people who are being attacked because of they do not conform to the majority or state religion. Indeed, the link between the destruction of culture and the subjugation of the religious beliefs of those to whom this heritage belongs is made clear by the motivations of those who destroy it. Aiming at the homogenization of world views, destruction is part of the "cultural engineering" practiced by diverse extremists who, rather than preserve traditions, seek to radically transform them, erasing whatever does not accord

with their vision, seeking to end traditions and erase memory, so that no alternative vision exists (Bennoune 2016, para. 81). Indeed, these acts of destruction are often part of a wider scheme to forcibly assimilate or deliberately kill a group of people (2016, para. 82). This is how culture, here, specifically the destruction of cultural heritage, can be used as an indicator of how religious minorities are treated in general and therefore of what FoRB is like on the ground. We can see this in the destruction of cultural and religious property, especially Ottoman and Islamic heritage, in Bosnia–Herzegovina, Croatia, and Kosovo during the 1991–1999 Wars of Yugoslav Succession. This destruction took place almost entirely at the same time of campaigns of ethnic cleansing of civilians, with multiple atrocities against the targeted groups, in an attempt to create ethnically homogenous territories (Walasek 2016).

Protection of Cultural Heritage

Parallel to the destruction of cultural heritage is the protection of cultural heritage, the politics of which can also give an indication of FoRB, and how to better promote it. Societies have long sought to protect and preserve their cultural heritage, for education to historical research to the desire to reinforce a sense of identity (Stenning 2015). In recent years, UNESCO has played a leading role in the development and promotion of normative action related to the protection of cultural and natural heritage monuments and sites, through a range of standard-setting documents, including charters and recommendations. Religious heritage is explicitly recognized within this.[1]

However, a particular politics surrounds the protection of cultural heritage, such as who decides what cultural expression deserves protection and how it is protected. This can give us further lessons on the intricacies of FoRB, when members of one religion are afforded more power in both these aspects that other groups, who tend to be minorities or hold less power in the political landscape. Denis Byrne (Byrne 2014) details how foreign scholars have failed to integrate indigenous religion in their own field practice, which grounded consequences, since local people and popular religion have been decoupled from heritage management. Dr Kwame-Opuku also points out that the refusal to return cultural African objects by Europeans and Americans "violates the freedom of religion in so far as many of the stolen African objects, for instance … the Benin altars … are necessary for the traditional practice of beliefs" (cited in Silverman 2010, 14). Since cultural heritage plays such an integral role in the fulfillment of FoRB, an examination of how far religious groups have exerted control over their own heritage is another angle to examine how far these religious groups can exercise FoRB through retention and control over their cultural expression and heritage.

Ideas, Beliefs, and Attitudes

Culture as an Obstacle to Human Rights

The third part of this article will look at the second category of culture highlighted above, that of underlying ideas, beliefs and attitudes. Underneath the distinction that is emphasized between culture and religion lies the assumption that culture is a negative static force which is an obstacle to human rights. This is why the distinction is important. If we place human rights violations or discriminations firmly in category of culture, it both explains why such violations have come about (because culture is seen as a negative force) and justifies the need to tackle them (because culture holds less normative and legal weight than religion in the Western human rights movement). Therefore, by examining the assumption that culture is a negative force, this throws up the necessity of this distinction between culture and religion.

The perception that culture is fixed and an obstacle to human rights has tended to dominate the literature. In a "general tendency to culturalize problems" (2003, 63), anthropologist Sarah Engle Merry explains how the idea that culture is a problem for human rights, extends beyond FGM and women's equality, with culture being blamed for the disadvantages also faced by minorities and other vulnerable groups, but in a way that sometimes dismisses the economic and

political causes behind these problems (Merry 2003, 63–64). The conception of culture as static, unchanging, and homogenous, and therefore in opposition to human rights is fundamental to contemporary transnational human rights discourse, as evidenced by the documents generated at global conferences, from commission meetings and CEDAW hearings and committees, where culture is often equated to customs, traditions, and ancient practices and as barriers to progress.[2]

When it is recognized that culture can change, then it is often implied that it changes only when it comes into contact with human rights discourse. The fact that it can only be changed through interaction and guidance from the outside still portrays culture in a negative light. For example, NGOs state that "the human rights movement is not inherently at odds with customary law, religious law, and tradition, but with the aspects that violate rights. The task at hand is one of transformation, not rejection" (Reid 2013). While the aim here is not to dismiss the benefits of such an interaction, the idea of "transformation" by the human rights movement does evoke the feeling that unsavory aspects are intrinsic to culture itself, which needs help from the human rights movement, while the rest is neutral at best.

