

**RELIGIOUS FREEDOM**  
**Foundations – Reflections – Models**

**One World Theology**  
**(Volume 5)**



# RELIGIOUS FREEDOM

## Foundations – Reflections – Models



Edited by  
Klaus Krämer and Klaus Vellguth



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**(One World Theology, Volume 5)**

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Tel.: (02) 921-3984 • Fax: (02) 921-6205

ccfi@claretianpublications.com • cci@claret.org

www.claretianpublications.com

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# Contents

<b>Preface</b> .....	ix
<b>Systematic-Theological Deliberations</b>	
Dignitatis Humanae and the Current Debate on Religious Freedom.....	3
<i>Klaus Krämer</i>	
Religious Freedom.....	19
<i>Michael Amaladoss</i>	
Religious Freedom as a Variable of Governance .....	31
<i>Francisco Javier Porras Sánchez</i>	
Between Religion and Violence A Missiological Appraisal .....	41
<i>Francis Anekwe Oborji</i>	
<b>Religious Freedom as a Human Right</b>	
Religious Freedom in the Maghreb Countries .....	81
<i>Hans Vöcking</i>	
Freedom of Religion for a Church in Minority Situation .....	91
<i>Emmanuel Asi</i>	
Religious Freedom from an Indigenous Perspective .....	119
<i>Eleazar López Hernández</i>	
<b>Religious Freedom for a Minority Church</b>	
Religious Freedom for a Minority Church: Impressions from Malaysia .....	129
<i>Christoph Marcinkowski</i>	

Christian Witness and Religious Freedom in Algeria.....	143
<i>Henri Teissier</i>	
Freedom of Religion in a Minority Situation.....	155
<i>Felix Machado</i>	
Religious Freedom as a Right to Mysticism. From Pluralism to a Shift in Perspective.....	189
<i>Lucas Cerviño</i>	
<b>Religious Freedom as the Right of the Others</b>	
The Disturbing Potential of the Right to Freedom of Religion or Belief – Freedom of Religion as the Freedom of Others.....	201
<i>Daniel Legutke</i>	
Freedom of Religion as the Right of the Other .....	211
<i>George Ehusani</i>	
Religious Freedom in Defense of the Margins. Lessons from <i>Dignitatis Humanae</i> .....	225
<i>Daniel Franklin E. Pilario</i>	
Interactive Freedom of Beliefs in the Christianity of the Andes.....	239
<i>Diego Irarrázaval</i>	
<b>Models of Succeeded Religious Freedom</b>	
Religious Freedom: A Civil Liberty Thrives with and through Conflict.....	255
<i>Klaus Vellguth</i>	
Religious Freedom in the Church and in Islam.....	269
<i>Samir Khalil Samir</i>	
Christians among Muslims in Indonesia Religious Freedom in Context .....	281
<i>Franz Magnis-Suseno</i>	

Religious Freedom means the Right of the Other: Practical Experiences and Liberating Effects of the Christian Religion for a Mayan Woman from Guatemala .....	291
<i>Inés Pérez Hernández</i>	

## Appendix

Index of Authors.....	301
Index of Translators .....	307



# Preface

This fifth volume in the *One World Theology* series focuses on religious freedom. The fact that three-quarters of the world's population currently live in 184 countries in which the right to free exercise of religion is under threat underlines the importance of the right to religious freedom in all its various aspects. Theologians from different continents have contributed articles to the present volume on this issue, thereby enabling it to serve as a forum for debate within the universal Church.

In the first chapter the authors address the question of religious freedom from a systematic theological perspective, while in the second chapter they consider religious freedom as a human right. Chapter three gives the contributors a chance to report on the religious freedom of the Church where it finds itself in a minority position. The fourth chapter makes it clear that support for religious freedom must never be confused with a "policy of clientelism" aimed at ensuring freedom solely for one's own religion. On the contrary, advocacy of religious freedom implies a commitment to free religious practice for the followers of other religions, too. The fifth chapter is devoted to examples of the successful exercise of religious freedom.

The chapter on systematic theological reflections begins with the article entitled "*Dignitatis humanae* and the Current Debate on Religious Freedom". Klaus Krämer argues that the conciliar declaration *Dignitatis humanae* laid the theological foundations which enabled the Church to discard outdated views. This was because the document distinguished more clearly between a moral and theological order, on the one hand, and a legal and political order, on the other, which in turn made it possible to overcome the dichotomy between theonomy and autonomy. The significance of *Dignitatis humanae* resides in the fact that "the Catholic Church formally recognised religious freedom as a subjective right of every individual and considered itself to be

under an obligation to promote compliance and enforcement of this right at the international level.”

In the second article in this chapter the Indian theologian Michael Amaladoss deals with the importance of religious freedom. He, too, begins with the Declaration on Religious Freedom *Dignitatis humanae* and emphasises the fresh impetus John Paul II gave to the theological discourse on religious freedom. Of crucial importance for Amaladoss is the realisation that “God is inviting all peoples to the Kingdom in various ways through their own religions”, which implies that people must respect the freedom of God “who calls people in various ways through the Spirit”. Amaladoss considers awareness of this as the basis of the Christian understanding of religious freedom.

Francisco Javier Porrás Sánchez places a different emphasis from his Latin American perspective. Regarding religious freedom as a variable of governance, he says it goes hand in hand with freedom of conscience. Moreover, governance of whatever kind depends on the richness of civil society, which guarantees religious freedom. He stresses in conclusion that religious freedom can thus also be a sustainability factor in governance “through the personal and social incentives which the different beliefs give to the forces of convergence and cooperation.”

In the final essay in the first chapter Francis Anekwe Oborji addresses the meaningfulness of religious freedom in view of the assertion that there is a connection between religion and violence. The Nigerian theologian argues that religion itself is not the cause of violence but is misused as a focus for the hostility that is rooted in quite different conflicts.

The second chapter on “Religion as a Human Right” starts with an article by Heiner Bielefeldt, the UN Special Rapporteur on freedom of religion or belief. He points out that religious freedom is currently under pressure from two sides: “on the part of those who struggle with freedom and see in it a threat to religion, and on the part of those who find it hard to come to terms with religion and see in it a threat to freedom.” Bielefeldt sets out five key aspects of religious freedom: (1) religious freedom is for individuals; (2) the universality of freedom of religion means that it applies to all persons; (3) religious freedom is a comprehensive freedom; (4) religious freedom also includes a dimension of equality; (5) religious freedom is articulated in the form

of a legal claim against the state in particular. Bielefeld emphasises that religious freedom should not be interpreted negatively as freedom from religion but positively as freedom of religion.

In the following article Hans Vöcking looks at religious freedom in the Maghreb countries. He draws attention to the fact that society in the Maghreb countries is still strongly influenced by Islamic tradition and that the interpretation of human rights by the Organisation of the Islamic Conference (OIC) differs from that of the United Nations. The conclusion Vöcking draws from his analysis is that “the situation of non-Muslim minorities in the Maghreb countries remains tense and is dependent on the goodwill of the political institutions and administrative authorities.”

Emmanuel Asi highlights the significance of religious freedom for a diaspora church by reference to the situation in Pakistan. He deplores the persecution of religious minorities in the Islamic Republic and makes it clear that a climate of religious intolerance has grown up in the country which can serve as breeding ground for fanaticism. In particular he criticises the abuse of the blasphemy laws which are used to condemn members of religious minorities to death.

Eleazar López Hernández refers to the fact that, during the period in which missionary work was carried out in Latin America, religious freedom found asylum in popular religiosity. The conclusion he draws from the (missionary) history of Latin America is that “if religion politicises and politics wears a religious cloak they will both end up not only denying people their religious freedom but also their very purpose as servants of mankind.”

In the chapter on “Religious Freedom for a Minority Church” Christoph Marcinkowski looks at religious freedom in Malaysia. The Malaysian Constitution declares Islam to be the state religion, but it also permits the practice of other religions. In actual fact, however, it would be more appropriate to talk of ritual freedom rather than religious freedom in Malaysia, since the government imposes restrictions on the granting of building permission for new churches, and laws have also been passed forbidding Christians to engage in missionary work. Lately there has been a controversial debate on whether the term “Allah” for God can also be used by non-Muslim groups in Malaysia.

In his article on religious freedom in Algeria Henri Teissier distinguishes between foreign Christians living in the country, whose

religious freedom is respected by the government (provided they exercise their religion in a “discreet” manner), and Christian converts from Islam who are denied religious freedom. While Muslims are not hindered in the practice of their religion, they are subject to social pressure to heed Islamic traditions. Teissier describes how the Second Vatican Council enabled the Catholic Church in Algeria to find a new way of bearing Christian witness in an Islamic setting. The Church in Algeria considers it important to respect the religious freedom of its non-Christian partner and to pursue a relationship based on trust.

Looking at religious freedom in India, Felix Machado concedes that the U.S. Commission on International Religious Freedom ranks India among the countries in which violations of religious freedom and religious persecution are on the increase and that the question of religious freedom has been fraught with difficulties in recent years. He says religion must contribute to peace and harmony in a modern society. This implies that religion must be practised with mutual respect and in an ongoing dialogue: “It is important to try to understand the essence of every religion, by respecting their followers’ integrity, and without reducing any religion to a mere skeleton or by considering any religion to be merely some form of human wisdom.”

Finally, Lucas Cerviño interprets religious freedom as the right to mysticism. He assumes that such an interpretation could lead to competition between religions being replaced by a pluralistic “partaking of fullness”, which would prevent proselytism and exclusivism. He proposes that “masters of inwardness should help us to be open-minded towards the Mystery, foster an attitude of joy and enrichment in view of religious diversity and of the secular search to experience the ultimate human dimension.”

The fourth chapter deals with religious freedom as the right of others. Daniel Legutke begins by highlighting the disturbing potential of the right to freedom of religion or belief. From his European perspective he shows that the need for protection of an individual restricted in the practice of his religion must be “the starting point for the evaluation of a case from a human rights standpoint. The focus should not be on the weighing of one right against another, but on the impairment of religious practice from within the logic of religion itself.”

