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How young Muslims and Christians structure Human Rights. An empirical study in Germany

Hans-Georg Ziebertz

Abstract

The main question of this research paper is how young Christians and Muslims in Germany structure different areas of human rights. International conventions claim that all human rights are equal, universal, indivisible and interdependent. As a unity all human rights express the modern understanding of humanity and predictability of social and societal relations. This paper focusses on the normative claim of unity from an empirical perspective when queried how young people perceive and structure human rights. Since the claims to universality of both, human rights and religions, are not always free of tension, the question is also if Muslims and Christians differ regarding the structure and valuation of human rights. The empirical analysis among N=1785 young people shows first that human rights are not seen as an alliance of equal rights and second that Muslims and Christians show as well commonalities as differences in their attitudes towards human rights.

Keywords: Structure of human rights, equality of rights, Christians, Muslims, empirical research.

* * *

Human Rights are understood as universal, i.e. they are valid all over the world, are not abbreviated, and not subject to any cultural tradition. The UN has approved the **Universal Declaration of Human Rights** with this intention in **1948** (<http://www.un.org/en/documents/index.shtml>) and the vast majority of states have ratified it in the meantime; although several associations have deemed it necessary either on an ideological (e.g. Islam: **Cairo Declaration on Human Rights in Islam 1990**) or a geographical basis (e.g. **African Convention of Human Rights 1981**; **Asian Declaration of Human Rights 1993**) to pass their own texts that refer to the UN Declaration. But even the UN is working on additional amendments (e.g. **International Pact of Citizens and Political Rights 1966**) and has thus considerably broadened the contextual range of the laws. The debate, whether human rights are to be understood as egalitarian or whether there are any legal groups that deserve specific consideration has been going on since their declaration. We will outline this problem at first theoretically and then give an empirical overview on how young people structure human rights.

1 Structure, substance and claims of validity

Disputes about the modern shape of human rights

There are controversial views about human rights, e.g. regarding the extension of rights, the canon of contents and the problem of universal validity. With regard to universal claims, there is an intersection between human rights and religions, which has not always been tension-free.

The present design of human rights can already be detected at the beginning of the modern era, especially those concerning the protection of groups or institutions from those in power, such as the English Bill of Rights (1689) granting parliament certain rights that weakened the powers of the monarch.

In 1789 the congress of the United States of America approved the US Bill of Rights, enforceable basic laws for all citizens of the US. The Bill of Rights of Virginia preceded them in 1776. At the time of the French Revolution the Declaration of the Rights of Man and Citizen (*Déclaration des Droits de l'Homme et du Citoyen*) was proclaimed in 1789, influencing the European and Western understanding of liberty significantly. This declaration determines that men are born and remain free and equal in rights (art. 1). The goal of any political association is the conservation of the natural and inviolable rights of man. These rights are liberty, property, safety and resistance against oppression (art. 2). The principle of any sovereignty resides essentially in the Nation (art. 3). After centuries of feudalism and absolutism on European ground, the foundation for an extensive legal protection – including religious freedom and freedom of opinion – was finally established. The declarations of basic rights in the 18th century influenced the development of the international law until the mid-20th century. Until then states were often defined as agents of international law providing rules of international concerns and protecting the individual citizen against conducts of other states. In case a state discriminated a citizen of another state or abused him that state could take action and defend the rights of its citizen (cf. Bielefeldt 1998; Kühnhardt 1991; Fritsche 2009). Experiences during the Nazi-regime and Stalinism constituted a breach in the development of the rights. The atrocities against individuals and various population groups made it obvious that a vital aspect had not been considered: the possibility that a state would mistreat and oppress its own citizens. Experience proved that the phrasing of human rights could be very imprecise and the interpretation subject to the whim of the state when they could define on their own what those rights actually meant and how they could be applied. The Universal Declaration of Human Rights can therefore be regarded as a response to the atrocious of WWII, especially the Holocaust. The declaration now states that human rights are seen as individual rights within the international law, thus they are out of the sole sovereignty of a state. Human rights no longer address the state per se but individuals who are now able to enforce their rights and if necessary, even sue a state – even their home country. This reform marks a significant change in the interpretation of international law, and particularly human rights (cf. Schmahl 2010).

Bielefeld (2009) points out three basic principles of human rights: First of all, they are legal in the public sense, human rights are not just a humanitarian appeal but incorporated in political-legal institutions and therefore implicate methods for their realization. The **European Convention on Human Rights, established in 1953**, allows every citizen to enforce their rights. Bielefeld admits that the Universal Declaration of Human Rights was at that time rather a political statement of intention, more a symbolic value than actual political force. The change of focus though originating from the individual person is a radical innovation.

Secondly, the Declaration of Human Rights is combined with a claim of **universal validity**. Bielefeld states, referring to Hans Maier (1997), that “contrary to the traditional privileges of rank and even the modern civil rights, human rights are not tied to specific features but apply to all people per se.” (Bielefeld 2009, 4). Since they have nothing but the individual person in mind, they can claim universality. The Basic Law of the Federal Republic of Germany declares that “the inviolable and inalienable Human Rights are the foundation of every human culture” (art.1,2) thus recognizing their universal character.

The third principle concerns the foundation of the rights: the **inherent human dignity** of the individual is inextricably linked with **liberty** and **equality**. The declaration emphasizes that human rights are equal rights, notwithstanding any special features or characteristics such as ethnicity, religion or gender. The concept of justice up to the French Revolution that granted privileges according to social class was to be overcome by the emancipatory course of the human rights. There are based on the **inherent dignity** of the human person that should be respected and protected by the state. The function of the state is determined by the dignity of the individual and vice versa (Bielefeld 2009).

Since these principles are achievements of the modern world it is rather pointless to look for basic requirements of human rights in the ancient times or the Middle Ages (c.f. Pfahl-Traugher 1999).

The **Universal Declaration of Human Rights in 1948** has led to several consecutive documents passed by the UN. Those legally binding documents cover three judicial sectors: first, **negative freedoms**, i.e. the right of the individual person to defend him/her against any acts of violence by a state. Second, positive **participation rights** that ensure the right to join any political and/or social party. Third, a group of several social participation rights granting equal living conditions as a human right (Lohmann 2008, 53).

Schmahl (2010) argues that there is no given order of precedence of human rights regarding their dimensions and functions. Every single right had to be fought for, thus they are all a victory over state oppression and also a victory of freedom. And even though the UN Conference in Vienna confirmed 1993 the **indivisibility of Human Rights** as well, the former Federal Government Commissioner for Human Rights matters, Günter Nooke has reasons to rate the sectors differently and to question the expansion of the canon. The difficulty of the coverage of human rights is expressed in the different judicial sectors: there are civil and political rights as well as social, economical and cultural rights. According to Nooke (2008) the

first problem caused by the expansion of the catalogue results from the redefinition of the original idea: The Universal Declaration of Human Rights was developed out of the experience of injustice leading to the protective rights of the individual. However, they were later expanded with rights for individual fulfilment. Nooke now fears that human rights are exploited for everything desirable and worthwhile, thereby threatening its significant purpose since their foremost function is to protect life; any further claims should be regarded as secondary. The protection of life must apply to all people; the precise form though can differ according to cultural circumstances. The second problem Nooke perceives lies in the character of the **collective human rights**. While human rights were originally devised as individual rights the third generation now consists of collective and solidarity rights. He does not question their value but rather asks whether those rights are on par with the original ones or whether they are only used to upgrade specific political goals. He doubts that they can be characterized as “human rights” and states that special rights for particular groups only result in a debate about the **universal idea of human rights**. Individual rights must not depend on collective rights (rights for special groups) but vice versa. When collective rights are upgraded cultural relativity is questioned (c.f. Nooke 2008, 35-40; also Di Fabio 2008, 73-75).