However, this assumption placed on culture has been critiqued strongly, with many voices arguing that culture is both dynamic and changing, and can hold progressive values within it. Maintaining this distinction may stop unsavory practices from falling under the legal or cultural protection afforded to religious practices, but it would also prevent a more positive and productive relationship between culture and FoRB. Further reflection upon culture in two ways can help us understand and promote FORB. Firstly, reflecting on how negative ideas and values within culture can actually be driven by other forces helps us to understand the real drivers behind human rights and FoRB violations. Secondly, voices who stress that cultures carry the values upon which human rights is based show that it can in fact be a positive force for FoRB.

Recognizing Other Forces That Impact Cultural Ideas

Examining how power relations influence culture and the organization of society can help in understanding and promoting FoRB. By contextualizing culture, we can understand what is driving any religious intolerance within a culture and better tackle the root causes. One notable contribution to the "science of culture," which examines how culture is connected to relations of power is by anthropologists Fortes and Evans-Pritchard (2017, 8) who list a number of factors which determine the dominant values of the people and strongly influence their social organizations, including their political systems. These factors include population size, differences in mode of livelihood and environmental conditions. Furthermore, the manner in which political powers choose to govern and influence also affects culture, since the boundaries and meanings within culture are fluid and produced by institutional arrangements and political economy, which demands a more historicized way of understanding culture.

One such political and historical driver, which can shape a culture into one that holds attitudes and ideas that cause intolerance to religious minorities or suspicion of the "other," is ethno- or religious nationalism. Nation-building is still a forefront concern for many countries, and contemporary nationalism, which asserts that a people of nation have a shared and distinct culture, religion, or race, is still a basic strategy of nation-building. This is because one of the fundamental challenges faced by developing countries is that of "the opposition between primordial group loyalty and the civic loyalty to the nation" (Das Gupta 1968; as cited in Gill 2014, 19). And in an attempt to create a national community, a national identity is based on the premise that is something that the nation of a people share, whether that be race, culture, or particularly relevant here, religion. In conjunction with nationalism that has seeped into culture, there is often discrimination, violence and intolerance of minorities. In India, this has been particularly evident, where the rise of Hindutva, a radical nationalist ideology rooted

in Hinduism, has fueled the persecution of religious minorities, creating a climate of fear, and subjecting non-Hindus to violence and discriminatory acts (Cimmino 2017). Lying behind this is this cultural idea that India is a Hindu state based on Hinduism and Hindu values only (USCIRF 2017). Examining not only how culture is affected by historical factors and political ideology, but also how religion is often used for these purposes, can help us understand the drivers behind FoRB violations.

Culture as a Positive Influence for Change

As well us understanding that historical influence and political factors can be behind the negative repercussions culture can produce, we must also consider that culture can be a positive source of influence. The debate around Christianity and African culture highlights this, with the continuing focus on "shaping a Christianity that will be at home in Africa and in which Africans will be at home" (Oduyoye 1995, 77), because it recognizes the way that culture can influence spirituality and religious expression. What is especially important is the recognition of how culture can be both a negative and positive influence. While in some contexts, religious life is infused with patriarchy, sexism, corruption, compromise, and divisiveness; in other contexts, community, generosity, justice, respect, openness and integrity, honor and dignity are defining ethical values that underlie the spiritual practices in many contexts (Ackah 2017).

What is important for our purposes is recognizing that, alongside aspects which are causes for concern that need to be addressed, there are aspects and values within culture that seek to actualize human dignity in ways similar to human rights discourse. Strands within the Third World Approaches to International Law (TWAIL) perspectives have brought this to the forefront. Some have done this by questioning how "universal" human rights discourse really is when it is born out of European events and schools of thinking and often ignores the possibility of non-Eurocentric or Third World approaches (Barreto 2014, 9).

A re-contextualization of the theory of human rights according to the material conditions where people are located has been one call to action and change, which as Jose Manuel Barreto (2014, 10) describes, "paves the way for re-drawing and re-writing the geography and history of human rights." What is important is not just that the human rights discourse has been contextualized, but that "a different mapping of the sources of notions of human rights makes clear that human rights discourse has *also* been developed in locations outside the borders of Europe—among colonized peoples, or in the Third World (2014, 10). The key word here is "also" because it is important to understand that the values of human rights can exist within the cultures themselves. Though Polly Vizard (2000, cited in Close and Askew 2017) has defended the claim of universalism of human rights against culture-based critique, she does this by stressing that the traditions upon which human rights are based, "traditions of universalism, tolerance and respect for human dignity and worth, traditions of freedom, traditions of concern for the poor, needy and exploited, and traditions of interpersonal obligation and government responsibility– have not emerged exclusively in or from any single [culture]. They are not the exclusive product of Western society and have deep historical roots in non-Western societies that predate the European Enlightenment.