Today, religious freedom is threatened wherever a dominant majority religion hinders a religious minority in the exercise of its

religious freedom. On the other hand, a challenge is posed to religious freedom wherever secularism is dominant. Legutke argues in favour of intensive social debates in order to generate an understanding of the needs of other religions and thus to strengthen the cohesion of society as a whole.

George Ehusani from Nigeria says it is the task of government to ensure freedom of religion or belief and prevent violence in doing so, to guarantee freedom of speech, encourage respect for diversity and tolerance, protect people against discrimination, and facilitate a change of religious affiliation and the proclamation of one's faith. Considering religious freedom in Catholic social teaching, Ehusani points out that freedom of religion or belief is not an unconditional right. The exercise of freedom of religion or belief must be geared to the specific social situation and the requirements of the public good.

In his article on "Religious Freedom in Defense of the Margins" Daniel Franklin E. Pilario points to the threat a dominant religion can cause to a culture of religious freedom. Stating that religious freedom can also be violated by a hegemonic state, he refers to the valuable perspectives *Dignitatis Humanae* continues to offer for an understanding of the relationship between state and religion fifty years after the declaration was issued. With a view to the theological reflection of religious freedom in the Catholic Church he writes: "What started as a defense of the Catholic faith ends up as a defense of all, but especially those voices marginalized by dominant forces – the hegemonic State, pervading ideologies and dominant religions, the Catholic Church included."

Diego Irarrázaval stresses that religious freedom must be accompanied by respect for other religions and other forms of religious expression. He argues in favour of a "spiritual ecumenism" and, taking the indigenous celebrations of the Andean population as an example, shows how this spiritual dialogue can be put into practice. He refers to the *pneuma* which can be discovered both in traditional ecclesiastical structures and in autochthonous traditions: "It is *pneuma* that sustains the Andean languages of faith, Catholic and inter-religious traditions; *pneuma* leads us to the truth."

The fifth chapter looks at instances of religious freedom in practice. In the first article entitled "A Civil Liberty Thrives Through and With Conflict" Klaus Vellguth uses the example of Germany to

show how public debates on religious freedom caused by contentious issues have ultimately resulted in its social perception as a right that is recognised and implemented in practice: “It is precisely this public debate – a controversy carried out in public – that provides safeguards, thus ensuring that religious freedom is exercised in an appropriate manner in society.”

In the following contribution Samir Khalil Samir from Egypt examines the reception of human rights by the Catholic Church. He points out that, while eight predominantly Muslim countries approved the UN Charter of Human Rights (Saudi Arabia abstained in the vote), religious freedom is currently implemented in just two of them. Nonetheless, Samir is optimistic about the future of the Arab world: “In the course of history Islam has always been capable of self-renewal. So there is no reason why that should not be the case today too.”

In his article “Christians among Muslims in Indonesia” Franz Magnis-Suseno shows that “religious freedom should not only be defended on (extremely strong) normative grounds (as one of the most basic human rights), but it has to be promoted in relation to the social cultural context.” To this end he examines the constitutional and legal framework in Indonesia in its historical context, describes the development of relations between Christians and Muslims and addresses the common values on which these developments are based.

The fifth volume in the *One World Theology* series ends with a contribution from a Latin American theologian, Inés Pérez Hernández, in which she looks at the practice and liberating effect of the Christian religion in the indigenous context of Guatemala. She emphasises that Maya Christians “live, recognize and sense God in various manifestations in the cosmos [...], in the manifold actions of God’s energy, in the events of life – a birth, a wedding, a death”. In her view, religious freedom implies the formulation of religious truths moulded by the indigenous context in an open and respectful inter-religious dialogue.

The articles contributed by authors from different continents highlight the many different aspects of religious freedom. The reflections in this fifth volume of the *One World Theology* series are intended as a contribution to an in-depth consideration of the human right to religious freedom and its explanation and defence as a universal freedom in the context of the necessary social discourse.

The different articles in this volume shed light on various facets of religious freedom and reflect a lively dialogue within the universal Church. For this we owe a debt of gratitude to the authors but also to many others. Our special thanks go to the staff at missio who helped us to put together this volume: Monika Kling, Dr. Christoph Marcinkowski, Dr. Marco Moerschbacher and Michael Meyer. We should also like to thank Elke Gerards, Elisabeth Steffens and Dario Rafael Hülsmann for the careful compilation of the manuscripts as well as Christine Baur and Dr. Klaus Wolf for their attentive proofreading.

*Klaus Krämer*

*Klaus Vellguth*



# **Systematic-Theological Deliberations**



# Dignitatis Humanae and the Current Debate on Religious Freedom

Klaus Krämer

The fundamental right to religious freedom is a constitutive element of the modern, liberal human rights tradition. First formulated in the Virginia Declaration of Rights of 1776, it was incorporated into the Declaration of the Rights of Man and of the Citizen following the French Revolution of 1789. Of crucial importance for the current debate on human rights is the formulation of religious freedom in Article 18 of the 1948 United Nations Universal Declaration of Human Rights and its detailed specification in Article 18 of the 1966 International Covenant on Civil and Political Rights. *Dignitatis Humanae*, the declaration issued by the Second Vatican Council on 7 December 1965, redefined the Catholic Church's standpoint on freedom of conscience and religion. Since that time the Church has been an international protagonist of the observance of human rights, especially the fundamental right to religious freedom.<sup>1</sup> The following reflections fifty years after the Council are an invitation to re-read *Dignitatis Humanae* in the light of recent developments and the debate on the human right to religious freedom.

## The Current Situation

Studies on the present state of freedom of religion and belief in the world agree that violations of this right have increased steadily since 2007. That applies to infringements of fundamental rights directly attributable to government action as well as to social hostilities and acts of violence which are tolerated, or not prevented, by the authorities.<sup>2</sup> The first Ecumenical Report on the Religious Freedom

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<sup>1</sup> Preparation for this declaration came in the form of statements by Pius XI and Pius XII on questions of human rights policy and John XXIII's 1963 encyclical *Pacem in Terris*.

<sup>2</sup> Wiley-Blackwell, Pew Forum on Religion and Public Life, *Global Restrictions on Religion* (2009); idem, *Rising Restrictions on Religion*. One-third of the world's population expe-

of Christians Worldwide also draws attention to the fact that around three-quarters of the world's population live in 184 countries in which the free exercise of religion is under threat. This is particularly true in the case of Christians and Muslims. Christians are currently subject to harassment or persecution in over one hundred countries.<sup>3</sup> A look at the individual countries reveals a very varied and extremely complex picture. In the constitutions and laws of most countries there is a formal guarantee of the right to religious freedom expressed in terms which are in conformity with international conventions. However, an examination of the legal and social reality in many countries reveals a much more differentiated picture revealing anything from covert or indirect discrimination to open violence.<sup>4</sup>

A key issue for the full guarantee of religious freedom is that individuals should be able to choose their religion of their own free will. In other words, they must be free to change to a different religion (conversion). Closely associated with this is the general possibility of publicly inviting people to join a religious community (mission). In many Islamic countries there is in effect only the possibility of converting to Islam or of switching from one non-Muslim religious community to another. However, conversion from Islam to another religion is either impossible or results in very considerable legal and social disadvantages, because as a rule converts continue to be regarded by the state as Muslims and so they remain subject to the Islamic personal statute.<sup>5</sup> Closely bound up with the issue of

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riences an increase (2011); The Global Religious Landscape: A Report on the Size and Distribution of the World's Major Religious Groups as of 2010 (2012); idem, *Rising Tide of Restrictions on Religion* (2012); United States Department of State / Bureau of Democracy, Human Rights and Labor, *International Religious Freedom Reports for 2012*, Washington D.C. 2012; Johnson, T. M. Grim, B. J., Bellofatto, G. A. (eds.), *The World's Religions in Figures. An Introduction to International Religious Demography*, Chichester/West Sussex 2013.

<sup>3</sup> Ökumenischer Bericht zur Religionsfreiheit von Christen weltweit 2013. *Das Recht auf Religions- und Weltanschauungsfreiheit: Bedrohungen – Einschränkungen – Verletzungen; Gemeinsame Texte Nr. 21*; published by the Secretariat of the German Bishops Conference, Bonn, and the Church Office of the Evangelical Church in Germany (EKD), Hanover 2013, 9.

<sup>4</sup> For a general overview see Ökumenischer Bericht zur Religionsfreiheit, 30-51, and the national reports on religious freedom published by the Pontifical Mission Society *missio*, Aachen 2012ff.

<sup>5</sup> On the situation in Jordan see Oehring, O., *Länderbericht Religionsfreiheit Nr. 3*, *missio* Aachen 2012, 11; for more information on various cases in Egypt in which the courts refused to approve official registration of a change of religion see Oehring, *Länderbericht Religionsfreiheit Nr. 19*, 2nd edition, Aachen 2013, 15f.

conversion are legal provisions which prevent or strictly regulate missionary work by religious communities. The Moroccan Criminal Code, for instance, states that it is a punishable offence to engage in activities designed to “lure” Muslims into converting to a different religion. In such cases there is the explicit threat of the closure of educational institutions, health facilities and orphanages if these are used for the purposes of conversion.<sup>6</sup> Mention must also be made in this context of the anti-conversion laws in a number of Indian states, where a ban is imposed on all conversions involving the use of coercion, incentives or fraudulent means. In these states conversions are subject to prior application and approval. A “re-conversion” to Hinduism is explicitly exempted.<sup>7</sup>

Government regulations on religious freedom can relate to the explicit recognition of certain religious communities, which is tantamount to curtailing the religious freedom of believers in other religions not recognised by the state. In Indonesia, for instance, citizens are legally obliged to choose one of five religions recognised in the Constitution.<sup>8</sup> Restrictions on religious freedom can also entail the need for state approval of the activities of religious communities. The law in Vietnam, for example, stipulates that religious communities and their activities can only be considered legitimate if they exist or are conducted under the roof of organisations registered with the state. If that is not the case, arbitrary harassment in the form of house arrest or the closing of premises can be expected. Admission to the seminary of candidates for the priesthood and their subsequent ordination are subject to approval by the state authorities, as are the construction and maintenance of places of worship and every kind of pastoral activity, including pastoral visits, confirmation trips and the holding of meetings and conferences, including sessions of the national Bishops’ Conference.<sup>9</sup> In many countries special regulations govern the construction of places of worship. In Egypt, the stipulations for non-Muslims are so strict that places of worship can often only be created by the construction of illicit buildings or the illegal use of

<sup>6</sup> Cf. Oehring, O., Länderbericht Religionsfreiheit Nr. 5, Marokko, Aachen 2012, 12-15.