Those views imply that the first group constitutes the fundamental basic rights, consisting of the protection rights against intrusions of the state, guaranteeing every citizen political freedom, equality, the right to life and the protection against assaults on life (i.e. torture). Those rights were defined in more detail and expanded when the United Nations General Assembly adopted two additional treaties in December 1966. While the “**International Covenant on Civil and Political Rights**” mainly defines the rights of the Universal Declaration, new rights are introduced by the “**International Covenant on Economic, Social and Cultural Rights**” that were influenced by the social questions and the labour movement of the 19th century. The state parties were thus challenged to ensure positive rights of freedom, as the right to work and the right to social security, including social insurance. In the 1960ies, at the time of the independence efforts of the colonies, specific human rights were asked for the protection not just of individuals but particular groups as well (i.e. the right of peoples to self-determination). Those demands indicated an altered meaning of the concept of human rights. During the second half of the 20th century this group of rights was further expanded by the right to development, the right to peace and the right to clean environment.

Even though the expansion of the content is a positive signal, certain problems should be taken into account: The rights regarding economic, social and cultural protection are part of the “Declaration of the Right to Development” that was presented to the plenary assembly of the United Nations in December 1966. Article 1 states that “1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. 2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human

Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources” (<http://www.un.org/documents/ga/res/41/a41r128.htm>). This catalogue consists of eight articles regarding an adequate standard of living and material warranties of the state towards its citizens. The declaration insists however that the states are responsible for the realization of those rights as they cannot be enforced. Nooke points out that it is difficult to enforce a right when the essential resources to do so are missing, the intention alone is not sufficient when it is impossible to act accordingly (Nooke 2008, 18). The most recent group of rights cover questions of peace, safety, development and environment. They are also summarized as solidarity rights. They are, however rather unspecific and their legal function is doubtful. It is not certain e.g. who can claim those rights and who has to ensure them (Schmahl 2010). According to the UN they are not consecutive rights but are considered as parallel rights.

Universal validity and contextual interpretations

The claim of the original human rights and their amendments of universal validity is – in the first place – a normative proclamation of an international institution. Their validity depends on the grade of commitment of the states as well. The actual realization is a matter of practical policy and reveals, whether that claim is still regarded as an ideal concept or already reality. Practical application in terms of social and international life demonstrates to what extent states strive to acknowledge human rights. They should e.g. be ready and willing to not just to question but also to adjust their policy, if the community of nations concludes that specific human rights are not observed. This is not just a problem of non-democratic states, as the US detention camp in Cuba under George W. Bush has shown, where basic rights were violated. The US has also tolerated torture for the sake of their campaign against terrorism. The universal claim of human rights is not threatened by a state that violates certain parts of them. That a state usually adheres to human rights is shown by the quick adjustments in the case of offence. However, ignoring the basic rights on purpose or over an extended period is – at least empirically – a serious attack against the claim of **universality**. To give an example: if the number of states that disregard human rights stays the same, the community of nations can isolate them and thus maintain and strengthen the idea of universality. If however their number grows, it would become increasingly difficult to proclaim the universal validity since the gap between ideal and reality would be obvious to all. That problem would increase, should those states that have actually signed the charter and even defended human rights in public claim exceptions when it comes to their own practical adoption by putting their interests first. The **universal validity** claim stands therefore on shaky ground as it depends on the evidence that they are effectively observed. Only their practical realization convinces people of their legal certainty they have promised.

Universal validity in the legal sense means that use of those rights and their granting are not subject to matters of race, sex, religion, language or nationality (cf. Bielefeldt 1999). In reality

universality is demonstrated by the way the rights are translated into public policy by the states and the community of states. The simple act of approval is already policy; it is a logical process of communication and discussion about the right balance between freedom and security, individualism and communitarism, traditional and liberal ethics (Schmahl 2010). Analysing the reception process, one has to remember that 1948 only 56 states were members of the UN and of those only 48 actually signed the declaration. African and Asian states were underrepresented. In the meantime, the number of members has increased to 190 states that have accepted the Human Rights. The UN consistently refers to Human Rights in various documents, another prove of universal recognition; even international court rulings apply them. The decision of the UN on the International Covenants on Human Rights in 1966 was already carried by 106 states, a fact one can interpret as a gradual process of **universality** (Schmahl 2010). There is, however, another side to it: At the UN World conference on Human Rights in Vienna 1993, the participating states confirmed the universality of human rights but conceded at the same time that historical, regional, cultural and religious distinctions have to be considered, whatever that implies. Even today there are still states, mainly in the **Islamic** world and in Asia, that do not accept human rights on the whole but exclude certain parts when it comes to their legal practice. This results in different usages depending on the region, especially concerning women's rights. The more such selections are carried out the more the universal character of the rights is questioned. There is no power above any national state to force him to accept the entire content of human rights. Schmahl (2010) argues that any attempts to accomplish that would only result in a termination of the whole treaty.

With this in mind human rights are sometimes regarded as a minimum consensus of the world community. Within this canon certain rights are deemed essential from experience, rights that directly affect **human dignity**, as the prohibition of torture and slavery and race discrimination. The German Basic Law e.g. absolutely protects only the dignity of man, all other basic and human rights – even the right to life – can be sensibly weighed up against other laws.

The opposite of **universalism** is **particularity** that can also be understood as **culturalism**. Bielefeldt (2009, 1) recalls the historical context of 1948, the time of the adoption of the Universal Declaration of human Rights, when the American Anthropological Association objected that the normative foundation was determined by cultural standards i.e. comparative and therefore not universal. They argued that human rights were a brainchild of the western culture and normative conceptions of other countries were more or less ignored and confirmed this statement with the obvious difference of the western liberal individualism to the traditional collective ways of life in other parts of the world. They pointed out that, since human rights are mainly a product of western values, they could not claim **universality** and if such a claim were raised, that would imply – to put it bluntly – a modern form of colonialism.

The canon of those values representing all humans and their social interaction as they are expressed in human rights is still being criticised. If, however, all the mutual and universal characteristics expressed by human rights are considered as western and particular this is in

itself a normative position – and thus negotiable as well. One can therefore ask whether every culture could be held sacred in status quo and hence has to be protected from any modification. An agreement has to be reached within the world community between regional cultures and the universal culture to settle those questions that deal with legal certainty of human life. As soon as specific cultural characteristics with normative relevance are involved (**culturalism**) only very particular and specific interests are emphasized, not the common interest of all nations. Even though the common ground on the whole does not yet exist in every culture it is an attempt to express a comprehensive commitment as a designated target for all nations. The preamble of the declaration of 1948 therefore uses the term “ideal”. And if this ideal is aspired and signed by all nations’ criticism that strange and foreign principles are imposed on any nation, are void.

When cultural reasons are taken into account one has to ask, what interests are behind them. Schmahl (2010) points out that all states of the former Soviet Union that had strongly defended the socialist image of man, now have all acceded to the International Covenants on Human Rights and signed the according European Declarations. Up until the end the Soviet Union had justified its own (socialist) interpretation of human rights with cultural reasons. The established focus on the individual and the implicit understanding of freedom was not simply compatible with a **totalitarian regime**. Thus, the hierarchy of the rights was reversed reasoning that the best way to protect those rights was by means of a strong state and the defence of its territory and world-views against western fascism. Approval of human rights was subordinate to state **ideology**; it is therefore not sensible to cite cultural features. Their relevance would not have disappeared with the decline of the Soviet Union if they had actually existed in the first place. Schmahl concludes (2010) that the claim of cultural interpretation of human rights is simply the result of power interest and politics. The concept of **culturalism** is often used to cover up any political deviances.