Rather, a more balanced view, which recognizes the progressive and the problematic aspects that culture can offer is crucial in progressing FoRB and human rights. For sociologist Boaventura de Sousa Santos (2002), this is key to a multicultural conception of human rights, which is necessary in order to move beyond the universalism and cultural relativism debates. The key premises to such cross-cultural dialogue is that all cultures have conceptions of human dignity, but not all of them conceive of it as a human right, and so one must look for different names and which convey similar concerns or aspirations. Yet, another key premise is that all cultures are incomplete and problematic in their conceptions of human dignity, and so it is necessary to develop a cross-cultural procedural criteria which

distinguish "a progressive politics from a regressive politics, empowerment from disempowerment, emancipation from regulation" (2002, 46). Only with this precision of looking at culture, in a way that does not simply dismiss it, treat it as an obstacle to human rights, nor promise to transform it, can we discern how to approach culture in a manner which understands and promotes FoRB.

Conclusion

The common impression we have when we think of culture, religion and FoRB is often a negative one, with FoRB used as a defense to questionable cultural and/or religious practices. In response, human rights advocates are often keen to make a distinction between culture and religion, emphasizing that such practices are a result of culture rather than religion. This would have the advantage of circumventing the legal protection and normative weight often given to religion. Yet culture and religion are not distinct categories, and the example of FGM illustrates this. While it still may not be mandated by religion and is indeed a cultural practice, we see how culture and religion intermingle on the level of personal motivations, the trajectory of religious permissibility regarding the issue, and even in finding a solution, with religious spaces being suggested as a means to tackle FGM.

With this in mind, this article has returned to a starting point of a definition of culture, in order to explore how it interacts with religion in ways that can provide lessons for FoRB. By looking at culture on two levels, that of expression and that of ideas, we see that culture and religion interact, not just with each other, but through and by the arts and a value system that is considered to mirror the ideas and values of human rights. These are non-rigid categories which interact and affect each other in organic ways, but in recognizing this interaction, we also learn ways in which to understand and promote FoRB. For instance, behind cultural expression usually lies religious motivation. And demonstrative of how they continue to interact, cultural expression, in the form of art and artifacts, often continues to enhance the religious expression for worshipers and serves as a means of religious education. Therefore, a restriction on cultural expression is likely to mean a restriction on the manifestation of religion or belief. Furthermore, the destruction and protection of cultural heritage, which is a cultural expression that is often a special focus of human rights discussion, demonstrates how often cultural destruction or lack of control over its preservation both impacts negatively on FoRB.

On the level of ideas, returning to our definition of culture allows us to challenge the underlying assumption that is usually behind the emphasis on distinguishing between culture and religion, namely, that culture is an unchanging and static force that is an obstacle for human rights. By considering that culture is dynamic, that there are other political or historical forces that often result in the damaging ideas and attitudes, and that culture contains values which mirror those of the human rights movement, we that see that in fact, culture can shape and feed into how to promote FoRB, in a way that tackles the cultural hegemony that can accompany the human rights movement based on the Universal Declaration of Human Rights. In allowing for this understanding of culture, we can be unafraid of the impact cultural ideas and belief systems may have on religion, human rights and FoRB, and take into account culture and its expression for a deeper understanding of how FORB manifests as a lived experience. ❖

1. The term "religious property" defined as any form of property with religious or spiritual associations: churches, monasteries, shrines, sanctuaries, mosques, synagogues, temples, sacred landscapes, sacred groves, and other landscape features, etc. (ICOMOS 2004, 15).
2. One example is Article 5 of CEDAW, on Sex Roles and Stereotyping calls on states parties to take all appropriate measures:, which stipulates: a) To modify *the social and cultural patterns* of conduct of men and women, with a view to achieving the elimination of prejudices and *customary and all other practices* which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. Convention on the Elimination of All Forms of Discrimination against Women,G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, *entered into force* Sept. 3, 1981.

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References

Ackah, William. 2017. "Introduction." In *Religion, Culture and Spirituality in Africa and the African Diaspora*. 1st ed., edited by William Ackah, Jualynne E. Dodson, and R. Drew Smith, 1–2. New York: Routledge.

