



International Human Rights and the Women's Movement

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There are two ways I might approach the topic of religion and human rights. I might begin with the question of rights and stress the terrible conflicts that have been generated by religious teachings, the intolerance and exclusivity that are so deeply embedded in claims to truth and salvation. Or I might begin with the problem of the human and quote Primo Levi, who once wrote, "human beings are human insofar as they bear witness to the inhuman."

What is then the ultimate purpose of religion? Not to define our rights nor to limit them, but to bear witness to the human, to teach us that human beings are the only images of God we have in this world, and that we are to live so that each one of us is a reminder of God.

Every religion has the hope that it would like to make this a world of peace and justice, and each religion has failed to live up to its own hope. All religions include teachings that are sexist, degrading, overly demanding, even racist. Arrogance in the hands of some religious leaders can be one of the greatest man-made dangers to human life, even as the compassion and outspoken prophetic voice of religion can be one of the most powerful forces to overcome injustice, arrogance, indifference, exploitation, and war. Religions proclaim the holiness of the human and yet they also have hierarchies of human life, proclaiming some more worthy of divine concern than others. To be religious

is to live in constant internal struggle.

People of faith are haunted with the awareness of human cruelty and the terrible contradiction between God's justice and the presence of evil in human society. Yet religion also comes to remind us of our obligation to prevent human beings from defeating God. Everyone lies, the Psalmist moans, and there is no truth or kindness and no knowledge of God in the land, Hosea declares (4:1). To be a person of faith is not about sweetness, but a challenge: The voice of your brother's blood is crying to me from the ground (Gen 4:10). The message of religion is plain: "Remember," my father wrote, "that blood of the innocent cries forever. Should that blood stop to cry, humanity would cease to be."

Religion, Human Rights, and Gender

Religious teachings have often been a major obstacle for advocates of human rights. Religion has sometimes been a source of perceived injustice, and religion has sometimes been a force of intransigence, unwilling to speak out against human rights violations. Early in the Enlightenment discussion as it developed in the eighteenth century, it became clear that to defend tolerance seemed to fly in the face of religious teachings of salvation and truth. To be tolerant of another religion, to desist from missionizing its adherents, continues to mean to some Christians, for example, a violation of the Great Commission in Matthew 28:16-20, and hence an abandonment of a central Christian obligation. Even today, some Christian theologians are starting to criticize Jewish-Christian dialogue on the grounds that the dialogue forces Christians to give up too much of their tradition, and that they are thus losing their Christian identity (though the nature of that identity is not always clear). On the other hand, we should question

whether our very notions of tolerance are biased, based on a notion of liberalism rooted in Protestantism, as expressed in Locke's famous essay, in which he argues that we should not tolerate atheists or Catholics.

There are three crucial areas of religious thought that can make an important contribution to changing the course of HR discussions: first, how we understand the "human" part of the phrase, human rights; second, reconsidering the relationship between the physical and the holy; third, construction of gender divisions within religion. Above all, however, I want to emphasize the centrality of the human in human rights, and conclude with some remarks about the holocaust, the homo sacer, and the profound responsibilities we have as religious leaders and Americans for human degradation.

The clash between human rights and religion is not only a matter of different religions tolerating each other, or of religion tolerating modernity and vice-versa, but of a fundamental question of the nature of the "human" we assume when we speak of human rights. The rights may be under debate by specialists in law and political theory, but what is the human? When we look at religious teachings, we see not a singular human but a hierarchy that is also deeply gendered. For example, under classical rabbinic law if I see two people drowning I am supposed to save the man's life first, because he has more commandments to fulfill than a woman. The rabbinic system of law gave him more commandments, and now places a higher value on his life. The hierarchy is constructed differently in Catholicism, which demands that the life of the fetus take precedence over that of its mother, because the fetus is free of sin. Such examples can be illustrated in every religion.