<sup>7</sup> Evers, G., Länderbericht Religionsfreiheit Nr. 11, Indien, Aachen 2012, 9-12.

<sup>8</sup> Cf. Evers, G., Recognition is given in the Constitution to Islam, Hinduism, Buddhism, Catholicism and Protestantism (!); Länderbericht Religionsfreiheit Nr. 18, Indonesien, Aachen 2013, 21.

<sup>9</sup> Cf. Evers, G., Länderbericht Religionsfreiheit Nr. 9, Vietnam, Aachen 2012, 19f.

premises.<sup>10</sup> In Indonesia, building permission for places of worship to be used by religious minorities is only granted if the majority religion has given prior approval.<sup>11</sup>

A special situation exists in countries in which a particular religion is granted privileges as a state religion. Here the question arises as to whether, and to what extent, there is a genuine guarantee of religious freedom for the adherents of other religions. In Egypt, Morocco, Algeria, Tunisia and Jordan, for example, it is expressly stated that Islam is the state religion.<sup>12</sup> As a rule this goes hand in hand with a special emphasis on the importance of Islamic law (Sharia). The various Egyptian constitutions since 1971, for instance, have stated that the principles of Sharia law are an essential foundation for the country's legislation. In the Egyptian Constitution of 2012 the role of the Sharia was additionally enhanced by the Al-Azhar University being entrusted with its interpretation.<sup>13</sup> Even in a country like Nigeria with a constitution which explicitly prohibits the introduction of a state religion several Muslim-dominated states have introduced Sharia law and Sharia courts with civil and criminal law powers for the Muslim population.<sup>14</sup> Special significance in this context attaches to the blasphemy laws in force in a number of Islamic states. In the Pakistani Penal Code, for instance, desecration of the Koran is punishable by life-long imprisonment. Defiling the name of the Prophet Mohammed can even entail the death penalty.<sup>15</sup> Jordanian criminal law also envisages severe punishment for anyone who blasphemes Allah, denigrates Islam or insults the Prophet Mohammed.<sup>16</sup>

On the one hand, the human right to religious freedom is subject to many kinds of restrictions and infringements while, on the other, it is the focus of fundamental criticism. Heiner Bielefeldt has pinpointed a tendency in the current international debate on human rights in which a certain understanding of religious freedom is increasingly seen as

<sup>10</sup> Länderbericht Ägypten, 17f.

<sup>11</sup> Länderbericht Indonesien, 21.

<sup>12</sup> Länderbericht Ägypten, 8; Länderbericht Marokko, 8; Länderbericht Algerien, 8; Länderbericht Tunesien, 8; Länderbericht Jordanien, 7.

<sup>13</sup> Länderbericht Ägypten, 8-12.

<sup>14</sup> Ehusani, G., Nwagu, B. C., Länderbericht Religionsfreiheit Nr. 16, Nigeria, Aachen 2013, 8-11.

<sup>15</sup> Oehring, O., Länderbericht Nr. 1, Pakistan, Aachen 2012, 13-18.

<sup>16</sup> Länderbericht Jordanien, 11.

being seriously at odds with the fundamental liberal concept of human rights.<sup>17</sup> This is reflected, in particular, in various UN resolutions on combating the defamation of religion submitted by the Organisation for Islamic Cooperation (OIC), which originated primarily in the disputes over the Danish caricatures of Mohammed in 2006. Essentially, these resolutions gave the impression that religions as such could claim legal protection against possible injuries to their reputation. However, that would turn the fundamental concept of religious freedom into its exact opposite. Religious freedom could ultimately be exploited to justify authoritarian sanctions.<sup>18</sup> This anti-liberal interpretation is particularly problematical whenever the impression arises that religious freedom essentially contradicts other human rights. In the case of the aforementioned OIC resolutions this would primarily be freedom of opinion.<sup>19</sup> Much the same applies to arguments which use religious freedom for the social enforcement of certain moral convictions. Often it is a question of the relationship between freedom of religion and the legal equality of the sexes or other gender policy issues. For the opposing party the use of religious freedom as an argument often appears as an irritating obstacle on the path to a society free of discrimination.<sup>20</sup> From this perspective religions very quickly can then come to be seen as opponents of a liberal order and as a latent threat to internal and external peace.

### Religious Freedom as a Subjective Individual Right

The declaration *Dignitatis Humanae* was among the Second Vatican Council documents which attracted a great deal of public attention while encountering very considerable resistance within the Church.<sup>21</sup> These ambivalent reactions were the result of a com-

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<sup>17</sup> Bielefeldt, H., Streit um Religionsfreiheit. Aktuelle Facetten der internationalen Debatte, Erlanger Universitätsreden 77/2012, 17. Cf. the article by Bielefeldt, H. in this volume.

<sup>18</sup> Bielefeldt, H., loc. cit., 20.

<sup>19</sup> Bielefeldt, H., loc. cit., 42.

<sup>20</sup> Bielefeldt, H., loc. cit., 41-52.

<sup>21</sup> Cf. Kasper, W., Wahrheit und Freiheit. Die "Erklärung zur Religionsfreiheit" des II. Vatikanischen Konzils. Sitzungsberichte der Heidelberger Akademie der Wissenschaften. Philosophisch-Historische Klasse; 1988, 4, Heidelberg, Winter 1988, quoted here from: Die Anerkennung der Religionsfreiheit auf dem Zweiten Vatikanischen Konzil. Texte zur Interpretation eines Lernprozesses, edited by Gabriel, K., Spieß, C., Winkler, L., Paderborn 2013, 112-142, here: 112-114; on the history of the text: R. Siebenrock, Theologischer Kommentar zur Erklärung über die religiöse Freiheit, in: Herders Theologischer Kommentar zum Zweiten Vatikanischen Konzil, edited by Hünermann, P. and Hilberath, B. J. Volume 4, Freiburg i. Br. 2005, 125-218, here: 152-165.

prehensive paradigm shift in official Church teachings on religious freedom. A small but self-confident group of Council Fathers led by the French missionary bishop, Marcel Lefebvre, deemed this shift to be an unacceptable recognition of the principles of the French Revolution and a shameful surrender to the anti-Church spirit of liberalism. However, the majority of the Council Fathers considered it to be a theologically grounded response to the liberal order of society in which the relationship between the Church and modern society was redefined.<sup>22</sup> Ernst-Wolfgang Böckenförde considered the Council Declaration *Dignitatis Humanae* to be important primarily because it “provided a new foundation for the doctrine on freedom and the right of the human person, on the responsibilities and powers of the state in religious matters, and on the relationship between the legal and moral order”, which made it possible “to renounce outdated and untenable positions in the Church doctrine without questioning the Catholic claim to truth”.<sup>23</sup>

In effect, the Council document replaced what had hitherto been the official teaching of the Church on the question of tolerance. This assumed the priority of truth over freedom and was founded on the proposition that no right could be accorded to error as opposed to truth. The official teaching was consequently rooted in an ideal of a state order moulded and dominated by the Catholic faith. Only under certain historical conditions was it possible or, indeed, mandatory for error to be tolerated in the interests of a greater good.<sup>24</sup> Whereas the traditional doctrine on tolerance was based on the right of truth as opposed to error, religious freedom is regarded in the Council Document *Dignitatis Humanae* as an inalienable right of the indi-

<sup>22</sup> Kasper, W., loc. cit.

<sup>23</sup> Böckenförde, E.-W., Einleitung zur Textausgabe der “Erklärung über die Religionsfreiheit”, in Erklärung über die Religionsfreiheit, Münster 1968, 5-21; quoted here from: Die Anerkennung der Religionsfreiheit auf dem Zweiten Vatikanischen Konzil. Texte zur Interpretation eines Lernprozesses, edited by Gabriel, K., Spieß, C., Winkler, L., Paderborn 2013, 170-184, 170.

<sup>24</sup> This was the concept of tolerance developed by Leo XIII (cf. the encyclical *Immortale Dei* of 1885; it was in this spirit that Pius XII made his remarks in his famous speech on tolerance in 1953; cf. Kasper, W., loc. cit., 118. In the eleventh edition of his canon law textbook, which was published at the time of the Council, Mörsdorf, Kasper took the view that the religiously neutral state must appear to the Church as a “national apostasy”, since the Church as the guardian of the Revelation could not concede any right to error and hence was obliged to reject unlimited freedom of belief and worship (Mörsdorf, K., Lehrbuch des katholischen Kirchenrechts, 11th edition, 1964, vol.1, 51f.).

vidual.<sup>25</sup> This new way of looking at things constitutes the fundamental paradigm shift in the Church's view of religious freedom. The right to religious freedom is now no longer dependent on a certain moral constitution of the human person but is explained by virtue of the person's very essence. It therefore exists independently of any objective truth inherent in the religious conviction of the individual just as it is independent of his subjective endeavours to discover that truth. Thus the right to religious freedom continues to exist even in those "who do not live up to their obligation of seeking the truth and adhering to it".<sup>26</sup> Böckenförde drew attention to the fact that the Council by no means renounced the fundamental and constantly reiterated obligation of the individual to seek, embrace and hold fast to the truth.<sup>27</sup> However, this obligation was now understood to be a moral duty (*officium moralis; obligatio moralis*), which did not impinge upon the external right to religious freedom.<sup>28</sup> The crucial progressive aspect of this concept is that religious freedom is not construed as a moral right to profess this or that religion, but as a constitutional issue – as the right to freedom from any coercion to act, either privately or in public, in a manner contrary to one's own convictions.<sup>29</sup> According to Walter Kasper, what is new about the Council Declaration is that "it distinguishes more clearly than the previous doctrine had done between the moral and theological order, on the one hand, and the legal and political order, on the other".<sup>30</sup> It thus incorporates in its own way the modern differentiation between morality and legality.<sup>31</sup>

<sup>25</sup> Böckenförde, E.-W. sees a reversal of natural law in the previous doctrine, because the subject within the meaning of the law was not the human being as a person but "the truth", which was an abstract concept (loc. cit., 173).