Nooke believes that it is evident that human rights are a matter of power politics; any criticism would therefore be rather pointless. He deems it more important to ascertain whether the priority of individual rights is agreed on by every state (Nooke 2008, 25). In view of the obvious restrictions of personal **liberties** within the Soviet empire during the Cold War that had been widely obvious. However, the problem still remains, though today there are other states and groups that rank their own **ideologies** above human rights. Since the collapse of the Soviet Union Nooke has observed a growing number of various groups that put their own interests against those of individuals even though individual rights mainly constitute the human rights. He sites the civil pact of the UN as an example that was passed in 1966 and came into effect in 1977. The civil pact adopted the right to freedom of religion in a reduced form (without the right to choose one’s religion) to oblige the stronger presence of **Islamic states** and their interests (Nooke 2008, 29). The contradiction results from the adherence to the absolute validity of human rights while at the same time concession are made to interests of different groups and major decisions.

Religions and human rights

Theological doctrines, norms and values influence the culture in most societies. Every religion has a more or less rigid concept of the exclusive validity of their doctrine and their claim is usually **universal**. The truth they represent does not only affect their own members but involves the whole world. This applies to **Christianity** and **Islam**, the two religions we will concentrate on in the following. Both religions claim the same form of validity for their beliefs as the human rights do. Perhaps this is the cause of the competitive relationship between religious beliefs and human rights.

Human rights are independent of any religious revelations or legitimizations according to their basic understanding. Even though, an analysis of the relationship between the religions (Christianity and Islam) and human rights reveals both restrictions and single-minded interpretations (Runzo et.al. 2003) i.e. by describing human rights as a fruit of religion.

It is quite often suggested, that **Christianity** holds basic ideas for the development of **human rights** (cf. Hilpert 1991; Schwartländer 1993; Maier 1997), e.g. the claim that the Jewish-Christian tradition (Gen1,26f) implies a respect for the dignity of man, that cannot be topped theologically: Man is made in God's image, after His likeness! Paul pursues this concept in the New Testament (Gal 3,28) when he writes: "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for you are all one in Christ Jesus." Still, up until the middle of the 20th century the churches were sceptical about human rights or even rejected them. Pope Pius IX. announced in the Syllabus Errorum (1864) in the aftermath of the French Revolution, that freedom of religion and opinion was incompatible with the doctrine of the **Catholic Church**. During the whole time of the ultramontanism, between 1850 - 1950, the Catholic Church opposed the civil liberties and the equal rights, including the freedom of religion (cf. Hilpert 1991, 138ff). John XXIII. was the first pope to declare the Universal Declaration of Human Rights as a most significant act, as he stated 1963 in the Encyclical Letter "Pacem in Terris". Shortly afterwards, the II. Vatican Council finally accepted the human rights together with the freedom of religion in the decree Dignitas Humanae in 1965.

Even several German **Protestants** disapproved, mainly because of the optimistic idea of man by the Enlightenment that opposed the protestant view of justification solely by belief (cf. EKD 1979, 13).

The two major churches changed their attitude only since the mid 20th century; they were also affected by the dramatic experiences with **totalitarianism**. Even though, this does not justify a construction of a straight line originating from Genesis to human rights. This consideration is important in two ways: first, considering the historical interdependence between church, feudalism and absolutism; any demands of freedom and equality were directed not only against the sovereign and the state but against the church as well. Second, regarding the acceptance of human rights outside the western world (Bielefeldt 2009). If Roman Christianity and the West are closely linked and it is claimed that human rights are a direct result of **Christianity** that will imply an image of human rights as fruits of the West. According to

Bielefeldt the current human rights originated at the time of the transition from the Middle Ages to the early modern era when a new legal understanding was required as a result of the various religious wars.

The philosophy of the **Islam** can also contribute basic features of human rights, e.g. the **dignity** of a person in the Qur'an (Qur'an 2,256) as well as a statement that any force in a religion should be prohibited. The preamble of the **Universal Islamic Declaration of Human Rights released 1981** in Paris states that fourteen hundred years ago Islam has already established comprehensive and profound human rights by law (CIBEDO documents). Thus, human rights and Islam are perceived as two sides of a coin. The **Cairo Declaration on Human Rights in Islam** also gives an insightful statement: Various representatives of Islamic states declare that human rights are considered as a function of Islamic judicial principles and therefore subject of the Shari'ah, as stated in the articles 24 and 25: "All rights and freedoms stipulated in this declaration are subject to the Islamic **Shari'ah**. The Islamic Shari'ah is the only true source of reference for the explanation or clarification to any of the articles of this declaration."

Thus, the Islamic right has the final say – not a common understanding, based on consensus (c.f. Schirmacher 2009). However, the problem, what school of Islamic law one should refer to remains unanswered, and there are significant differences between those that are fundamental and the more pragmatic orientated ones (c.f. Bielefeldt 2009; Abid 2003; 2010). For a long time, human rights have been regarded as "house rules" of Europe or the western world from the Islamic point of view. During the Islamic Revolution in Iran Ayatollah Khomeini the revolutionary leader criticized the individual freedom rights and condemned them as the work of a devil by the west, intended to harm the Islam (c.f. Amirpur 2003, 165f.; Dorraj 2002, 150f.; Duncker 2006). Said Abul Ala Mawdudi perceives this in a more moderate way; he comments positively on human rights but maintains that they are an achievement of Islam and demands a special Islamic conception of human rights based on the Qur'an and the Sunna (c.f. Bielefeldt, 2003, 133). Even today **Islamic states** regard human rights not as their responsibility, even though they have signed the Human Rights Declaration out of power-political interests.

This leads to several problems regarding the contextual interpretation of human rights as perceived by the Islam (c.f. Bielefeldt 2004). What does that imply for the right of physical integrity when the **Shari'ah** commands severe corporal punishment? How can gender equality be interpreted when the Shari'ah does not acknowledge any equality? How can the freedom of opinion and religion be realized when the Shari'ah prioritizes the Islam? Those are not rhetorical questions, they affect practical politics. Several Islamic states acted very reserved at the ratification of the international Convention on the Elimination of All Forms of Discrimination against Women 1979 (c.f. Mayer 2003, 101-122). Article 10 of the Cairo Declaration states that: „Islam is the religion of unspoiled nature. It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism.”

(<http://www.religlaw.org/interdocs/docs/cairohrislam1990.htm>). While everyone is welcome to convert to **Islam**, leaving the faith is an indictable offence that may even result in the death penalty (c.f. Khoury 1993, 438-441). Bielefeldt therefore regards the Cairo declaration as a political document not on par with the intention of the universal human rights standards (Bielefeldt 2003a; 2003b).