Or let us consider rape within the context of human rights. Both Iraqi men and

women have been raped in Allied-run prisons during the past year, yet the rape and humiliation of men has taken center stage in our newspapers, often with the odd note that in Arab culture sexual degradation of a man carries particular humiliation; in what culture does it not? Indeed, in religion as in culture, there is a difference between the rape of a man and a woman. The former is considered a violation of nature, while the latter is considered part of the course of nature. The rape of a woman is not included in the prohibitions of the Ten Commandments, and it doesn't violate religious law in the same way that homosexual activity does. To rape a woman is a crime against a person, her family, her society, but it is not a crime against nature, as is the rape of a man. Indeed, until recently rape of women was presented as the extreme end of a continuum of heterosexual activity.

There are, of course, ways that rape of men violates not only the so-called natural order but also the social order. The rape of a man turns him from a subject to an object, violating the patriarchal social order in which men are subjects and women are objects. That women under patriarchal social orders are treated as objects rather than subjects makes the rape of women arouse less anxiety than the rape of men. Indeed, in Derrida's recent book, Forgiveness, about the Truth and Reconciliation Commission in South Africa, he confines mention of rape to a footnote, despite the fact that it was a systematic weapon of the apartheid jails.

The notion of the natural, universal "human being" is a fiction that distracts us from the reality that religions themselves make troubling hierarchical distinctions, and so do our contemporary modern cultures. If under Jewish law a man is to be saved first, under Western etiquette, we save women and children first; if some Jews claim that the

Gentile body is essentially different from the Jewish body, some Christians image Jews as dogs. What I am arguing is that religions have a great deal of work to do, not only on the question of “rights,” but by defining all humans as being of equal value.

Viewing the body as a potential source of impurity, as a barrier which must be transcended in order to achieve spiritual liberation, may foster not only a religious asceticism in the private sphere, but may also lead to abuses of the body and its functions, or serve as a rationale for destroying the gifts of the physical. Self-limitation of our own physical desires may be absolutely appropriate and even necessary to the social commons in which we live, but the opposition between the physical and the sacred. Central to feminist theology is the importance of men and women recapturing our sense of the holiness implicit in our physical beings and all its functions, since our very physicality is the creation of God and is said to be the only permitted image of God, even in the aniconic tradition of Judaism.

At the core of our concern about human rights is our revulsion at the widespread torture committed throughout the world. Judaism calls our attention to the sanctity of the body. Judaism is an embodied religion, in which holiness is reached via the body, not by transcending the physical. Spiritual and physical are to be joined, not rent asunder. The body itself worships God and is sanctified through mitzvot. It is not possible for a Jew to destroy the body in order to save the soul. Torture of others to save their souls in the name of religious principles or powers is not religion, but the abuse of religion, evil cloaking itself in the garb of the holy. The question, however, is whose body? Do Jewish principles apply equally to all humans, or is there a hierarchy of gender and between Jews and Gentiles, that we need to overcome?

Jews are as vulnerable as everyone to the racialization of political conflict, and it is racism that so often makes violence and the murder of civilians an intractable presence in modern warfare. We learn in the Bible that warfare must never be imagined as a permanent state. Who else in world history has given us dreams like the prophets of Israel, that one day peace would reign, that we would beat our swords into plowshares? The evil of racism is that it transforms a political fight into a permanent hatred that leaves no room for resolution and no room for peace, and that it creates as the enemy not simply the political and military leaders of one's opponents, but the entire population. Racism is not only antithetical to peace, it is a sin, a violation of Jewish principles, an impasse to fulfilling the commandments of the Bible.

What does it matter that virtually all religious traditions have taught a separate religious practice for men and women? Isn't this simply a recognition of fundamental differences in gender? Aren't the consequences merely private and personal? Are not many women content with what we may view as inferior status? Let me suggest that we evaluate not the teachings, but their social consequences. When we realize that ratios of females to males in our world today vary from 1.04 in Europe and the United State to .83 in parts of India and Asia we get a glimpse of the consequences.

The distinguished economist and Nobel laureate Prof. Amartya Sen has calculated that 100 million women are missing in the world, dead because of inadequate nutrition, inferior medical treatment, and murder as unwanted female infants, girls, or adults, at the hands of cultures that prefer males. However much our religions proclaim the equal worth of women and men, however much they protest that the inferior status of women in religious obligations actually honors women's supposed spiritual superiority, the

consequences for women's lives are frightening. Allowing only men to define a religious tradition and to envision God solely in their own image gives us at best only a partial insight into the divine, and at worst is a deification of the male and a deformation of God.