<sup>26</sup> Aquinas, T., DH 2; this was the justification given for the persecution and punishment of heretics that has existed since the Middle Ages, STh II-II q. 11, a.3, c. ad 3; cf. also Angenendt, A., *Toleranz und Gewalt*, Münster 2007, 232-294; Krämer, K., *Der Einsatz für Religionsfreiheit als prophetisches Zeugnis*, in: Delgado, M. / Sievernich, M. (eds.) *Mission und Prophetie in Zeiten der Interkulturalität*, St. Ottilien 2011, 176-186, 177-181.

<sup>27</sup> DH 1; Böckenförde, E.-W., *Einleitung*, 176.

<sup>28</sup> Böckenförde, E.-W., loc. cit., 176.

<sup>29</sup> Kasper, W., *Wahrheit und Freiheit*, 126.

<sup>30</sup> Kasper, W., *Wahrheit und Freiheit*, 127.

<sup>31</sup> Kasper, W. points out that the decisive breakthrough in the controversial Council debate came with the reference to the principle enshrined in the American Constitution whereby those in political power bear no responsibility for religious affairs. This made it possible to draw on a model of religious freedom which did not stem from an attitude of fundamental opposition to the Church, which was the case in the human rights tradition spawned by the French Revolution (*Wahrheit und Freiheit*, 125f.).

However, the legal order and the moral order are different in terms of both their substance and their objective.<sup>32</sup> The law relates to the external order people place on their lives in society, whereas the moral and religious order focuses on the relationship between man and God and his moral perfection. In Böckenförde's view, the two orders are inter-related because the legal order, as a system designed to ensure peace and liberty, enables the human person "to live in accordance with the truth, as he perceives it or grasps it through his belief, and thus to accomplish his salvation".<sup>33</sup>

While Böckenförde deliberately highlights the novelty of this position as compared to previous doctrinal tradition, Kasper makes it clear that the Council justified the human right to religious freedom at this point by pursuing a more fundamental line of argument based on biblical and theological tradition. This enabled it to put the 19th century doctrinal positions in a broader context. Kasper points out that the popes' strong condemnation of religious freedom in the 19th century was mainly directed against an understanding of freedom that had emerged during the period of the Enlightenment in clear dissociation from the doctrine of the Church. Whereas the biblical/Christian understanding of freedom is distinctly theonomous, the rationalist understanding of freedom that developed during the Enlightenment took as its starting point the autonomy of the individual, who by his very nature was free and made himself "the supreme principle, source and arbiter of all truth".<sup>34</sup> The Council, on the other hand, endeavoured to open up a new approach to the understanding of religious freedom in which there was no longer any obligation to see a contradiction between human autonomy and man's fundamental dependence on God and the truth of the faith (theonomy).<sup>35</sup> The Council Declaration

<sup>32</sup> Böckenförde, E.-W., *Einleitung*, 176.

<sup>33</sup> Böckenförde, E.-W., loc. cit., 176.

<sup>34</sup> Thus Leo XIII in *Immortale Dei* (1885) and *Libertas Praestantissimum* (1888) cf. Kasper, W., Religionsfreiheit als theologisches Problem, in: Schwartländer, J. (ed.), *Freiheit der Religion. Christentum und Islam unter dem Anspruch der Menschenrechte*, Mainz 1993, 210-229; quoted here from *Die Anerkennung der Religionsfreiheit auf dem Zweiten Vatikanischen Konzil. Texte zur Interpretation eines Lernprozesses*, edited by Gabriel, K., Spieß, C., Winkler, L., Paderborn 2013, 94-109, 95.

<sup>35</sup> Walter Kasper says that the Council was able to fall back here on a theological tradition of the dignity and rights of the human person that was independent of the modern human rights tradition. This tradition begins with the biblical teaching that God created man in his own image. It is associated with the concept of natural law influenced by Aristotle and the Stoics which was to be found among the Church fathers and mediaeval scholastic theologians. In Baroque scholasticism it was developed, primarily by Suarez and Vitoria, into a concept in

takes as its point of departure the dignity of the human person. This is not only the origin of the modern concept of human rights, but also the key element in the Christian view of humankind rooted in the biblical belief in Creation, according to which man was created by God in his own image and is thus quintessentially free. Hence, theonomy means that God expects nothing more and nothing less from man than obedience as the product of his own free will, which in this sense is also autonomous. In Kasper's view it is part and parcel "of the long-standing tradition that belief in God and his Revelation is a free human act and can therefore never be brought about by coercion".<sup>36</sup> The Council took this reflection further by stressing the transcendence and the introspective nature of the religious act. On the one hand, the religious act transcends the public and social sphere because God is its sole purpose.<sup>37</sup> On the other hand, the Council Declaration states very clearly that truth as such and religious truth, in particular, can only be perceived in a manner which is in accordance with the truth. It cannot impose itself except by virtue of its own truth.<sup>38</sup> Therefore, man can only respond to God's word in a state of internal and external freedom, in which there is no external coercion.<sup>39</sup>

### Practical Aspects of the Right to Religious Freedom

The principal lines of the Council's Declaration on Religious Freedom will now be examined in greater detail in the light of the current situation and the discussion about the substance and scope of religious freedom and its role in the liberal human rights regime. Fifty years after the Council, *Dignitatis Humanae* remains significant because of the fact that, for the first time, the Catholic Church formally recognised religious freedom as a subjective right of every individual and considered itself to be under an obligation

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which the personal rights of the individual were treated as inviolable human rights (*Wahrheit und Freiheit*, 120-122).

<sup>36</sup> Kasper, W., *Religionsfreiheit*, 97.

<sup>37</sup> Kasper, W., *Religionsfreiheit*, 104.

<sup>38</sup> DH 1.

<sup>39</sup> To clarify this thought, *Dignitatis Humanae* expressly refers to the concept of the *lex divina* elaborated by Aquinas, T. in his *Summa Theologiae* (Sth I-II, qq. 90-108). According to this, knowledge and acknowledgement of the truth are shaped by the conscience. To a certain extent, therefore, freedom is driven by its very nature to seek the truth and act in accordance with it. Walter Kasper has pointed out that more recent moral theology frequently resorts to the *lex divina* for a theonomous justification of a moral understanding of autonomy (*Wahrheit und Freiheit*, 132f.).

to promote compliance and enforcement of this right at the international level. The universal nature of this right makes it imperative that its enforcement should not be limited to the members of one's own religious community, but that voices should be raised wherever the religious freedom of non-Christians is infringed or threatened. The universality of religious freedom thus engenders the principle of the indivisibility of religious freedom. Any violation of this freedom in a specific instance ultimately affects all those others who can invoke religious freedom as a human right. Taking that into account, justifiable and necessary solidarity with one's own fellow-believers must not lead to one-sided clientelism in which no protest is raised when the religious freedom of followers of other religions or beliefs is violated. The universality of religious freedom is under particular threat wherever it is related exclusively to individual religious communities, thereby restricting the rights of adherents of other faiths or beliefs (particularist curtailment).<sup>40</sup>

The Declaration *Dignitatis Humanae* states quite clearly that religious freedom is a right of the human person. The legal subject is thus neither the "truth" nor any individual religion. Hence, the "honour of a religion" as such cannot be protected by invoking religious freedom. Nevertheless, the basic right does protect the religious feelings of members of individual religions, which must not be unduly injured or disparaged. But it is important that religious freedom should not be invoked as a justification for the curtailment of other freedoms, in particular the freedom of opinion or artist expression.<sup>41</sup> On the contrary, the freedoms of all persons living together in a society must be seen in their entirety and interrelationship. They must be suitably balanced so that the liberal order as a whole is preserved and the substance of the respective freedoms is not violated. The Council Declaration addresses the limitations to which the fundamental right to religious freedom is subject, the term "public order" (*ordo publicus*) being used in several places.<sup>42</sup> Attention was drawn during the Council debates to the ambivalence of this vague legal concept, which is regularly used by authoritarian regimes, among others, to justify arbitrary interference in

<sup>40</sup> Cf. the regulation in the Indonesian Constitution in which religious freedom is in effect limited to five religions specified in the Constitution. On the question of particularist curtailments of religious freedom see Bielefeldt, H., *Streit um die Religionsfreiheit*, 8-15.

<sup>41</sup> Cf. the dispute over the Mohammed caricatures, see Bielefeldt, H., *Streit um Religionsfreiheit*, 18-20.

<sup>42</sup> Cf. DH 2, 3, 4, 7.

religious freedom. To clarify the substance of this term the Declaration interprets it in the context of the common good (*bonum commune*). The common good is not understood in an abstract, metaphysical sense but is determined by the rights and the personal development of the individual.<sup>43</sup> Hence, the *bonum commune* consists “in the entirety of those conditions of social life under which men enjoy the possibility of achieving their own perfection in a certain fullness of measure and also with some relative ease”.<sup>44</sup> Therefore the care of the right to religious freedom devolves upon the whole citizenry and upon government.<sup>45</sup> Vice versa, in the exercise of the right to religious freedom there must be “respect both for the rights of others and for their own duties toward others and for the common welfare of all”.<sup>46</sup> Even though it is the duty of the government to prevent any improper invocation of religious freedom so as to safeguard public order, its actions must not be arbitrary or disproportionately restrictive. The Council expressly states that restrictions should only be applied to the extent necessary to guarantee “genuine public peace”. Moreover, all members of society must be accorded the maximum possible freedom.<sup>47</sup>

The great earnestness with which the Council recognised religious freedom as a universal right of every human person is most clearly expressed in the consequential break with the pre-eminence of the Catholic confessional state, which had previously been a traditional element of the Catholic theory of the state.<sup>48</sup> The Council document is plainly based on the assumption that the state does not identify with a certain religion or denomination as a matter of principle. As a logical consequence the Church, for its part, can only avail itself of those rights which every other religious community can invoke. Hence a harmony exists between the freedom of the Church and general religious freedom.<sup>49</sup> The possibility of a state

<sup>43</sup> Böckenförde, E.-W., draws attention to this: *Einleitung* 178f.