This critical summary should not ignore the fact that **Islam** has many faces. The two options to understand the human rights, as secular or as deductions of the **Shari'ah**, are worlds apart (vgl. Bielefeldt 2004). To begin with, some legislations are dealt with distinct pragmatism, e.g. several methods of punishment are not carried out (as the amputations of extremities). In a couple of states punishments asked for by the Shari'ah are annulled by secular laws. There are several schools of Islamic law by now that have been developing a hermeneutical paradigm. Regarding the position of women in the Qu'ran the Egyptian literary scientist Nasr Hamid Abu Zaid relies on a hermeneutical understanding. He resumes that according to the historical context the situation of women was improved, though today one has to understand "improvement" as a total equality between men and women (see Amirpur 2003, 165). The Sudanese Abdullahi A. An-Na'im asks for a reform of the Shari'ah and the legitimisation of human rights in Islam (see An Na'im 2003, 31-49). Others criticise the juridification of the **Shari'ah** and call for a new interpretation emphasising ethics, spiritualism and reason. Not unlike the Christian understanding of the divine revelation the deistic origin of the Shari'ah is distinguished from the judicial casuistry that is perceived as a historical and social product and therefore subject to criticism.

There are without question a great number of religious contents that are related to human rights, but there are many antagonisms as well. History is not made up of sudden bursts of new eras with eruptions of new philosophies. Those philosophies have a history of their own. However, the analysis of developing ideas through time is not a sufficient explanation of human rights, i.e. human rights are not just a reconstructable history of ideas. The decisive point for the modern understanding of human rights is the awareness of reducing the injustice that has caused social and political conflicts and the introduction of legal certainty for all people, simply because they are human. We have to keep this in mind in view of the social and political struggle how to realize human rights in public policy.

Consequences for the empirical study

The outlined discourse about the form, content and range of human rights emphasises that they are still an unfinished project, just as Fritsche (2009, 96) rightly points out. Problems remain, especially regarding their contextual extension. Can the extension be seen as an improvement, or does it cause a dilution of the original rights (rights of defence and protection), intended as a response to the experience of inhumanity? Or should all the rights be treated as equal to prevent a classification in first- and second-rate rights? Another problem affects the expansion of human rights regarding social groups and societies. Is this an

advantage since it corresponds to the proceeding differentiation of the world community? Or does it present a problem, since the main issue of human rights – to protect the individual from discrimination – might then disappear from focus. Finally, the interpretation from a regional and religious point of view is discussed. On the one hand it is quite natural that societies and social groups wonder how to interpret and realize those rights, on the other hand there is the risk that human rights are corrupted because the interpretation is subject to certain interests, be they political, ideological or religious ones, involving a normativity that – explicitly or implicitly – determines the meaning of human rights.

The discussion shows that there are controversial opinions, politically as well as academically, regarding the canon and the claim of validity. The empirical question is now, what is the attitude of young people towards human rights in Germany. Most adolescents will have heard of human rights, but only a few probably know what they imply and intend. Perhaps the majority of the questioned youth will see nearly the whole list of human rights for the first time when they read through the questionnaire. We assume that most of them have not yet dealt with human rights intellectually, i.e. their answers should be spontaneous and not according to any textbook. The purpose of the empirical research is to ascertain how the youth in Germany structure the different human rights, how they range them in groups according to their content and how that can be interpreted considering the preceding discussion. Then we ask whether their religious roots (Christian or Muslim) results in different conclusions, touching the topic of cultural contextuality discussed above. Finally, we will research whether the questioned youth approve of all the groups of human rights to the same extend or whether they grade them differently, and if so, to what extend.

2 Design of the study

On the following pages the design of the study will be illustrated, first by describing the research questions, the instrument and statistical methods and finally the sample.

Research questions and assumptions

The overall research question is: *When we analyse their answers to the 30 statements of the questionnaire regarding human rights, what kind of structure can be detected?* In the first part of this chapter we have discussed the claim that all human rights are equal and **universal**, indivisible and interdependent. They are complementary and as a unity express the modern understanding of humanity and predictability of social and societal relations. This marks an important step for the life of individuals and states in a modern world for the understanding of human rights. However, looking back on the extension of those rights over the last 50 years, Günter Nooke has questioned this approach. According to him civil, political and juridical rights form the core group of rights because they represent the early spirit of the development of human rights meaning that the life of the individual has to be protected primarily. But even those rights have a wide-ranging content and can fall into different subgroups. The normative

claim of unity should therefore be reflected in the empirical perception (see also Haas 2008, 173-187; van der Ven et.al. 2005, 117).

A further research question asks: *What are the differences and/or commonalities between Muslims and Christians according to the structure of human rights?* In the first part of this chapter the relation between human rights and religious convictions is discussed, such as the reservations regarding modern individual liberty in religions mainly expressed in the rights to life. If respondents are religiously socialised, they probably adopt attitudes that common in their religious group. Cultural reasons for differences could result from the fact that Muslims in Germany regard themselves not only as a religious but also as a cultural minority. Therefore, identification with religious and cultural commonalities within the minority group is important. This can lead to different views compared to the religious and cultural majority; we therefore assume that Christians and Muslims show varying structures of human rights.

Our final question is: *How do Christians and Muslims evaluate their core-concepts of human rights?* If there are concepts in common mean values can be compared. If we cannot compare concepts because they differ in structure, we can measure the agreement and disagreement by groups.

Instruments and statistical methods

The quantitative study has been part of the international research programme *Religion and Human Rights*. A list of 30 items stands in the centre of the study. This instrument includes 18 items dealing with civil rights (question 31 in the questionnaire), six with rights to life (questions 32 and 33), four political (question 34) and two juridical rights (question 35). These rights mirror the historical development of human rights. Civil rights and rights to life were in the focus of the 1948 declaration, political and juridical rights were implemented in the 1966 conventions.

In the list of civil rights several aspects – all to be found in UN publications about human rights – are collected. First there is the right to life which is elaborated in two directions: the right to abortion and the right to euthanasia under certain circumstances. Both issues are relevant subjects in current societal public debates. Further the issue of religion is included, which is subdivided in three groups: separation of state and church, freedom of religion, and freedom of religious speech. One of the reasons for the earlier declarations of rights had been the experience with religious riots and wars. Therefore, the protection of the individual in regard to religion had to be an issue in human rights. The liberation of the individual is further expressed by the freedom of moral speech, freedom of life style and the right to privacy. In a public perspective freedom of assembly and freedom of press are relevant issues to underpin the modern approach of individuality and liberty.

Political and juridical rights are measured by two items about the protection of refugees and two items about the right to public protest and demonstration. In Germany (as in other

European countries) the status of refugees is under discussion. Especially right-wing parties accelerate this debate.

Table 1: Human Rights

31 Civil Rights (CR)

- 31-1 Our laws should protect a citizen's right to live by any moral standard he/she chooses
- 31-2 In regard to euthanasia politicians should decide irrespective of any religious leader's will
- 31-3 Making fun of religious people in cabarets is a legally protected right
- 31-4 The community's moral standards should be critically debated in schools
- 31-5 Minority groups should be free to use the town hall to hold protest meetings
- 31-6 Newspaper columnists should be free to express radical convictions
- 31-7 Police searches of private homes without a search warrant are prohibited
- 31-8 Politicians are not allowed to interfere with religious communities
- 31-9 Imposing inhuman mental treatment on people accused of mass murder is forbidden
- 31-10 Any form of sexual relations between consenting adults should be their individual choice
- 31-11 In regard to abortion politicians should take decisions independently of religious leaders
- 31-12 Making fun of atheists in public meetings is permissible
- 31-13 Children should be free to discuss all moral ideas and subjects in schools, no matter what
- 31-14 A cabinet minister should allow his striking officials to meet in a ministerial building
- 31-15 TV journalists with radical ideas have a civil right to employment
- 31-16 The police are only allowed to inspect people's cars under strict judicial conditions
- 31-17 Prayers in public schools should be forbidden
- 31-18 Inflicting severe physical suffering on potential terrorists is prohibited