Is this not the ultimate price of human degradation – 100 million human beings who do not exist because of cultural assumptions of women's inferiority. Where is the outcry? Have we lost our humanity? Are we deaf to the cries of their innocent blood?

What has aroused world attention is female genital mutilation (FGM), which arose within the human rights movement as one of the central issues since the early 1980s. During the UN's declared decade of women, 1975-1985, FGM arose at the UN-sponsored Copenhagen conference of 1980, in which Nawal El Saadawi, the Egyptian physician, political activist, and feminist writer, played a central role. Yet while El Saadawi addressed multiple issues related to third-world women, including education, health, and economics, it was FGM that the Western press singled out for special attention and which became in the Western women's movement the central concern about third-world women and, especially, Muslim women. El Saadawi, whose fame in the West grew during the 1980s, was constantly asked about "female circumcision," to which she always replied that all women are circumcised, if not physically then "psychologically and educationally," pointing to the difficulties that western women experience in achieving power, respect, success, and simply having orgasms. As Amal Amireh has argued in an article in Signs, the reception of El Saadawi's work "was conditioned by Western interest in and hostility to Islam." (221) El Saadawi herself condemned the fascination with FGM in the West as sensationalist; it certainly fits the stereotypical Orientalist paradigm of Arabs and Muslim as sexually perverted and uniquely oppressive

of women. Let us be on our guard that we are not drawn to human rights violations because they allow us to express a latent prejudice.

Exclusive claims to truth and convictions that one's own religion is the only path to salvation, or the most highly-developed religion, or that there is a hierarchy of religions from childish to adult, have caused some of the great horrors in history. It is ironic: on the one hand, we claim the transcendence and unknowability of God, and on the other hand, we claim that ours is the only right and true representation of who God is and what God wants. How do we know that, if God is unknowable? The truth is, if we worship God the creator of heaven and earth and of all life on this earth, then we are worshipping the God of all humankind. If God is the Creator of the universe, then God is either the Creator of all people or of no people. There can be no exclusivity in religion.

Judaism, like all religions, is capable of abuse of its religious teachings. The Bible itself provides a record of many such abuses. Like all religions, Judaism is patriarchal and sexist. Like many religions, there is in Judaism often too much emphasis on the community and too little attention to the needs of the individual. But there are also certain ideas that Judaism can contribute to a constructive effort in the discussion of human rights.

The Prophetic Tradition

Above all, we contribute the prophetic tradition: speaking out in the name of justice. A just legal system stands at the core of Jewish religious literature and is considered under Jewish law as one of the crucial requirements for non-Jews to enter heaven. The basis of the Jewish legal system is establishing truth, and the goal of its justice is restitution, not punishment. Who is a prophet? One who speaks truth to power,

and is unafraid to do so. And if Abraham could challenge God over God's policies regarding Sodom and Gemorrah, how much more obligated are we to challenge mere presidents and kings.

The prophetic tradition is not exclusive, limited in its attention only to the concerns of Jews. The war atrocities condemned by the prophet Amos are those committed by all nations; the concern and compassion of the prophet is not limited to members of his or her own religion. The question is why religions have so often failed to fulfill their extraordinary and unique role in human society, as the voice that can speak truth to power. Perhaps the most extreme example of the failure of religion is the enthusiasm of the vast majority of German Protestant leaders when Hitler came to power in 1933. Hitler's affirmation of the churches in the early years were taken at face value, and the churches responded with a thorough-going Nazification of their religious institutions, liturgies, and principles of belief. As Gerhard Besier has noted, "The new government's unequivocal breaches of human rights raised no critique among the churches; many Protestants indeed welcomed the restrictions of basic rights and the strong measures taken for the development of the dictatorship as a step back to the reestablishment of law and order." To be part of the political order poses one of the great dangers to the authenticity of religious faith, and too often has led to the moral corruption and theological bankruptcy of religious communities.

One last issue that I would like to address before I conclude concerns the changing nature of human rights violations in recent decades in ways that degrade human life more profoundly than we may realize.