<sup>44</sup> DH 6.

<sup>45</sup> DH 6.

<sup>46</sup> DH 7.

<sup>47</sup> DH 7.

<sup>48</sup> According to the analysis given by Böckenförde, E.-W., the Declaration denies any legitimacy to the privileged position of the “Catholic state”: “The religious state is no longer a Catholic desideratum.” The state has no special duties towards the “true religion”, but only towards religious freedom (Einleitung, 175). On the traditional doctrine see the position taken by Mörsdorf, K. as late as 1964 (cf. footnote 24 above).

<sup>49</sup> DH 13.

giving special civil recognition to a single religious community “in view of peculiar circumstances” obtaining among a people is expressly deemed to be an exception.<sup>50</sup> In this case the Council sees a need for a comprehensive guarantee of religious freedom for all citizens and religious communities irrespective of the privileged status granted to one community. This must be reflected in the equality of all citizens before the law and in the repudiation of any form of discrimination.<sup>51</sup> There is perceptible discord here between the statements of the Council and the present situation. In many Islamic countries Islam continues to be granted privileged status as the state religion.<sup>52</sup> This is generally accompanied by a special role for the Sharia in the legislation and legal practice of the country concerned.<sup>53</sup> Even though most countries also have a formal guarantee of general religious freedom in their constitutions, they still need to furnish proof in individual cases that “adherents of other religions or beliefs are not subject to discriminatory treatment either *de facto* or *de jure* even”.<sup>54</sup>

The possibility of being able to change one’s religion has proven to be an acid test of whether or not a country offers genuine religious freedom. Here again *Dignitatis Humanae* helped greatly to clarify matters. From the very outset, recognition of the freedom of the act of faith had never been fundamentally questioned. The same applied to the general inadmissibility of coercion to influence any individual decision in favour of a certain belief. However, a very different position had been taken towards heretics and apostates who had fallen away from the “true faith”. The theological foundation for the legitimacy of persecuting and punishing heretics, which was a hallmark of Church practice for centuries, was provided not least by Thomas Aquinas.<sup>55</sup> Article 2 of *Dignitatis Humanae* makes it quite clear that the right to

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<sup>50</sup> DH 6.

<sup>51</sup> DH 6.

<sup>52</sup> This is exemplified by the new constitutions of Morocco and Egypt, *Länderberichte Religionsfreiheit* Nos. 5/19. Bielefeldt, H. points out that there are also a number of states in Europe with an official religion; cf. Robbers, G., *Status und Stellung von Religionsgemeinschaften in der Europäischen Union*, in: Minkenber, M. / Willems, U. (eds.): *Politik und Religion. Politische Vierteljahresschrift, Sonderheft 33/2002*, Wiesbaden 2003, 139-163.

<sup>53</sup> The blasphemy laws in Pakistan are a particularly drastic example (cf. Oehring, *Länderbericht* Nr. 1, Pakistan, Aachen 2012, 13-18).

<sup>54</sup> Bielefeldt, H., loc. cit., 32.

<sup>55</sup> STH II-II q. 11, a.3, c. ad 3; see footnote 26 above.

religious freedom has its foundation not in the subjective disposition of the person, but in his very nature. Consequently, this right “continues to exist even in those who do not live up to their obligation of seeking the truth and adhering to it”. Article 6 reiterates this statement in saying that it is incumbent upon the state to guarantee the individual’s freedom “to join or leave a religious community”. The logical consequence of this is that a religious community must respect a decision by any of its members to leave that community in the exercise of his own religious freedom. Hence, any form of external violence or indirect approval of acts of violence on the part of radicalised individual offenders is completely incompatible with religious freedom. It was pointed out at the start of these reflections that many countries do not guarantee the fundamental right to religious freedom – a situation which cannot be accepted.<sup>56</sup> This applies, in particular, to the aforementioned legal impediments to missionary activities and the obligatory approval of conversions by the authorities.

### **Religious Freedom as it is Understood by the Religions**

In its declaration *Dignitatis Humanae* the Council not only formally recognised the right to religious freedom as a universal human right, but also endeavoured to provide a theological justification which sprang from its own tradition.<sup>57</sup> The document reveals two lines of argument. The first part derives the right to religious freedom from the personal dignity of the individual, which provides the grounds for its prescription as an inalienable human right in any positive legal system. The second part of the document examines religious freedom in the light of Revelation. It proceeds from the doctrine of the freedom necessary for the act of faith and then refers primarily to the word of God as preached by Jesus and the apostles. In the commentaries on the document attention has been drawn time and again to its obvious shortcomings, particularly in the second part.<sup>58</sup> It was said that the theological justification of religious freedom needed to be rooted more fundamentally in the inner connection between truth and freedom. This would provide the foundation for a theological theory of religious freedom which went beyond mere tolerance. Such a theology of freedom would need to have a much sharper Christological focus

<sup>56</sup> Cf. the remarks made above on the current situation of religious freedom.

<sup>57</sup> DH 1.

<sup>58</sup> See, above all, Kasper, W., *Wahrheit und Freiheit*, 136f.

and enable God's truth, manifested in the Christ event, to serve as a source of salvific communication between all men.<sup>59</sup>

Even though the Council Fathers were conscious of the limits of this explanation, it was equally apparent that the task of such a document could not be to present a comprehensive theological exploration of the matter under discussion. Rather, its aim was to point up the direction in which theological reflection and ecclesiastical practices needed to move. In this respect the approach adopted by the Council is of great significance. It reveals a keen appreciation of the fact that it is not enough for the Church merely to formally accept the right to religious freedom as a simple necessity in order to safeguard social and global peace. It requires an inner appropriation and acceptance of this right which are rooted in its own tradition and perception of itself as a religious community. Ultimately, a culture of freedom in which everyone can live their religious beliefs according to their conscience is only feasible if this is not merely a formal legal requirement but something wanted and supported by all members of society. To that extent it is of crucial importance that the major religious communities at least should endeavour to provide a positive justification for religious freedom from within their own tradition and self-perception. In this respect the Council took an important step forward of its own accord.

The Council's Declaration on Religious Freedom is a key document for the new perspective on the role of the Church in modern society, which is a recurrent theme in all the statements of the Second Vatican Council. This becomes very evident when the text addresses the question of how the individual can make use of the freedom guaranteed by the external order. It is noted that truth must be sought after in a manner proper to the dignity of the human person and his social nature. The inquiry is to be free, carried on with the aid of teaching or instruction, communication and dialogue, "in the course of which men explain to one another the truth they have discovered, or think they have discovered, in order thus to assist one another in the quest for truth".<sup>60</sup> The Council's use of the term "dialogue" put the relationship between the Church and other Christian churches, other religions

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<sup>59</sup> This would make it clear that truth, by its very nature, cannot be intolerant (see Kasper, W., *Religionsfreiheit*, 108).

<sup>60</sup> DH 3.

and all people of good will on a new footing in several respects.<sup>61</sup> To a certain extent the explicit recognition of the freedom of every individual, which finds its greatest existential density in the freedom of conscience, is a *sine qua non* for any genuine and sincere dialogue.<sup>62</sup> Dialogue is the expression of fundamental respect for the views of others. At the same time it is also a means of presenting one's own views and "of bearing witness to the truth" without questioning or even violently opposing the freedom of others.<sup>63</sup>

Special significance attaches in this context to dialogue with other religions. This fosters mutual understanding as well as a culture of respect and esteem for the values lived by the members of different religions in accordance with their own traditions. These dialogues promote a culture of peace between religions which has a very positive impact on society. This is reflected, in particular, in the joint rejection of fundamentalist tendencies in the various religions, especially of any improper use of violence in the name of religion. No less necessary than a dialogue between religions themselves is a dialogue between religious communities and secular society. This is the only way to overcome prejudices which see religions as being fundamentally at odds with the essentially liberal constitution of modern society. A life rooted in faith and a commitment on the part of the believer to the truth he has recognised and acknowledged are not directed against freedom and certainly not against the freedom of others. On the contrary, they are a contribution to a culture of freedom in which everybody can heed the call of their conscience and so pay truth the honour it is due.

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<sup>61</sup> See Paul VI's inaugural encyclical *Ecclesiam suam*; cf. Krämer, K., *Den Logos zur Sprache bringen. Untersuchungen zu einem dialogischen Verständnis von Mission*, Ostfildern 2012, 578-60.

<sup>62</sup> Cf. Siebenrock, R., *Theologischer Kommentar*, 198f.

<sup>63</sup> To that extent dialogue and mission are not mutually exclusive, see Krämer, K., *Mission im Dialog*, in Krämer, K./Vellguth, K., *Mission und Dialog. Ansätze für ein kommunikatives Missionsverständnis*, *Theologie der Einen Welt*, vol. 1, Freiburg 2012, 16-30.



# Religious Freedom

Michael Amaladoss

Religious freedom has become a live issue today. The latest Synod of Bishops on New Evangelization (October 7-28, 2012), in its final list of Propositions, said in No. 16: “The Synod Fathers reaffirm that religious freedom is a basic human right. This includes the freedom of conscience and also the liberty to freely choose one’s religion. We are in solidarity with our brothers and sisters, in different parts of the world, who are suffering from lack of religious freedom and even persecution.”<sup>64</sup>

The recent Popes – Bl. John Paul II, Benedict XVI and Francis – have also been insistent on the need for it. The United States of America issues every year a document that comments on the various countries in the world where religious freedom is not fully available. If we look around the world religious persecutions are not rare. Not only Christians, but also Muslims, Hindus and others suffer discrimination, and even persecution, depending on which country we are looking at. Any list will be partial. Recently the Catholic bishops in the United States of America protested that religious freedom was in danger because laws were being passed depriving healthcare institutions, run by Catholics, of government funds if they are not participating in government sponsored programmes that promote contraception, abortion, etc.: the Catholics were not free to run their institutions following their own religious convictions.