Adams, E. M. 1993. *Religion and Cultural Freedom*. Philadelphia, PA: Temple University Press.

Albert, Eleanor. 2018. *Christianity in China*. New York: Council on Foreign Relations. https://www.cfr.org/backgrounder/christianity-china.

Asad, Talal. 1993. *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*. Baltimore, MD: Johns Hopkins University Press.

Banks-Wallace, J. 2002. "Talk That Talk: Storytelling and Analysis Rooted in African American Oral Tradition." *Qualitative Health Research* 12 (3): 410–426.

Barreto, José-Manuel. 2014. *Human Rights From a Third World Perspective: Critique, History and International Law*. Newcastle upon Tyne: Cambridge Scholars Publishing.

Beetham, David. 1991. *The Legitimation of Power*. Basingstoke: Palgrave Macmillan.

Bennoune, Karima. 2016. *The Intentional Destruction of Cultural Heritage as a Violation of Human Rights*. New York: United Nations Office of the High Commissioner of Human rights. https://www.ohchr.org/EN/Issues/CulturalRights/Pages/Intentionaldestructionofculturalheritage.aspx

Bielefeldt, Heiner, Rita Izsák-Ndiaye, and Farida Shaheed. 2015. *The Destruction of Cultural and Religious Sites: a Violation of Human Rights*. New York: United Nations Office of the High Commissioner of Human rights. https://www.ohchr.org/EN/NewsEvents/Pages/DestructionShrines.aspx

Brusa, Margarita, and Yechiel Barilan. 2009. "Cultural Circumcision in Eu Public Hospitals—An Ethical Discussion." *Bioethics* 23 (8): 470–482.

Burstein, Joyce. 2014. "Integrating Arts: Cultural Anthropology and Expressive Culture in the Social Studies Curriculum." *Social Studies Research and Practice* 9 (2): 132–133.

Byrne, Denis. 2014. *Counterheritage : Critical Perspectives on Heritage Conservation in Asia*. London: Routledge.

Center for Reproductive Rights. 2006. *Female Genital Mutilation: An Advocate's Guide to Action*. 2nd ed. New York: Center for Reproductive Rights. https://www.reproductiverights.org/sites/default/files/documents/FGM_final.pdf

Chainoglou, Kalliopi. 2018. "Destruction and Reconstruction of Cultural Heritage in Eastern Mediterranean: From Cultural Genocide to War Crimes and Crimes Against Humanity." In *The New Eastern Mediterranean: Theory, Politics and States in a Volatile Era*, edited by Spyridon N. Litsas, and Aristotle Tziampiris, 113–138. Basel: Springer International Publishing.

Chow, Eugene K. 2017. "China's Thriving Underground Churches In Danger," *The Diplomat*. 28 September.

Cimmino, Jeff. 2017. "India Has a Religion Problem." *National Review*, 9 July.

Close, Paul, and David Askew. 2017. *Asia Pacific and Human Rights: A Global Political Economy Perspective*. London: Routledge.

de Sousa Santos, Boaventura. 2002. "Toward a Multicultural Conception of Human Rights." In *Moral Imperialism: A Critical Anthology*, edited by Berta Esperanza Hernández-Truyol, 39–60. New York: NYU Press.

Durkheim, Émile. 2001. *The Elementary Forms of Religious Life*. Translated by Carol Cosman. New York: Oxford University Press.

Dyrness, William A. 2001. *Visual Faith: Art, Theology, and Worship in Dialogue*. Grand Rapids, MI: Baker Academic.

Earp, Brian D. 2015. *On the Supposed Distinction between Culture and Religion: A Brief Comment on Sir James Munby's Decision in the Matter of B and G (Children)*. University of Oxford Practical Ethics blog.

Fortes, Meyer, and E. E. Evans-Pritchard. 2017. *African Political Systems*. Collingwood: Trieste Publishing.

Gala, Amareswar, and Conrad Gershevitch. 2011. *Freedom of Religion and Belief: Culture, Heritage & the Arts: A Brief Survey in Australia*. Sydney: Australian Human Rights Commission.

Gill, Saran Kaur. 2014. *Language Policy Challenges in Multi-Ethnic Malaysia*. New York: Springer.

Harris, Marvin. 1975. *Culture, People, Nature: An Introduction to General Anthropology*. New York: Crowell.

International Council on Monuments and Sites (ICOMOS). 2004. "The World Heritage List: Filling the gaps – An Action Plan for the Future." February.