32 Right to life (prohibition/permission of abortion) (RL-Ab)

- 32-1 There is a strong chance of serious defect in the baby
- 32-2 Economically she (the woman) cannot afford any more children
- 32-3 The woman's own health is seriously endangered by the pregnancy
- 32-4 Psychologically she (the woman) cannot afford any more children

33 Right to life (prohibition/permission of euthanasia) (RL-Eu)

- 33-1 The doctor is allowed to do this
- 33-2 The doctor is allowed to do this, only if palliative care is exhausted

34 Political rights (PR)

- 34-1 The police should not use force against political demonstrators
- 34-2 The government is obliged to guarantee political refugees' freedom to travel
- 34-3 The government should not pass a law forbidding all forms of public protest
- 34-4 The government is obliged to provide a decent standard of living for political refugees

35 Judicial rights (JR)

- 35-1 Guaranteeing terrorist's access to a lawyer is necessary to protect their individual rights
 - 35-2 A mass murderer should be informed of his/her right to keep silent before the court
-

In addition to the human rights instrument the questionnaire included socio-demographic variables, items about value orientation, religion and world view, those, however, will not be used in this study.

The statistical operations were done with SPSS. The measurements in this chapter had been mainly based on factor analyses. In a further step the factors were transferred into scales and

reliabilities were inspected. Finally, the mean values were analysed and significant differences determined by Anova-Scheffé tests.

Sample

To ensure the right comparability between all the participating countries only students in the 11. grade were asked for the sample. Since Germany has a three-tiered school system, that included the “Gymnasium” and the “Gesamtschule”. The schools in question should have at least 20% Muslim students. Both criteria (11th grade and 20% Muslim students) should assure that all samples have the same standard of education and knowledge of multi-religious contexts.

The German sample is based on N=1785. Because of organisational reasons a couple of students from 10th grade were included in the study. Altogether 13 schools from Bavaria, (Nürnberg) and North Rhine-Westfalia (Duisburg, Köln, Dortmund, Bochum) have participated in the study. 2601 questionnaires had been sent out, the response rate came up to 1917 (=78%). After the useless ones had been discarded 1785 remained (=68 % of 2601 or 93% of the response rate). The sample therefore covers a total of N=1621.

We have researched the structure of different areas of Human Rights and whether religious differences have an impact on it in this study. We are interested in commonalities and differences between Christian and Muslim students. Therefore, we selected respondents who have clearly indicated that they belong to either the Christian or the Islam religion. Table 2 presents the numbers and percentages of all respondents to religious communities.

Table 2: Religious belonging

	N	Valid %	Selection
Religious	68	4,1	Not included
Christian	190	11,4	Christian
Catholic	278	16,7	Christian
Protestant	293	17,7	Christian
Anglican	2	0,1	Christian
Pentecostal	1	0,1	Christian
Other Christian tradition	18	1,1	Christian
Islamic	292	17,6	Muslim
Sunnite	70	4,2	Muslim
Shiite	22	1,3	Muslim
Other Islamic tradition	27	1,6	Muslim
Jewish	10	0,6	Not included
Buddhist	16	1,0	Not included
Hindu	13	0,8	Not included
Other religion	41	2,5	Not included
No religious belonging	319	19,2	Not included
Sum	1660	100,0	
No answer	127		

General options as “Religious”, “Christian” or “Islamic” were chosen because previous research had shown that some students have problems with the proper term of their denomination or rather prefer the more general term (like “Christian”) to avoid being identified as belonging to a specific church. In this study more respondents choose “Islamic” than any other specifications the questionnaire offered - including a blank field for answers. The column “selection” of table 1 lists six Christian and four Muslim groups that are later combined and used in further analysis. Respondents who answered “religious” were excluded because they could not be identified as Christians or Muslims. Students belonging to any other religion or to no religion at all were also excluded. That adds up to N=782 Christians and N=422 Muslims (total N=1193) for the following analyses.

3 Empirical Findings

At first, we explain how we conducted the different factor analyses. Second, we present the findings after a series of factor analyses among Christians and Muslims. Third we describe the commonalities and fourth the differences between Christians and Muslims. Commonalities and differences are analysed by factor analyses and comparisons of mean values.

Processing analyses

This paper presents the research of the conceptual structure of respondents about Human Rights. Factor analyses allow viewing the concepts which are behind a set of items. To begin with it is important that we define how the analysis was accomplished: First we ran the principal component analysis with varimax-rotation. Accepted factors have an Eigenvalue of 1,0 or higher and the load of items on a factor should not fall below .50. Exceptionally .40 was taken as minimum load if the item had no higher load on another factor. If items loaded on two or more factors the difference between the strongest and the next highest load had to be at least .20. If the difference between two loadings was smaller the item was excluded.

This analysis is focused on two groups (Christians and Muslims) and factor analyses will be run for both groups separately. Based on the criteria mentioned above several analyses were done for every group until the factor structure was clear and all remaining items differentiated the loadings sharply. To test the reliability of the final factors a Cronbachs alpha was measured as well as the (dis-)agreement (means). The decision for a sufficient alpha depends on the number of items and respondents. In this study an alpha below .60 is low, between .61-.79 sufficient and below .80 high (Nunnally/Bernstein 1994).

All in all, seven factor analyses had been run. We have decided to come straight to the point and present only the final one. Table 3 shows that three analyses were necessary for the Christian group to reach the criteria mentioned above. The explained variance of the third analysis is 58,3%. For the Muslim group four analyses were done. The fourth had an explained

variance of 62,5%. Table 3 also shows which items had to be excluded after every analysis. In the **Christian** group seven items were deleted and 23 items remained in the final analysis. In the **Muslim** group eleven items were deleted and 19 items remained.

Table 3: Number of factor analyses and explained variance

Groups		Number of factor analyses			
		1 st	2 nd	3 rd	4 th
Christians	expl. variance	56,99%	56,3%	58,3%	—
	Items after FA-analysis excluded	31-3 31-9 34-3	31-4 31-12	31-18* 34-1*	—
Muslims	expl. variance	59,9%	63,7%	57,6%	62,5%
	Items after FA-analysis excluded	31-1 31-5 31-9 31-10 31-14 31-18	34-1 34-3	31-2 31-4 31-8	—
Grey marker: these analyses are described in the following. * = Items remained in the factor analysis but have been deleted after testing the reliability of the items when establishing a scale.					

In the following we present the result of the third factor analysis for Christians and the fourth for Muslims.

The **structure of human rights**

Christians

The third analysis among Christians was in accordance with the statistical criteria mentioned earlier. Eight factors could be extracted (see tab. 4). The factors show a clear content related structure.

Factor 1 (*right to life–abortion*) includes all four items of the rights to life in relation to abortion. The items present reasons for an approved abortion. Especially in countries with a Christian majority abortion is a public issue. Debates in Spain and Italy, but also in Germany during the last years emphasize the importance of the abortion topic as an element of rights to life. The EU granted Ireland the retention of their strict abortion laws (in comparison to EU standards) when the country voted for the EU Lisbon contract in 2009.

Factor 2 (*rights to moral liberty*) is established by two items about the separation of church and state. Those items state that politicians should come to their own conclusions about euthanasia and abortion, regardless of any religious interests. Two items contain statements about sexual freedom as part of the freedom of life style, and one item expresses the freedom of moral speech.