## Religion and the State

In all these cases religious freedom or the lack of it refers to the relationship between the religions and the state. This relationship in the world today is of various kinds. There are confessional states

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<sup>64</sup> See [http://www.vatican.va/news\\_services/press/sinodo/documents/bollettino\\_25\\_xiii-ordinaria-2012/02\\_inglese/b33\\_02.html](http://www.vatican.va/news_services/press/sinodo/documents/bollettino_25_xiii-ordinaria-2012/02_inglese/b33_02.html).

which establish a particular religion as a state religion, though they may 'tolerate' other religions. But these do not have the same rights as the official state religion. Most Muslim majority countries today, except perhaps Turkey, have such confessional states. Some may even seek to impose the practice of Shariat or Islamic law on all their citizens, Muslim or not. There are other countries which favour the religion of the majority of its citizens, even if it is not written into their constitution. Recently, when non-Christians challenged the presence of a crucifix in the class room of state-supported schools, both Germany and Italy defended its use in the name of the majority of their citizens who are Christian or in terms of the historical tradition of their culture based on Christianity. Buddhism is being treated as more or less an official religion in countries like Myanmar, Thailand and Sri Lanka. There are political movements in India that would like to make it a Hindu country. Nepal was a Hindu country till recently. On the other hand there are countries that claim to be secular or a-religious, if not anti-religious, and seek to make religion a private affair and control their public/social manifestations. Communist countries like China and Vietnam control religious practice. France has forbidden the public display of any religious affiliation even at a personal level. In between these two extremes, there are countries like the United States of America that practice a separation between the Church/religion and state as social institutions, leaving to each one its sphere of influence in civil society. But the recent experience in the USA shows that such separation is not simple and neat. So what does religious freedom mean in such a situation?

### **The Context of the Second Vatican Council**

I am looking at this problem, not as a social or political scientist, but as a Roman Catholic theologian. Contemporary thinking on religious freedom in the Catholic Church goes back to the Decree on Religious Freedom (*Dignitatis Humanae*) of the Second Vatican Council. So I would like to start my reflection from that point. Let us see how that decree came about, what changes it brought about in theological thinking and how this theology has developed since. At the time of the Council, Spain and Italy were close to being confessional states, the state giving a privileged place to the Catholic Church in civil society through concordats. The Church had no freedom at all in the Communist countries of Eastern Europe. Countries like France

were trying to privatize religious belief and practice. The USA affirmed a separation between the Church and the state. India and Indonesia declared themselves secular countries, treating all religions equally positively. The situation was not too clear in many of the newly independent states in Asia and Africa. So there was a desire to affirm the principle of religious freedom. The Americans from the USA were pushing their model as an ideal one.<sup>65</sup>

Any talk of religious freedom, however, encountered a serious obstacle from the tradition of the Church. The Church used to believe that error had no rights and that it had the fullness of truth revealed by God.<sup>66</sup> In civil society the (Christian) state is obliged, not only to support it, but even impose it on the non-believers, in view of facilitating their eternal salvation. In the Latin American situation, for instance, the phrase *compelle entrare* – “compel them to come in” – (Lk 14:23) was used to justify the forced conversion of the indigenous people. It is in this context that heretics, who opposed or did not accept the truth as proposed by the Church, were burnt at stake by the civil power in the Middle Ages. If, in civil society, there were some people who did not believe in the revealed truth, the state could tolerate them for the sake of maintaining peace and public order. It is from this perspective that concordats were made with the states in Italy and Spain where Catholics were in a large majority. This was the traditional position, officially taught by the Papal Magisterium, at the time of the Second Vatican Council. So any one who spoke for religious freedom was seen as opposing the tradition and promoting relativism. The people who defended religious freedom, however, suggested that dogmas can develop and even change in the light of history. The historical change precisely is the move from a civil society dominated by religion to another that claims to be democratic and secular, meaning a-religious or even anti-religious depending on the preceding conflict between the dominant religion and the society that was trying to get out of its shadow. The historical fact also was that, apart from a few countries

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<sup>65</sup> Ogden, J., “Religious Liberty, Vatican II and J.C.Murray”, Duke University: The Kenan Institute for Ethics, Case Studies. Cf. [kenan.ethics.duke.edu/wp-content/uploads/.../Case-Study-Vatican-II.pdf](http://kenan.ethics.duke.edu/wp-content/uploads/.../Case-Study-Vatican-II.pdf); Murray, J.C., “Religious Liberty”, *America* (Nov 30, 1963), 704-706; Hollenbach, D., “Religious Freedom, Morality and Law. John Courtney Murray Today”, *Journal of Moral Theology* 1 (2012) 69-91.

<sup>66</sup> Pius XI spelt this out in his encyclical *Quanta Cura* and the Syllbus of Errors. See <http://www.papalencyclicals.net/Pius09/p9quanta.htm> and <http://www.papalencyclicals.net/Pius09/p9syll.htm>.

like Spain and Italy, most countries were also religiously more pluralistic with many Churches and religions. Critics also suggested that the Church had double standards, demanding freedom for itself where it was a minority and imposing itself and offering tolerance to others where it was a majority. This was the context in which the document on Religious Freedom was developed.

### The Document on Religious Freedom

The document emerged out of a compromise. Inspired by the model of the USA, religious freedom was affirmed as a civil right based on human dignity and the right to follow one's conscience even when it is erroneous. Side by side, there was the affirmation of the truth of revelation held by the Church with its binding character. Both groups got what they wanted. Let us look at the document a little more closely.<sup>67</sup> The document is neatly summarized in the introduction. "While the religious freedom which men demand in fulfilling their obligation to worship God has to do with freedom from coercion in civil society, it leaves intact the traditional teaching on the moral duty of individuals and societies towards the true religion and the one Church of Christ." (*Dignitatis Humanae* (DH), 1)<sup>68</sup> It is also specified that "truth can impose itself on the mind of man only in virtue of its own truth" (DH, 1), not by force of any kind.

The first part of the document addresses itself to civil society. Human persons, endowed with reason and free will, enjoy human dignity. By their very nature they have the moral obligation to seek the truth, especially religious, and they should enjoy both psychological freedom and immunity from external coercion, provided public order is not disturbed. (DH, 2) This freedom is a civil right derived from God-given natural law. Given their social nature, their search for truth is achieved through teaching, communication and dialogue. "It is through his conscience that man sees and recognizes the demands of the divine law" and s/he must be free to follow his/her

<sup>67</sup> Cf. For the history of and the commentary on the document see Pavan, P., "Declaration on Religious Freedom" in Vorgrimler, H. (ed.), *Commentary on the Documents of Vatican II*. New York: Herder and Herder, 1969, 49-86; Alberigo, G. and Komonchak, J. A. (eds.), *History of Vatican II*, Vol. IV and V (Maryknoll: Orbis, 2003 and 2006), IV, 96-134, 395-405, 533-544; V, 61-121, 451-456.

<sup>68</sup> Quotations from the Document are from the translation in Austin Flannery (ed.), *Vatican Council II, The Conciliar and Post-Conciliar Documents*. (Bombay: St. Paul's Publications, 1983), 719-730.

conscience. (DH, 3) Humans, being social beings, should have the freedom to act collectively, to practice their faith, to transmit it within the group, to propagate it to others and to organize and administer such group activities. (DH, 4) Civil society has an obligation to protect the religious freedom of all its citizens in an equal manner, even when one particular religion has a special status for whatever reason. (DH, 6) The very reasons for which people claim religious freedom also demand that they respect the freedom of others. Civil society itself “has the right to protect itself against possible abuses committed in the name of religious freedom.” (DH, 7) Such situations may arise when there are fundamentalist religious groups.

In a second part the document goes on to speak of religious freedom in the light of revelation. Christian revelation manifests to us the dignity of the humans. Christ himself respects the freedom of his hearers (DH, 9), proclaims his message in a humble way and refuses to use force. (DH, 10-11) “The act of faith is of its very nature a free act.” (DH, 10) The Church follows the ways of Christ. (DH, 12) “The freedom of the Church is the fundamental principle governing relations between the Church and public authorities and the whole civic order.” (DH, 13) It is the duty of the Church “to proclaim and teach with authority the truth which is Christ and, at the same time, to declare and confirm by her authority the principles of the moral order which spring from human nature itself.” (DH, 14) We can note that there is no reference here to other religions.

### **A Different Perspective in *Gaudium et Spes*?**

We see here the clear distinction between the order of nature and the order of revelation, though in practice they support each other. Religious freedom belongs primarily to the order of nature. Such a difference between natural law and revelation or ‘super-nature’ may not have been easily accepted by all in the Council itself. This is seen in the final document of the Council, *Gaudium et Spes* – GS (The Church in the Modern World.) This document starts with a presentation of the “joy and hope, the grief and anguish of the men of our time.” (GS, 1) Remaining at this ‘secular’ level it addresses all people. But at the same time, “the Church believes that Christ, who died and was raised for the sake of all, can show man the way and strengthen him through the Spirit in order to be worthy of his destiny.” (GS, 10) The document goes on to speak of the dignity of moral conscience. “Man has in his

heart a law inscribed by God. His dignity lies in observing this law, and by it he will be judged. His conscience is man's most secret core, and his sanctuary. There he is alone with God whose voice echoes in his depths." (DH, 16) This is obviously true of every human being. This may be considered the sphere of the 'natural law'. But GS goes on to say: In reality it is only in the mystery of the Word made flesh that the mystery of man truly becomes clear... Human nature, by the very fact that it was assumed, not absorbed in him, has been raised in us also to a dignity beyond compare. For, by his incarnation, he, the Son of God, has in a certain way united himself with each man... Conformed to the image of the Son who is the firstborn of many brothers, the Christian received the "first fruits of the Spirit" (Rom 8:23) by which he is able to fulfill the new law of love... As one who has been made a partner in the paschal mystery, and as one who has been configured to the death of Christ, he will go forward, strengthened by hope, to the resurrection... All this holds true not only for Christians but also for all men of good will in whose hearts grace is active invisibly. For since Christ died for all, and since all men are in fact called to one and the same destiny, which is divine, we must hold that the Holy Spirit offers to all the possibility of being made partners, in a way known to God, in the paschal mystery. (GS, 22)

The quotation is long, but it puts the matter succinctly and clearly. It contradicts the vision of a natural order of things that would be free of Christ. One can focus on 'human nature' by an 'epoché'. But it does not exist in itself. If we take this second vision seriously then we have to broaden our approach to religious freedom and relook at the second part of the document *Dignitatis Humanae*. While at the level of civil society, the separation between the state and religion as institutions and the freedom of religions from civil control have to be maintained, at the level of Christian faith the freedom of religions is internal to our faith – not merely at a civil/secular level.