Macionis, John J., and Ken Plummer. 2008. *Sociology: A Global Introduction*. 4th ed. New York: Pearson Prentice Hall.

Maddox, Marion. 2010. "Indigenous Religion in Secular Australia," Research paper No. 11 1999-2000. Parliament of Australia, Department of the Parliamentary Library, 28.

McConnell, Michael W. 2013. "Why Protect Religious Freedom?" *The Yale Law Journal* 123 (3): 770–810.

Merry, Sally Engle. 2003. "Human Rights and the Demonization of Culture (And Anthropology Along the Way)." *Political and Legal Anthropology Review* 26 (1): 55–76.

Nussbaum, Martha C. 2001. *Women and Human Development: The Capabilities Approach*. 1st ed. New York: Cambridge University Press.

Oduyoye, Mercy Amba. 1995. "Christianity and African Culture." *International Review of Mission* 84 (332–333): 77–90.

Oldham, Craig. 2017. "Creative Dissent Is Central to Political Change: Craig Oldham on the Art of a Movement." *It'sNiceThat.com*, 9 February.

Panopio, Isabel S., and Realidad Santico Rolda. 2007. *Society & Culture: An Introduction to Sociology and Anthropology*. Rev. ed. Quezon City: Katha Publising.

Raday, Frances. 2003. "Culture, Religion, and Gender." *International Journal of Constitutional Law* 1 (4): 663–715.

Reid, Graeme. 2013. "The Trouble with Tradition." *Human Rights Watch*, 11 January.

Reuters. 2016. "Malaysian Political Cartoonist Zunar Arrested Under Sedition Law," *Reuters*, 26 November.

Riesebrodt, Martin. 2010. *The Promise of Salvation: A Theory of Religion*. Chicago, IL: University of Chicago Press.

Shaheed, Farida. 2013. *Report of the Special Rapporteur in the Field of Cultural Rights: The Right to Freedom of Artistic Expression and Creativity*. New York: United Nations Human Rights Council. UN Doc. A/HRC/23/34.

Shaheed, Farida. 2015. *Statement by Ms. Farida Shaheed, Special Rapporteur in the Field of Cultural Rights at the 70th Session of the General Assembly, 26 October*. New York: United Nations Office of the High Commissioner of Human Rights.

Silverman, Helaine. 2010. *Contested Cultural Heritage: Religion, Nationalism, Erasure, and Exclusion in a Global World*. Basel: Springer International Publishing.

Starkey, Jerome. 2016. "Kenyan Cartoonist Fired After Mocking President," *The Times*, 14 March.

Stenning, Stephen. 2015. "Destroying Cultural Heritage: More Than Just Material Damage." *British Council*, 21 August.

Stop FGM Middle East. n.d. "Religion or Culture?" http://www.stopfgmmideast.org/background/islam-or-culture.

Suleman, Arsalan. 2017. "A Necessary Conversation: Debunking Religious Justifications for FGM/C." Berkley Center for Religion, Peace, & World Affairs, 11 July.

Trigg, Roger. 2013. "Freedom, Toleration, and the Naturalness of Religion." In *Religion, Intolerance, and Conflict: A Scientific and Conceptual Investigation*, edited by Steve Clarke, Russell Powell, and Julian Savulescu, 163–179. Oxford: Oxford University Press.

Tylor, Edward Burnett. 1871. *Primitive Culture: Researches Into the Development of Mythology, Philosophy, Religion, Art, and Custom*. 2 vols. London: John Murray. Google-Books-ID: AucLAAAAIAAJ.

UN Human Rights Committee. 2000. CCPR General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women). CCPR/C/21/Rev.1/Add.10.

UNESCO. 1954. *The Hague Convention for the Protection of Culltural Property in the Event of Armed Conflict*.

UNESCO. 2005. *Convention on the Protection and Promotion of the Diversity of Cultural Expression*.

United States Commission on International Religious Freedom (USCIRF). 2017. *USCIRF Annual Report 2017 - Tier 2 Countries - India, 26 April*.

Vansina, Jan M. 1985. *Oral Tradition as History*. Madison: University of Wisconsin Press.

von der Osten-Sacken, Thomas, and Thomas Uwer. 2007. "Is Female Genital Mutilation an Islamic Problem?" *Middle East Quarterly Winter* 14(1): 29–36.

Walasek, Helen. 2016. "Targeting History and Memory – The ICTY and the Investigation, Reconstruction and Prosecution of the Crimes Against Cultural and Religious Heritage." http://www.heritage.sense-agency.

https://doi.org/10.1080/15570274.2018.1535033