This factor is probably dominated by the idea of self responsibility; people should be able to make their own decisions about the basic aspects of life.

Factor 3 (*freedom of speech and assembly*) includes 2 items about freedom of press and 2 items about freedom of assembly. Both aspects can be understood as the essence of the modern democratic state. These rights should be self-evident for all Europeans, even Italy applies them.

Factor 4 (*refugees rights*) is a 2-item factor with statements about political rights, elaborated as rights for refugees. In Europe this is a hot issue, as well, not just for those countries that boarder on third countries. In many Western European states, the way of dealing with refugees was and is major election issue. The media reports continuously about refugees arriving by boat from Africa to Spain and Italy and the reactions of politicians and the people.

Factor 5 (*juridical rights*) includes two items about juridical rights guaranteeing individual rights to those violating the actual law (murderers, terrorists) presents quite a challenge for a modern state. From the perspective of human rights, the state is legally bound to defend the rights of those individuals that have assaulted the community and the state. Most people would rather have the government take drastic measures; however, this is a field where the state can demonstrate its practical application of human rights. The third item of this factor concerns the prohibition of torture which refers to the content of this factor, but actually belongs to the group of civil rights. When the factors will be transformed into scales this item has to be excluded since the reliability of the scale would raise from .66 to .72.

Factor 6 (*right to privacy*) raises issues of privacy. The two items cover the prohibition of the police to search private areas. Those topics were relevant issues of the parties during the election campaign in Germany, September. A modern topic of the right to privacy is the prohibition of any activities by the government to spy on internet data. A brand-new party (The Pirates) made this problem the key issue of their programme and actually received more than 2% of the votes. It illustrates the real relevance of those rights in the current public proceedings. Perhaps the use of the term “police” in both items led to the addition of a third item, regarding the use of force during demonstrations by the police. The focus here is not privacy but the right of protest. When this factor will be transformed into a scale this item has to be excluded since the reliability would raise from .51 to .55.

Factor 7 (*freedom of religion*) considers two items about issues of freedom of religion. Prayer in public schools should be forbidden and politicians should keep their distance to religious communities. The second item is rather unfamiliar for the German society as state and church maintain a lot of contacts. But the first item got quite a lot of publicity in 2009 when a court in Berlin decided that schools had to provide a prayer room for a Muslim student who fought for his right to do his prayers during the day.

Finally factor 8 (*right to life–euthanasia*) includes two items about the right to life, operationalised as the right for euthanasia. The question whether euthanasia should be allowed or prohibited and if allowed under what conditions is an ongoing debate. Economical reasons have to be considered as well, when the expectation to survive is balanced with the costs of life-extending machines. In 2008 a case in Italy got international attention when a patient in a

persistent vegetative state was disconnected from life-support machines after 15 years. Nonetheless the pope has publicly expressed his protest.

Table 4: Structure of Human Rights among Christian respondents (expl. var. = 58,3%)

	Components							
	1	2	3	4	5	6	7	8
32-2 Economically she cannot afford any more children	,822							
32-4 Psychologically she cannot afford any more children	,788		,125					,142
32-3 The woman's own health is seriously endangered by the pregnancy	,691	,302						
32-1 There is a strong chance of serious defect in the baby	,656	,254	- ,153		-,139		,143	,138
31-2 In regard to euthanasia politicians should decide irrespective of any religious leaders will		,685					,305	
31-11 In regard to abortion politicians should take decisions independently of religious leaders	,172	,637			,172	-,122	,217	,173
31-10 Any form of sexual relations between consenting adults should be their individual choice	,171	,618				,141	-,257	
31-13 Children should be free to discuss all moral ideas and subjects in schools, no matter what		,613	,197			,154	-,247	
31-1 Our laws should protect a citizen right to live by any moral standard he/she chooses		,569	,103	,249	-,103	,174		-,110
31-15 TV journalists with radical ideas have a civil right to employment			,744	- ,140		,196		
31-6 Newspaper columnists should be free to express radical convictions		,135	,725	- ,107		,140	,118	
31-14 A cabinet minister should allow his striking officials to meet in a ministerial building		,142	,607	,375				
31-5 Minority groups should be free to use the town hall to hold protest meetings		,179	,567	,382				,139
34-4 The government is obliged to provide a decent standard of living for political refugees				,811	,211	,144		
34-2 The government is obliged to guarantee political refugees' freedom to travel				,797		,115		
35-2 A mass murderer should be informed of his/her right to keep silent before the court					,831			
35-1 Guaranteeing terrorists' access to a lawyer is necessary to protect their individual rights					,787	,185		
*31-18 Inflicting severe physical suffering on potential terrorists is prohibited				,269	,624			
31-7 Police searches of private homes without a search warrant are prohibited		,164			,111	,722		
31-16 Police are only allowed to inspect people's cars under strict judicial conditions			,165		,103	,709		
*34-1 The police should not use force against political demonstrators				,323	,125	,509		,157
31-17 Prayers in public schools should be forbidden							,769	
31-8 Politicians are not allowed to interfere with religious communities			,165			,250	,600	

33-1 The doctor is allowed to do this, only if palliative care is exhausted				,104				,800
33-2 The doctor is allowed to do this	,214	,178						,696

Extraction: principal-component analysis. Rotation: varimax (Kaiser).

* Item later deleted when factors were tested for reliability. All other factors reach a sufficient alpha.

The Christian students in this study have identified eight patterns that classify the items about human rights. All loadings discriminate factors sufficiently. Before we present the reliability of these factors by transforming them into scales and reporting the measurements of acceptance or rejection, we will analyse the structure of human rights among Muslims.

Muslims

The fourth factor analysis among Muslims was in accordance with the statistical criteria mentioned above. Six factors could be extracted (see tab. 5) that also show a clear content related structure.

Table 5: Structure of Human Rights among Muslim respondents (expl. var. = 62,5%)

	Components					
	1	2	3	4	5	6
31-3 Making fun of religious people in cabarets is a legally protected right	,752		-,159	,204	,122	
31-17 Prayers in public schools should be forbidden	,700	,232	-,166	,120		
31-6 Newspaper columnists should be free to express radical convictions	,668		,217			,114
31-12 Making fun of atheists in public meetings is permissible	,666	-,150	-,107	,254		-,115
31-15 TV journalists with radical ideas have a civil right to employment	,596		,383	-,288		,137
32-3 The woman's own health is seriously endangered by the pregnancy	-,116	,764	,168			
32-1 There is a strong chance of serious defect in the baby		,759				
32-2 Economically she cannot afford any more children	,196	,725		,171	,204	
32-4 Psychologically she cannot afford any more children	,308	,691	-,113	,166	,220	
31-1 Our laws should protect a citizen right to live by any moral standard he/she chooses	-,145		,648			
31-7 Police searches of private homes without a search warrant are prohibited			,647	,181		
31-13 Children should be free to discuss all moral ideas and subjects in schools, no matter what		-,182	,581		,141	
31-16 The police are only allowed to inspect people's cars under strict judicial conditions	,295	,228	,547	,205	-,135	-,129
34-2 The government is obliged to guarantee political refugees' freedom to travel	,141			,842		,128

34-4 The government is obliged to provide a decent standard of living for political refugees	,119	,134	,237	,765		,176	
33-2 The doctor is allowed to do this, only if palliative care is exhausted		,159			,879		
33-1 The doctor is allowed to do this	,183	,215		,172	,829		
35-2 A mass murderer should be informed of his/her right to keep silent before the court						,884	
35-1 Guaranteeing terrorists' access to a lawyer is necessary to protect their individual rights		,119	,158	,233		,789	

Extraction: principal-component analysis, rotation: varimax (Kaiser). All factors reach a sufficient alpha.

