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**UNITED NATIONS, HUMAN RIGHTS,
FREEDOM OF RELIGION OR BELIEF**

*The Tandem Project is a UN NGO in Special Consultative Status with the
Economic and Social Council of the United Nations*

Separation of Religion or Belief and State

British Monarchy Scraps Rule of Male Succession in New Step to Modernization

By **JOHN F. BURNS**

LONDON — The 16 countries that recognize the British monarch as head of state struck a historic blow for women’s rights on Friday, abolishing male precedence in the order of succession to the throne. But the possibility of a Catholic monarch will have to wait, nearly 500 years after Henry VIII broke with Rome.

The decision to overturn the centuries-old tradition known as primogeniture was accompanied by the scrapping of a constitutional prohibition on the monarch’s marrying a Roman Catholic. But the rule that reserves the throne to Protestants will remain.

The changes will have no immediate impact on the existing line of succession. The current heir to the throne, [Prince Charles](#), will retain that position, and is in any case the oldest child of his parents, [Queen Elizabeth II](#) and Prince Philip. The second in line to the throne is his firstborn child, [Prince William](#). The new succession rule will come into play with William’s children.

Indeed, it was the marriage last spring of Prince William and Kate Middleton, now the Duke and Duchess of Cambridge, that accelerated the change. Their wedding spurred a widespread sense that the young couple, by bringing a more contemporary influence to the royal court, are likely to have a far-reaching, if not determinate, impact on the monarchy’s future.

With the change in the succession rules, their first child, if a girl, would automatically enter the line of succession as a future queen, instead of being relegated behind a younger brother as would have occurred under the rules that will now be abandoned.

“Put simply, if the Duke and Duchess of Cambridge were to have a little girl, that girl would one day be our queen,” Prime Minister David Cameron of [Britain](#) said in Perth, the city in western Australia where Commonwealth heads of government are holding a summit meeting.

While the Cameron government took the lead in pushing the changes, it had to secure unanimous consent from the other countries that recognize the monarch as their head of state, a subset of the 54 countries that are members of the Commonwealth.

These include the nations of the so-called old Commonwealth, like Australia, Canada and New Zealand, and other countries that have gained their independence from Britain in recent decades. Those include the Bahamas, Jamaica and other Caribbean nations; Belize, in Central America; and three Pacific nations, Papua New Guinea, the Solomon Islands and Tuvalu.

The change comes at another important juncture in the modern monarchy, the 60th anniversary in February of the succession of Queen Elizabeth II to the throne.

The queen, now 85, has presided over a variety of changes in the monarchy over the past 30 years, agreeing to a gradual modernization that has swept away some of the stuffiness that critics have identified in an institution with origins going back at least 1,000 years.

After a series of unsuccessful attempts in Britain’s Parliament to change the succession rules in recent years, the Cameron government, in office 18 months, put its weight fully behind the changes, and court officials said Queen Elizabeth was strongly supportive. Nearing the end of a 10-day trip to Australia that has drawn large crowds, she was in Perth in her capacity as head of the Commonwealth when the announcement was made.

The bar on the monarch’s marrying a Catholic, like the rule on primogeniture, was enshrined in an array of statutes, most significantly in the [Bill of Rights of 1689](#) and the [Act of Settlement of 1701](#), which followed the turmoil of the monarchy of King James II, the last Catholic monarch.

The rules governing the monarchy were set after the violent upheavals that Britain endured in the 16th and 17th centuries after Henry VIII broke with Rome over control of the church in England, an event that led to centuries of marginalization, and often persecution, for Roman Catholics in Britain.

Over the centuries, legal discrimination against Catholics has been dismantled one brick at a time. Laws that forbade Catholics to serve in the army, own or inherit land, vote, hold public office or join one of the “learned professions” have been scrapped, leaving the provision forbidding the monarch to marry a Catholic exposed, as most Catholics have seen it, as a relic of the past.

