

**Årsheim, Helge. *Making Religion and Human Rights at the United Nations*. Boston: Walter de Gruyter, 2018. pp. 316. ISBN 978-3-11-047653-8. DOI: <https://doi.org/10.55997/1012pslviii175br5>**

Prompted by the inadequacy of the United Nations (UN) in addressing the gulf that exists between the Islamic and Western world, Helge Årsheim's *Making Religion and Human Rights at the United Nations* investigates how the UN has approached religion over a ten-year period from 1993 to 2013. As the world's largest and most well-known intergovernmental organisation with more than 190 member states, the United Nations (UN) does not only have peace, security, and friendly relationships among nations as its operating aims. It also seeks to uphold international law and protect human rights in all corners of the globe through the UN Charter of 1945 as well as the treaties that were a product of the 1948 adoption of the Universal Declaration of Human Rights. While part of this universal declaration is the acknowledgement that everyone has the right of freedom to religion, the UN does not possess any official structures legal or political that addresses the issue of religion as a primary objective.

As a post-doctoral research fellow at the University of Oslo and having written extensively on the intersection of law, religion, human rights, and the United Nations, the author is well placed to address the issue at hand. His previous works include *Making Religion and Human Rights at the United Nations* (2018).

The author has divided his work into two parts. Part one lays out how the UN approaches religion as a whole and is subdivided in three chapters. In the first chapter, the author points out that the failure of the UN to bridge the gap between the Islamic world and the West is largely due in part to its own inability to distinguish what organisations within itself should be responsible to secure this objective. With religion on the rise and its potential for both a positive and negative influence for human rights, this inability needs to be addressed.

The second chapter explains the concept of "religion-making" and the problems it attempts to solve. Here, the author also charts the inroads that various scholars have made in approaching religion-making. In the following chapter, the author traces the evolution of international law's influence on religion-making as well as on the development of human rights through the medium of the UN. A comparison is also made with how the UN's predecessor—the League of Nations, dealt with the issue of religion before presenting an overview of the three-tiered working structure within the UN.

Part two is broken down into a further five chapters and investigates how religion is monitored and approached by 4 different committees within the UN before tackling religion from a legal perspective. Chapter four covers the Committee on the Elimination of Racial Discrimination (CERD) as established by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). While the ICERD does not officially list religion as a cause for discrimination, the committee's intertwining of religion

and racial identity has resulted in a growing engagement with religion by its contact not just with established religious organisations and jurisprudence but also with smaller religious and indigenous minorities. The increased engagement is however hampered by that same intertwining—“[r]eligious questions are of relevance to the Committee when they are linked with issues of ethnicity and racial discrimination” (p. 85).

Chapter five focuses on the work of the Human Rights Committee (HRC) which monitors the implementation of the International Covenant on Civil and Political Rights (ICCPR), which not only has the “largest interface with religion of any international human rights treaty” (p. 108) but also enshrines under international law “the most important norm of religion” (p. 109) – that anyone can have or adopt a religion or belief of his choice. The inclusion of both ‘religion’ and ‘belief’ has influenced the HRC’s approach to religion-making. The belief or non-belief of the individual is set against that of any religious organisation or state-approved religion.

In chapter six, the author deals with the committee that was established by the Convention of the Elimination of Discrimination against Women (CEDAW). The convention is modelled after the ICERD and does not mention religion “either in the preamble or in substantial articles” (p. 154). Nevertheless, the convention seeks to abolish or modify prevailing laws, customs, and traditions which discriminate against women. Furthermore, states are prevailed upon to change “social and cultural patterns of conduct” (p. 154) in order to eliminate practices that based upon the inferiority/superiority of sex. Religion in the eyes of this committee therefore, would fall under those categories. While the committee treats religion as an obstacle to achieving its aims of gender equality, it also recognises the power of religion and its representatives to help it achieve these aims.

In Chapter seven, the focus shifts to the committee set up by the Convention on the Rights of the Child (CRC). Under this convention, children are given religious rights of their own and entitled to the freedom of religion, thought, and conscience. In terms of the CRC’s monitoring process however, it is “more concerned with the potential for violence against children” (p. 198) that stems from religion rather than the protection of the individual child’s belief. The author cites the examples of children being accused of witchcraft in Angola and the child sacrifices that take place in Uganda (p. 229). Furthermore, in light of the committee’s broad-ranged approach in the protection and promotion of children’s rights such as ensuring their access to education, while sidestepping the issue of the religious dominance of some educational institutions, the religion-making of this committee may be said to be aimed at the general welfare of children in mind.

In the final chapter of the book, the author explores the issue of the legislation of religion and the relationship between state apparatuses, religious belief and communities, as well as the legal rights of religious minorities. The gradual dissipation of the tension that once existed between established modern legal structures and the religious legal structures that run parallel e.g. ecclesiastical law and *sharia* law, are also discussed here. The former no

longer looks at the latter with suspicion; there is now the recognition of the need for mutual cooperation for the better protection of human rights.

Helge Årsheim's publishing track record on the topics of religion, law, and the United Nations have already been highlighted above. His familiarity with the workings of the various treaty committees and subject matter at hand is manifested in the extensive and detailed footnotes contained in this work, demonstrating not only an in-depth knowledge of the many recommendations put forward by the various UN committees but also of the many formal exchanges that took place between committee members and state representatives. These exchanges are critical in that they give concrete examples of the religion-making that is taking place in the various committees, and therefore the UN, in the name of the promotion and protection of human rights. Throughout the book, the author has also engaged with the works of other scholars in the field.

While it is to be expected that each treaty committee would approach and critique religion through their own particular lens, the author's work also reveals that the UN has an inter-committee inconsistency in the attitude towards religion and religious communities. For instance, in terms of cooperation with religious authorities to maintain or promote human rights, the HRC is the least disposed of the treaty committees to do so while the CEDAW and CRC both see a positive value in engaging with religious authorities. On the issue of religious laws however, the HRC is amenable to the idea of introducing civil laws that run parallel to religious laws of divorce and marriage while the CERD would rather diminish the power of religious courts (p. 246). The author hopes that this inter-committee discrepancy towards religion coupled with the rise of religion will give rise to a renewed and mature conversation concerning the latter and its place in present-day societal and legal systems.

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