Factor 1 (freedom of religion and press) represents a combination of different civil rights. This factor covers freedom of religious speech, freedom of religion and freedom of press. The content of the items states that it should be allowed to make fun of religious and atheist people, that prayer should be prohibited in public schools and that radical statements in the press should be possible. In the context of “political correctness” making fun about different groups and publishing radical ideas in the press could be evaluated as non-correct. Considering the problem of “making fun” we recall the world-wide protest of Muslims after the cartoon dispute, when a Danish newspaper published caricatures about Mohammed. Nevertheless, these items are in a stark contrast to the problem of freedom of thought.

Factor 2 (right to life–abortion) includes 4 items of rights to life in relation to abortion. In this factor social- and health related items are combined, both reasons could be conceived as an approval of abortion.

In factor 3 (freedom of private life orientation) we find 1 item about the freedom of life style and 1 item about the freedom of moral speech. Further there are 2 items about the right to privacy. Everyone should be able to choose their own moral standard and children should be allowed to discuss any moral ideas at school without any restriction. Both items represent a concept of moral liberty that is connected to the protection of privacy. The executive of the state (police) must not interfere in anyone’s private affairs without strong suspicion. Freedom is expressed as individual liberalism in this factor.

Factor 4 (refugees rights) includes 2 items about political rights. The items concern the rights of refugees.

The content of factor 5 (right to life–euthanasia) is related to euthanasia representing (next to abortion) the group of rights of life. According to the items a physician can either principally support euthanasia or support it only if medical help is exhausted.

The final factor 6 (juridical rights) includes two juridical rights. Mass murderers and terrorists are taken as an example that everyone can claim principal basic rights.

Muslim students in this study could sort the items about human rights in those six patterns described above. All loadings discriminate factors sufficiently.

Commonalities between Christians and Muslims

After describing the outcomes of the factor analyses separately for Christians and Muslims, we compare the results putting the focus on the commonalities of the structures of human rights. An important result is that – except for the group of civil rights – the structure of the rights is the same among Christians and Muslims (see tab. 6). Therefore, it is possible to compare mean values (incl. standard deviation) of Christians and Muslims noting whether differences are on a significant level (based on Anova Scheffé tests).

Both religious groups establish two factors about the right to life: the first includes the four items about the right of abortion and the second the two items of the right to euthanasia. The third factor both groups have in common concerns political rights for refugees and the fourth factor juridical rights, operationalised as equality before the court, for mass murderers and terrorist as well. We are now going to transfer the items of the four factors into scales and test them for their reliability, acceptance or rejection by the students (see tab. 6).

The scale right to life–abortion has a good reliability (alpha .75) and Christians and Muslims show a positive ambivalence. The mean value of Christians (M=3,23) is slightly higher than the mean for Muslims (M=2,96). Both groups tend to be more positive than negative about the permission of abortion. This difference is significant.

The scale right to life–euthanasia is reliable among Muslims (alpha .77) while the alpha among Christians is weak (.38). We will not concern ourselves with this scale in this paper; therefore the notion about the reliability is simply a descriptive information without any impact on further analyses. A reason for this low alpha can be found in the factor analyses (see table 4 and 5). Both analyses show that the load of the 2 items among Muslims was more similar than among Christians. The mean values show a negative ambivalence among Muslims (M=2,82) and a positive ambivalence among Christians (M=3,23). Especially within the Muslim group the high standard deviation is obvious. This difference between Christians and Muslims is strongly significant.

The third scale about political rights–refugees is reliable among both groups (Christians .73; Muslims .74), but the mean differs. The mean of Christians is negative-ambivalent (M=2,89) and the mean of Muslims positive-ambivalent (M=3,28). The difference can be explained by the migration experience of many of the families of the Muslims sample and by media reports, stating how refugees coming to Europe are treated. As a minority group Muslims are more sensitive to these issues. The difference between both groups is significant.

In the fourth scale we have a similar result. The reliability in both groups is good (Christians .72; Muslims .70); Christians show a negative ambivalence (M=2,83) and Muslims a positive one (M=3,12). Also this difference is significant.

Table 6: Identical factors among Christians and Muslims

Right to life–Abortion (prohibition/permission)

32-1 There is a strong chance of serious defect in the baby

32-2 Economically she (the woman) cannot afford any more children

32-3 The woman's own health is seriously endangered by the pregnancy
32-4 Psychologically she (the woman) cannot afford any more children

Christians: Alpha .75, M=3,23, SD ,95
Muslims: Alpha .75, M=3,02, SD 1,05
Sign. *

Right to life–Euthanasia (prohibition/permission)

33-1 The doctor is allowed to do this
33-2 The doctor is allowed to do this, only if palliative care is exhausted

Christians: Alpha .38, M=3,23, SD 1,01
Muslims: Alpha .77, M=2,82, SD 1,34
Sign. ***

Political (refugee) rights

34-2 The government is obliged to guarantee political refugees' freedom to travel
34-4 The government is obliged to provide a decent standard of living for political refugees

Christians: Alpha .73, M=2,89, SD ,94
Muslims: Alpha .74, M=3,28, SD 1,04
Sign. *

Judicial rights

35-1 Guaranteeing terrorist's access to a lawyer is necessary to protect their individual rights
35-2 A mass murderer should be informed of his/her right to keep silent before the court

Christians: Alpha .72, M=2,83, SD 1,14
Muslims: Alpha .70, M=3,12, SD 1,22
Sign. *

In short, the right to life operationalised in items of abortion shows a most common attitude, in all other cases Christians and Muslims differ in their evaluation. Christians have a slightly positive attitude about euthanasia and Muslims a slightly negative one. Muslims value political and juridical rights more positively than Christians. It is questionable whether this can be sufficiently explained by the religious roots of the students. Probably culture and the social milieu also have an impact on the outcome, especially when we consider the perception of political rights (refugees) that might matter more to Muslims than Christians.

Differences between **Christians** and **Muslims**

Differences among Christians and Muslims in the way they structure human rights can only be noticed regarding the group of Civil Rights. We will first describe the outcome for Christians and then for Muslims.

Christians

Christians arrange civil rights into four groups (see tab. 7). The first group represents a liberal view on moral standards and the freedom of the individual to choose their own way of life. The content can be interpreted as a distinct Western conviction about individual freedom.

Transformed into a scale the alpha is low but sufficient and the acceptance is clearly positive (M=3,66).

The second group contains rights with a stronger public meaning: That minorities might use the town hall, the media should be allowed to broadcast radical opinions, and strikes be organised in a ministerial building puts the issue of freedom in the public eye. Transformed into a scale the alpha is low but sufficient, however, the students are cautious. They are neither positive nor negative about these issues (M=3,0).

The third group concerns private issues again. The police must not enter private homes unless a search warrant has been issued because of strong suspicions. Transformed into a scale the alpha is sufficient and the acceptance tends to the positive (M=3,38).

The fourth group of items regards religion. Politics and religion should be autonomous, and schools should be free of religious activities. Transformed into a scale the alpha of the two items is low and the evaluation tends to be negative (M=2,67). German Christian students do not agree with the restriction these items represent since the major Christian churches and the state cooperate in the practical approach. Confessional religious education in public schools is an example for this cooperation.