The Italian philosopher Giorgio Agamben has argued that the Nazi death camps

are not a political aberration, but exemplify for us the capacity of the sovereign state to create life that has no worth, distinguishing real life from merely existent life, political and human life from the life of the non-human, what he calls the 'homo sacer,' the sacred man. He draws on ancient Roman law, in which the homo sacer referred to a person who could be killed with impunity. In the Nazi concentration camp, human beings, Agamben argues, were reduced to bare life, excluded from the polis, lying outside the protection of the sovereign state, becoming what Arendt called a mode of life "outside of life and death," that is apolitical, but which Agamben argues has become the essence of the political.

We who are concerned with human rights have to be attentive to the emerging definition of sovereignty as Carl Schmitt defined it: "the sovereign is he who/that/which has the power to decide on the state of exception." That is, the sovereign is that power which has the ability to decide who receives the protections of the state and who is excluded from it, and that zone of exclusion and exception from the state is what constitutes the sovereignty of the state by delimiting its political boundaries. The production of refugees, of the stateless, of those without papers, of those who stand in the no-man's land, is a necessary part of the political. Agamben asks us to consider the cultural structures that allow us to go so far in our dehumanization of people, and my fear is that this culture is expanding and that our religious traditions are implicated in ways that we may not yet fully realize.

Let us consider ways in which we produce the homo sacer. The "unlawful combatant," for example, even if an American citizen, is deprived of the legal protections of the American sovereign state, even before a conviction has been obtained, in striking

contrast to the person accused of even the most serious crime, such as mass-scale murder, who remains within the legal system's due process. Arguments in support of retaliation, from bombing Afghanistan for its shelter of Al Qaeda to torturing captured terrorist suspects, attempt to justify themselves by claiming the extremity of September 11, although equally horrific attacks have occurred in other parts of the world in recent years, as Slavoj Zizek has pointed out. Similarly, we provide humanitarian assistance to groups in the midst of what we call ethnic conflicts, Rwanda, Bosnia, Somalia, Gaza, and so forth, and yet they, too, become homo sacer, objects of humanitarian assistance and also at times disciplinary measures through military means, but not full citizens of a sovereign state (Zizek). Our humanitarian compassion, in other words, may at times contribute to the stagnation of an intolerable condition of human suffering, rather than transforming it, because our compassion distracts us from the larger political structures that create and even require the homo sacer. Concern for human rights will not stop the sovereign states from the production of the inhuman, but may actually grant a license to continue; something stronger is needed.

The United States has declared that we are at war, a war against terrorism. This is not the conventional war of sovereign states or between military forces. Indeed, our enemy has not been defined, but has been deliberately been left murky. "Terror" is a method, not a state, ideological position, or group of people. The vagueness of the term leaves it open to widespread racializations, as the popular imagination conceives of a terrorist potentially lurking behind any Arab or Muslim. Nor is the state of war clear; we go about our business, unsure if we are living in an era of war or peace.

The indefinite nature of the enemy and the conflict give rise to a free-floating

anxiety that is easily intensified by announcements of a potential terrorist attack whose date, place, and nature are unknown. The willingness to accept such vagueness is striking, but certainly has parallels in religious experience. Free-floating anxiety draws from religious anxieties, the sense of not knowing exactly whether one has committed a transgression – did I act with proper intention when fulfilling the commandment? No religious person can claim a clear conscience, but is always in a state of unease, uncertainty.

Similarly, the sense of being at war even when living in peace, the low-grade sense of constant emergency, not knowing when an attack is coming, replicates the feeling of living in anticipation of the apocalypse, the end of times that might come at any minute. So, too, is the question, Who is the enemy, which has a Gnostic quality. We can't be quite sure of the enemy's identity, construing the enemy is ontological, not constructed in response to our actions, so that it is the war on terrorism that is said to reveal who is an enemy, while the political beliefs that constitute the enemy are not specified. What does our enemy actually want? The conditions that produce the enemy are similarly not investigated – eg, are enemies produced by our bombing a civilian area? The lack of genealogy of the terrorist turns us into a Communion of Saints or a nation upholding the principles of law and order, defining those who oppose us to be terrorists rather than principles opponents. Indeed, as during the Cold War, we may fear losing our sense of the boundaries of our sovereign self without a sense of having an enemy at our borders; that is, our political system is defined into being by construing an enemy whose vagueness permits a malleability in our own political and military responses.