## The Teaching of John Paul II

I shall not go into the theological tensions between the schools of Aquinas and Augustine which experts speak about.<sup>69</sup> But it seems clear that GS 22 does not speak any longer of the natural humans, but

<sup>69</sup> Schindler, D. L., "Religious Freedom, Truth and American Liberalism: Another Look at John Courtney Murray". *Communio* 1994. cf. <http://www.ewtn.com/library/THEOLOGY/MURRAY.HTM>.

people with whom the Son of God has 'in a certain way' united himself and who have the gift of the Spirit. This perspective raises the freedom of religions to a wholly different level. We can no longer speak at a theological level a merely secular, neutral, natural language, though it may be useful in certain civil contexts. For the Church, a language of faith seems inevitable. This also brings other religions into the picture. Let me try to explain this briefly with the help of Bl. John Paul II who takes this vision seriously in his encyclicals, starting with the first one, *Redemptor Hominis*.<sup>70</sup> Due to limitations of space, however, I shall limit myself to a later encyclical *Redemptoris Missio*. My intention here is not to trace the development of ideas or doctrine, but to indicate the new perspective. Bl. John Paul II says:

The Spirit manifests himself in a special way in the Church and in her members. Nevertheless, his presence and activity are universal, limited neither by space nor time (DEV 53)... The Spirit's presence and activity affect not only individuals but also society and history, peoples, cultures and religions... Thus the Spirit, who "blows where he wills" (cf. Jn 3:8), who "was already at work in the world before Christ was glorified" (AG 4), and who "has filled the world,... holds all things together (and) knows what is said (Wis 1:7), leads us to broaden our vision in order to ponder his activity in every time and place (DEV 53)... The Church's relationship with other religions is dictated by a twofold respect: "Respect for man in his quest for answers to the deepest questions of his life, and respect for the action of the Spirit in man."<sup>71</sup>

The reason for religious freedom is actually given in the last sentence in which Bl. John Paul II quotes himself from an earlier document.<sup>72</sup> Both the Spirit and the humans interact freely. The area of such interaction is the Kingdom of God, in which the Church too is active.

The Church, then, serves the Kingdom by establishing communities and founding new particular Churches... The Church serves the Kingdom by spreading throughout the world the "Gospel values" which are an expression of the Kingdom and which help people to

<sup>70</sup> Cf. Nos. 13-14. Bl. John Paul II seems to have suggested this already at the time of the Council. See the article in the previous footnote.

<sup>71</sup> Nos. 28-29.

<sup>72</sup> Cf. Address to Representatives of Non-Christian Religions, Madras, February 5, 1986: AAS 78 (1986), 767.

accept God's plan. It is true that the inchoate reality of the Kingdom can also be found beyond the confines of the Church among peoples everywhere, to the extent that they live "Gospel values" and are open to the working of the Spirit who breathes when and where he wills (cf. Jn 3:8)... The Church is the sacrament of salvation for all humanity, and her activity is not limited only to those who accept her message. The Church contributes to humanity's pilgrimage of conversion to God's plan through her witness and through such activities as dialogue, human promotion, commitment to justice and peace, education and the care of the sick, and aid to the poor and to children.<sup>73</sup>

What is the vision here? God is inviting all peoples to the Kingdom in various ways through their own religions. So we have to respect the freedom of God who calls people in various ways through the Spirit and the freedom of the people who respond according to the revelation that they have received. This is the basis of religious freedom from a Christian point of view. This freedom has its origin in God's call, the work of the Spirit and the free response of the humans. But this freedom is not simply anarchic since it is guided by the Spirit of God. There is a convergence towards the Kingdom of God. That is why Bl. John Paul could tell the leaders of other religions in Chennai (Madras) in February 1986:

By dialogue we let God be present in our midst; for as we open ourselves in dialogue to one another, we also open ourselves to God... As followers of different religions we should join together in promoting and defending common ideals in the spheres of religious liberty, human brotherhood, education, culture, social welfare and civic order.<sup>74</sup>

So it is not merely '*freedom from*' coercion, but '*freedom for*' collaboration.

### **Freedom for Collaboration**

Looking around our world today, we may feel that such a spirit of collaboration does not exist. But it is not impossible. The various religions are often seen as sources of division that do not respect

<sup>73</sup> *Redemptoris Missio*, 20.

<sup>74</sup> *Origins* 15 (1986) 598. For similar sentiments see John Paul II's address to leaders of other religions in New Delhi after the publication of *Ecclesia in Asia*: "The Interreligious Meeting", *Vidyajyoti Journal of Theological Reflection* 63 (1999) 884-886.

the freedom of religions. But a quick look at them shows that while religious fundamentalism and exclusivism remain a factor, the different religions do offer a perspective of openness to religious pluralism, leading not merely to tolerance, but to dialogue and collaboration. As we have already seen how our own Christian faith is open to the other religions, let us briefly look at a few of the other major religions. In Hinduism, more than 3000 years ago the Rig Veda said: "Truth is one: sages call it by various names." (1.164.46) Contemporary Hinduism looks upon the different religions as rivers flowing into the same sea of divine reality. Buddhism sees all religions as suitable preparations that can lead one to the realization of selflessness through self-discipline and concentration. In the Koran, Allah says: "There is no compulsion in matters of faith (2:256). To each of you God has prescribed a Law and a Way (5:49). There is no nation wherein a warner has not come (13:7)"<sup>75</sup>.

From the point of view of the state and civil society we could adopt a discourse of human rights that speak of freedom of religions. But we have to keep in mind two provisos. On the one hand, religious freedom does not demand a secular society that is totally a-religious, if not anti-religious, which keeps religions in the private sphere. We have 'secular' countries like India and Indonesia which do not look at religions negatively or privatize them, but look on them positively and equally. The Indian Constitution even offers special rights to the minority religions, offering them the freedom to practice, build up and propagate their religions, provided public order is respected. On the other hand, religious pluralism does not mean relativism based merely on human options. The Absolute is One which can be manifested, experienced and approached in various ways, conditioned by personalities, cultures and history.<sup>76</sup> What is envisaged is a positive pluralism, based on the understanding that different religions are works of the Spirit, facilitating divine-human encounter, leading to the communion of the Kingdom in ways unknown to us. Every religion is a vocation, a call of the Spirit, a way to God's Kingdom. The Asian Bishops look upon the believers in different religions as co-pilgrims towards the Kingdom. Communion among them will be eschatological. For example the Indian Bishops say:

<sup>75</sup> Amaladoss, M., *Living in a Secular Democracy*. (Dindigul: Vaigarai, 2010), 77-99.

<sup>76</sup> See Amaladoss, M., *Quest for God. Doing Theology in India*. (Anand: Gujarat Sahitya Prakash, 2013), 157-169. He shows that pluralism is not relativism.

As God's Spirit called the Churches of the East to conversion and mission witness (see Rev 2-3), we too hear this same Spirit bidding us to be truly catholic, open and collaborating with the Word who is actively present in the great religious traditions of Asia today. Confident trust and discernment, not anxiety and over-caution, must regulate our relations with these many brothers and sisters. For together with them we form one community, stemming from the one stock which God created to people the entire earth. We share with them a common destiny and providence. Walking together we are called to travel the same paschal pilgrimage with Christ to the one Father of us all (see Lk 24:13ff, NA 1, and GS 22).<sup>77</sup>

In a purely secular world freedom of religion based on the discourse of human rights may be the minimum necessary. As a matter of fact, the secular ideology may be taken as one more quasi-religion. At an institutional level, there is a separation between the state and the various religious institutions. But at the level of life there is an interplay of religious as well as secular (a-theistic) ideologies which respect each other's freedom, rising up to the level of interreligious dialogue. Religions can speak to their believers and seek to convince others of their perspectives in matters that have to do with public morality and order. But they cannot demand that their perspectives be given common legal sanction. For example, the Catholic Church is against contraception. But it cannot insist that it be made illegal in the civic sphere. In the actual world, a vision of religious freedom based on the faith perspective of all religions may be more energizing and useful.

## Conclusion

Religious freedom is recognized as a civil right by the Universal Declaration of Human Rights. The separation of the state and religion as institutions is also accepted now in many secular states. This should become the universal norm. As Christians we can affirm religious freedom not merely from the point of view of 'natural law', but also from the point of view of our faith. In this way, led by *Gaudium et Spes* we can go beyond *Dignitatis Humanae*. Interreligious dialogue and collaboration become integral dimensions of evangelization.

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<sup>77</sup> Phan, P. C. (ed.), *The Asian Synod. Texts and Commentaries*. (Maryknoll: Orbis Books, 2002), 21.

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While the autonomy of the civil sphere and of the state is respected, religions need not be privatized, but can play an active role in shaping peoples' minds and options, respecting always the freedom of the other, both as an individual and as a religious believer, trusting in the presence and action of the Word and the Spirit in every one.