The prohibition has seemed all the more incongruous for the fact that there is no similar bar on the monarch's marrying somebody from others faiths, including a Hindu, a Jew or a Muslim.

What remains unchanged in the succession rules is the requirement that the monarch be a Protestant, not a "Papist" as the Act of Settlement provided, and "in communion" with the Church of England.

That, in turn, is linked to the constitutional position of the Church of England as the country's established church, headed by the monarch. The Anglican primacy has come under a growing challenge by Britain's rapidly increasing ethnic and religious diversity in recent decades, particularly among Muslim leaders.

In his remarks in Perth, Mr. Cameron reaffirmed the rule that reserves the throne to a Protestant.

"Let me be clear," he said, "the monarch must be in communion with the Church of England, because he or she is the head of the church." He added, "But it is simply wrong to say they should be denied the right to marry a Catholic should they wish to do so."

Some experts said the change could lead to constitutional problems if a future monarch married a Catholic and the couple decided to bring up their children as Catholics, something the Vatican encourages.

But Archbishop Vincent Nichols, the head of the Catholic Church in England and Wales, told the BBC that the Catholic hierarchy would not precipitate a crisis over the issue.

"It's not unreasonable for the head of the Church of England to be an Anglican," he said.

REFLECTIONS

The Tandem Project

The First Preamble to the Universal Declaration of Human Rights reads: Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Surely one of the best hopes for humankind is to embrace a culture in which religions and other beliefs accept one another, in which wars and violence are not tolerated in the name of an exclusive right to truth, in which children are raised to solve conflicts with mediation, compassion and understanding.

There is an increase in dialogue today between religions and other beliefs to embrace diversity, but few persons, less than one percent of any population, ever participate. This is a challenge. The value of such dialogues is proportionate to the level of participation. For civil society increased participation would create opportunities for education on inclusive and genuine approaches to human rights and freedom of religion or belief.

In 1968 the United Nations deferred passage of a legally-binding convention on religious intolerance saying it was too complicated and sensitive. Instead, they adopted a non-binding declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief. While very worthwhile, the declaration does not carry the force and commitment of a legally-binding international human rights convention on freedom of religion or belief.

Religions and other beliefs historically have been used to justify wars and settle disputes. This is more dangerous today as the possible use of nuclear and biological weapons of mass destruction increases. Governments need to consider whether religions and other beliefs trump human rights or human rights trump religions and other beliefs or neither trumps the other. Can international human rights law help to stop the advance and use of such weapons in the face of this historic truth?

- **QUESTION:** Weapons of mass destruction as history teaches are often legitimized for national security and justified by cultural, ethnic, religious or political ideology. The U.N. Review Conference on the Nuclear Test Ban Treaty and studies on biological and cyber weapons demonstrate advances in science and technology is being used to increase their potential for mass destruction. The question is whether an International Convention on Human Rights and Freedom of Religion or Belief, elevated and supported equally by the U.N. Human Rights Council and U.N. Security Council, would help offset the risk of weapons of mass destruction. Recognition of the need for synergy to balance rights and security is a foundation for solving this issue.

“I am become death, the destroyer of worlds”

- Robert Oppenheimer, quote from the Bhagavad Gita after exploding the first atomic bomb, Trinity 1945.

The Tandem Project believes until a core legally-binding human rights Convention on Freedom of Religion or Belief is adopted international human rights law will be incomplete. It may be time to begin to consider reinstating the 1968 Working Group to bring all matters relating to freedom of religion or belief under one banner, a core international human rights legally-binding treaty.

The Tandem Project a non-governmental organization (NGO) founded in 1986 to build understanding, tolerance, and respect for diversity of religion or belief, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project has sponsored multiple conferences, curricula, reference material and programs on Article 18 of the International Covenant on Civil and Political Rights- Everyone shall have the right to freedom of thought, conscience and religion – and the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