Table 7: Differentiation of civil rights among Christians

Civil-1 (alpha .68; M=3,66)

- 31-1 Our laws should protect a citizen's right to live by any moral standard he/she chooses
- 31-2 In regard to euthanasia politicians should decide irrespective of any religious leader's will
- 31-10 Any form of sexual relations between adults should be their individual choice
- 31-11 In regard to abortion politicians should take decisions independently of religious leaders
- 31-13 Children should be free to discuss all moral ideas and subjects in schools, no matter what

Civil-2 (alpha .65; M=3,00)

- 31-5 Minority groups should be free to use the town hall to hold protest meetings
- 31-6 Newspaper columnists should be free to express radical convictions
- 31-14 A cabinet minister should allow his striking officials to meet in a ministerial building
- 31-15 TV journalists with radical ideas have a civil right to employment

Civil-3 (alpha .55; M=3,38)

- 31-7 Police searches of private homes without a search warrant are prohibited
- 31-16 The police are only allowed to inspect people's cars under strict judicial conditions

Civil-4 (alpha .31; M=2,67)

- 31-8 Politicians are not allowed to interfere with religious communities
- 31-17 Prayers in public schools should be forbidden

Items which are not part of Christians factor structure of civil rights

- 31-3 Making fun of religious people in cabarets is a legally protected right
 - 31-4 The communities' moral standards should be critically debated in schools
 - 31-9 Imposing inhuman mental treatment on people accused of mass murder is forbidden
 - 31-12 Making fun of atheists in public meetings is permissible
 - 31-18 Inflicting severe physical suffering on potential terrorists is prohibited
-

Five items out of the full number of civil rights are not included in the final factor structure. Two of them express freedom of religious speech, two political rights operationalised as protection from torture and one freedom of moral speech.

Muslims

Civil rights among Muslim students show only two groups. In the first group rights to privacy, freedom of life style and moral speech are combined. These items represent not only a positive valuation of individual freedom but also the protection of individual privacy from state executive's intervention. Transformed into a scale the alpha is low and the content is accepted (M=3,79).

The second group contains items of freedom of religious speech, freedom of religion and freedom of the press. Transformed into a scale the alpha is good. But the content is rejected (M=2,56): Muslim students disagree with an interpretation of freedom that is likely to offend and that can stimulate tensions and conflicts.

Summing up, civil rights are subdivided into a positively and a negatively evaluated group.

Table 8: Differentiation of civil rights among Muslims

Civil-1 (alpha .53, M=3,79)

- 31-1 Our laws should protect a citizen's right to live by any moral standard he/she chooses
- 31-7 Police searches of private homes without a search warrant are prohibited
- 31-13 Children should be free to discuss all moral ideas and subjects in schools, no matter what
- 31-16 The police are only allowed to inspect people's cars under strict judicial conditions

Civil-2 (alpha .72, M=2,56)

- 31-3 Making fun of religious people in cabarets is a legally protected right
- 31-6 Newspaper columnists should be free to express radical convictions
- 31-12 Making fun of atheists in public meetings is permissible
- 31-15 TV journalists with radical ideas have a civil right to employment
- 31-17 Prayers in public schools should be forbidden

Items which are not part of Muslim's factor structure of civil rights

- 31-2 In regard to euthanasia politicians should decide irrespective of any religious leader's will
 - 31-4 The community's moral standards should be critically debated in schools
 - 31-5 Minority groups should be free to use the town hall to hold protest meetings
 - 31-8 Politicians are not allowed to interfere with religious communities
 - 31-9 Imposing inhuman mental treatment on people accused of mass murder is forbidden
 - 31-10 Any form of sexual relations between consenting adults should be their individual choice
 - 31-11 In regard to abortion politicians should take decisions independently of religious leaders
 - 31-14 A cabinet minister should allow his striking officials to meet in a ministerial building
 - 31-18 Inflicting severe physical suffering on potential terrorists is prohibited
-

Nine items in this analysis are not included: items about the separation of religion and state, about political rights as protection from torture, about freedom of assembly, religious speech and freedom of religion. Young Muslims do not consider these as part of the basic structure of rights.

4 Outlook

The debate about human rights is a normative discussion about which standards should be valid in the global world. The UN made an important step to come to an agreement with the declaration in 1948. In the first part of the chapter it could be shown that the list of rights and their adoption in different countries, continents and among religious groups is controversial. The amount of rights which have different character is questioned, just as if they are all equal. Without doubt the approach is that all human rights are egalitarian, interdependent, indivisible and **universal**. In the political context it is obvious that the verb “are” is meant as “should be” and ideal and reality can be in conflict. On the one hand it is necessary that human rights are incorporated in national and international law. On the other hand, human rights need a foundation in the conviction of the citizens. People must be deeply convinced that human rights mark an important step for individuals and states in a modern world.

This study has shown that **Christian** and **Muslim** students have their own perspective on the stated egalitarian, indivisible and interdependent character of human rights. Beyond the list of 30 human rights Christians construct eight and Muslims six groups. They have in common that rights to life, political and juridical rights represent distinguished groups. But the acceptance of these rights is different. Christians and Muslims also differ strongly in their perception of civil rights. Scales which contain individual rights and the right to privacy are evaluated positively by both groups. Why are civil rights perceived so differently? The reason mainly lies in the influence of the societal status of majority and minority, mediated by religious and cultural patterns. The Muslim minority group pay greater attention to political and juridical rights as well as to rights regarding privacy and individual freedom. Probably the most plausible explanation is that a minority group has the greatest need that these rights are valid and – if necessary – enforceable.

It is surprising that rights such as the protection from torture and rights of protest are partly out of the conceptual structure. In these rights not the quality of life, but the pure existence of life is questioned. Although German adolescents do not need to be afraid to benefit from those rights: they are surely part of the core spirit of human right and elementary conditions of life are attacked if these rights are repealed. Similarly, the empirical results about civil rights give to think. Several rights are not integrated in the adolescents’ concept of human rights. A reason could be that many of these rights are taken for granted. In this case students do not perceive them as urgent.

Education plays an important role in establishing and developing cultural and political sensitivity for the importance of human right. It provides young people with the knowledge about and insight in human rights. It is the context of inhuman politics that makes it understandable why human rights are an irreducibly step of modern civilization. Therefore, education in human rights is not limited to the distribution of information but a problem-based learning. It should influence the general attitude towards marginalised people, although public opinion partly works against this goal when it is questioned whether dangerous criminals should have equal rights in court, whether refugees and asylum seekers should be admitted “when the boat is full”, whether there should be freedom of life styles (also for homosexuals), etc. In

several European countries these issues are highly controversial. There particular situations that challenge the understanding of human rights. Education can develop a responsible attitude towards human rights by initiating processes to create an active stance to stand up for these rights and to fight their abuse.

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UN: International Covenant on Civil and Political Rights 1966

UN: International Covenant on Economic, Social and Cultural Rights 1966

UN: International Pact of Citizens and Political Rights 1966

UN: Universal Declaration of Human Rights 1948

Universal Islamic Declaration of Human Rights 1981

Terms for INDEX

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Asian Declaration of Human Rights 1993
Cairo Declaration on Human Rights in Islam 1990
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Dignity, human
Dignity, inherent
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Equality
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Freedoms, negative
Holocaust
Human rights
Human rights, civil rights
Human rights, collective
Human rights, indivisibility of
Human rights, judicial rights
Human rights, participatory rights
Human rights, political rights
Human rights, structure
Ideology
International Covenant on Civil and Political Rights (UN) 1966
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Liberty
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