My generation of American Jews came of age in the 1960s, under the influence of

the Civil Rights movement, the awakening awareness of the Holocaust, and the fears and euphoria over the State of Israel. We went as Jews in two directions, often concurrently. Some of us concluded that we Jews would never again be victims of anti-Semitism. Some of us also concluded that we would never become victimizers like the Nazis or the white segregationists.

Those of us who chose the latter route found a leader in my father, who showed us that there is an alternative politics in Judaism, rooted in the prophets. He showed us a prophetic Jewish tradition that defies the boundaries of exclusion and insists on a fundamental equality of all human beings and a radical condemnation of sinner without regard to sovereignty, ethnicity, or religious affiliation. When Amos opens his prophecy, he condemns war crimes, not ritual violations, and denounces all sovereigns in the region, not just Israel. For the prophet, there are no boundaries because the only sovereignty is God and all human life is the supreme value. Those who distinguish hierarchies of human beings, exploiting widows and orphans, do so, as Amos points out, in the name of an unjust society, in violation of God's will.

My father defined a prophet as a person of passion who looks at the injustices that we ordinary human beings brush aside in our daily lives and reacts with outrage and horror. To us, an act of injustice – cheating in business, exploiting the poor, killing innocent bystanders – may be wrong, unjust, an evil necessity, part of a political goal. To the prophet, injustice is unbearable, unspeakable. The prophet gives voice to the plundered poor, to the silent agony of those who are the victims. God is raging in the prophet's words, my father writes; listen to the words of Amos, the anthem of the Civil Rights Movement:

let justice roll down like waters,

And righteousness as a mighty stream. (Amos 5:21-24)

For the prophets, my father writes, the ultimate expression of God is not wisdom, magnificence, glory, nor even love, but justice. Zion, Isaiah declares, shall be redeemed by justice, and those who repent, by righteousness. Justice is the tool of God, the presence of God, the means of redemption.

An extraordinary assertion: justice as the ultimate expression of God!

To stand in the prophetic tradition means that it is incumbent upon us to hear the moans of injustice and the agony of the impoverished even among those whom we fear and loathe, the putative enemy. Indeed, the Bible teaches that the blood of the innocent cries forever. We read in Genesis that when Cain murdered Abel, there was no decree from God: You have broken the law. Instead, God said, “What have you done? The voice of your brother’s blood is crying to Me from the ground” (Gen 4:10). Our very own humanity depends upon our ability to hear the cries of the homo sacer, to repudiate the existence of a homo sacer, and our deafness signals that we have lost our own humanity.

The prophetic tradition comes not to repair injustice, but to reconstruct human society. The demands of Amos are radical and the punishment he promises to those who fail to heed is utter destruction. He condemns the entire society, not merely those who sin, because he holds the entire social structure responsible for creating a culture in which it is possible to “trample the head of the poor into the dust of the earth, and push the afflicted out of the way.” (Amos 2:7). After nearly 3,000 years, the prophets will prevail because their principles are eternal and can never be defeated.

In Memphis, the night before he was assassinated, King described civil rights

activists as the burning bush: “Bull Connor would say, ‘Turn on the firehoses.’ And as I said to you the other night, Bull Connor didn’t know history. He knew a kind of physics that somehow didn’t relate to the transphysics that we knew about, and that was the fact that there is a certain kind of fire that no water can put out.”ⁱ

Another kind of physics. A fire that no water can put out. That is the prophetic fire, the fire of truth and justice, long may it burn in our hearts and inspire all of us.

ⁱ Cited by Michael Osborn, “The Last Mountaintop of Martin Luther King, Jr.,” in: Martin Luther King, Jr., and the Sermonic Power of Public Discourse, ed. Carolyn Calloway-Thomas and John Louis Lucaites (Tuscaloosa : University of Alabama Press, 1993), 153.