# Religious Freedom as a Variable of Governance

Francisco Javier Porras Sánchez

## Governance and Social Capital

In recent years the literature on governance in the social sciences – especially in the field of economics and public policy studies – has gained considerably in importance. Governance has become one of the “key developments in public administration”<sup>78</sup> over the past thirty years, providing new perspectives and strategies for the solution of public problems. Politicians, academics, think tanks and international organisations use this term (governance) as a kind of “umbrella concept” to cover such aspects as good government, effective public action, and transparency and accountability, achieved through private-public cooperation. In practice, the concept of governance appears to have elbowed out other terms used in the recent past, such as “democratic governability” and “good government”.

The literature on governance is complex and very abundant, so – given the scope and intention of this paper – it is not possible to describe it in great detail here. I will therefore ignore the theoretical foundations, the state of research and the context in which the concept of governance emerged. Suffice it to say that governance recognises that societies can only be governed in a democratic and transparent manner through the convergence of institutions, government resources and actors, civil society and the markets. Governance has prompted analyses and public policy proposals which focus on processes of cooperation between public and private actors and how they “decide on the objectives of cooperation ... and the form of coordination needed to achieve them”.<sup>79</sup> Governance alters the traditional

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<sup>78</sup> Chhotray, V. and Stoker, G., *Governance Theory and Practice: A Cross-Disciplinary Approach*, Houndmills 2010, 16.

<sup>79</sup> Aguilar, L., *Gobernanza y gestión pública*, Mexico 2006, 90.

view of government and the supervisory role of the state, considering that it should steer rather than control and, instead of providing all services, should coordinate the actions and resources in civil society and on the markets. For many people and institutions the government is the only means of ensuring that the state achieves its objectives in dealing with complex social problems, such as the fight against poverty and the improvement of public health and education, making public policies more practicable and sustainable.<sup>80</sup>

Without wishing to belittle the advances made by this new way of viewing public problems and government, it is evident that the governance approach faces formidable challenges, which have to do with its normative assumptions. Leaving aside the discussion about whether it is convenient for all public policies to be jointly drafted, implemented and evaluated in cooperation between the government and civil society, the governance approach appears to require that actors and institutions have a substantial willingness to agree on common objectives and to cooperate in achieving them. This level of convergence would mean that government actors and institutions, civil society and the markets would reformulate their individual problems from a collective perspective. In other words, they recognise that the solutions to their problems depend on the actions and resources of the other parties.<sup>81</sup> Convergence does not exclude plurality, but rather presupposes it. It does not imply the uniformity of thought patterns, but rather the ability to formulate one's interests and problems in terms that makes it easier to reach a consensus. This is a monumental challenge, given the difficulties democratic institutions have in pooling interests in an effective manner and developing shared lines of reasoning.

Cooperation, on the other hand, not only requires convergence, but also a resolute commitment to solidarity and subsidiarity. Cooperation requires that the rational party is willing to postpone or abandon the optimisation of its anticipated benefits in the belief that the investment of time, information and money in other actors and institutions is something desirable, even if it does not provide a direct or immediate benefit. Cooperation between actors and insti-

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<sup>80</sup> The World Bank, *Sub-Saharan Africa: from Crisis to Sustainable Growth*, Washington D.C., 1989, and also The World Bank, *Governance and Development*, Washington D.C. 1992.

<sup>81</sup> Araújo, J., Estévez, A., *La filosofía pragmatista y la racionalidad de la gobernanza*, *Videre* 2009, 1 (1).

tutions with a view to resolving public problems is not something that can be achieved in all situations and under all circumstances. On the contrary, the current political environment, public administration and public policies are characterised by competition, by a reasoning based on the optimisation of profits, by individualism and by criticism of the traditional political institutions.<sup>82</sup>

In order to increase the practicability of models of governance, in other words convergence and cooperation, some authors have suggested modifying the formal and informal norms that govern society<sup>83</sup>; changing the administration of information, membership of and the mechanisms used to manage conflicts in government networks<sup>84</sup>; using family and communal networks as a basis for encouraging cooperation between public and private actors<sup>85</sup>; emulating the example of social networks, which are naturally composed of actors and institutions from different sectors of society and have a certain degree of autonomy<sup>86</sup>; and increasing the autonomy of the private-public advisory bodies<sup>87</sup>, just to mention a few. However, the outcome of these proposals has varied considerably. In many ways the practical proposals for promoting governance presuppose that the necessary social capital needed to achieve this is spread over a large number of actors and institutions. This entails a need for instruments to help reduce the level of complexity as well as the introduction of unifying criteria which make it possible to set individual interests aside and act together. Governance is not possible without social capital; without inter-personal and inter-institutional trust it is not possible to effectively promote convergence and cooperation.

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<sup>82</sup> Porras, J. I., Individualidad, racionalidad y redes. Las nuevas lentes para comprender lo político en la sociedad de la información, retrieved on 1 Februar 2013; in: <http://revista-redes.rediris.es/webredes/textos/Individualidad.pdf>.

<sup>83</sup> Contreras, Julissa García, De la gobernabilidad a la gobernanza: ¿continuidad o cambio de reglas? México en el periodo 1976-2011, Social Sciences dissertation at the Universidad Autónoma Metropolitana, Mexico 2013.

<sup>84</sup> Kickert, W. J. M., Klijn, E. H., and Koppenjan, J. F. M., *Managing Complex Networks: Strategies for the Public Sector*, London 1997.

<sup>85</sup> Guevara, Y., Gobernanza y redes de política pública: el Proyecto Estratégico para la Seguridad Alimentaria (PESA) en la región de Sierra Negra, MA thesis in Regional Studies at the Dr. José María Luis Mora Research Institute, Mexico 2009.

<sup>86</sup> Matonytė, I. and Bucaite, J., *Local Community Governance: Theoretical Underpinnings and Empirical Insights*, *Social Sciences / Socialiniai Mokslai* 2007, 2 (56), 54-63.

<sup>87</sup> Guarneros, V., *Urban Governance and Participation in Central Mexico*, *Development*, 2007, 50 (1), 104-109.

## Religious Freedom as a Factor of Common Good

What does governance have to do with religious freedom, which is one of the main themes of this publication? In short, the answer is that religious freedom is one of the factors which can make a decisive contribution to implementation of the governance concept by encouraging the creation of societies that can agree on public goals thanks to cooperation between actors and institutions.

The literature on governance has – in my opinion, correctly – identified the importance of collectively constructed rationalities, the importance of defining individual problems in collective terms, and of solidarity and subsidiarity. However, the theoretical parameters of governance have not managed to develop and explain the causal mechanisms through which convergence and cooperation can be achieved and maintained. In other words, the normative approach whereby “it is desirable for government actors and institutions, civil society and the markets to converge and cooperate in order to bring about sustainable public policies” has not been accompanied by concrete proposals on how to achieve these, or at least not to the extent and in the quality necessary for this form of governance to be feasible.

In fact, the first proposals for governance analysed in the publications of the World Bank, cited in footnote 3, based their analyses on the so-called “failed states” of Africa. The World Bank argued that the problems associated with the HIV/Aids pandemic, civil war and the very low per capita income of these states, etc. meant that the governments could only resolve these problems through collaboration with civil society and private companies. The government, it was argued, could not, in the medium term, obtain the necessary resources to resolve these issues. In the literature on governance the term “resources” is understood to mean not just money, but also information and the political legitimacy that is needed to achieve cooperation. This acknowledges the mutual dependence of private and public actors and institutions in “resolving problems and creating social opportunities”.<sup>88</sup> However, the literature on governance has barely begun to explore the role of “freedom of thought, conscience and religion”<sup>89</sup> in encouraging and, above all, maintaining convergence and cooperation between individuals and institutions.

<sup>88</sup> Kooiman, J., *Governing as Governance*, London 2010, 4.

<sup>89</sup> Universal Declaration of Human Rights, Article 18.

In my opinion, there are three ways in which the freedom of religion can play an important role in the governance processes.

The first has to do with the nature of religious freedom, which affects people's most profound beliefs and ways of thinking. As the Vatican Council reminds us, "all men are to be immune from coercion ... in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits."<sup>90</sup> This respect for the human conscience is based on the fact that it is the "most secret core and sanctuary of a man"<sup>91</sup>, in which the right to search and find the truth is anchored, "which cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power."<sup>92</sup>

The ultimate truth regarding the nature and existence of humankind is a powerful tool which can be used to question the foundations of our ability to converge and cooperate. The uncritical acceptance of distrust towards others and the search for one's own advantage can be called into question by the duty to love one's neighbour as oneself.<sup>93</sup> He who endeavours to love his neighbour may eventually accept that it is necessary to open his heart and mind to the other person's motives and give them serious consideration. Love implies an effort to recognise the arguments and resources of the other person and finding joint solutions to shared problems. A society in which religious freedom is exercised as a common resource can promote more effectively convergence and cooperation than one in which religious freedom is restricted.

Secondly, governance thrives on the abilities and richness of civil society, which is the ideal environment for religious freedom. Religious freedom means the "freedom, either alone or in community with others, to manifest one's religion or belief in teaching, practice, worship and observation."<sup>94</sup> By its very nature, religious freedom entails communal dimensions which can give rise to various rationalities, solutions and concrete examples of success, which in turn nurtures social capital in

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<sup>90</sup> *Dignitatis Humanae* Declaration on Religious Freedom, 2.

<sup>91</sup> *Gaudium et Spes* Pastoral Constitution on the Church in the Modern World, 16.

<sup>92</sup> *Dignitatis Humanae* Declaration on Religious Freedom, 1.

<sup>93</sup> Mark 12:31.

<sup>94</sup> Universal Declaration of Human Rights, Article 18.

civil society.<sup>95</sup> One important indicator of social capital is people's faith in institutions. In Latin America the churches remain a recognised and respected social player. In the Latinobarómetro 2011 opinion poll the Latin American churches recorded an average confidence rating of 64%, the figures ranging from 78% in Uruguay to 38% in Chile.<sup>96</sup> This mean value is higher than that of all the other media institutions, including radio, television, newspapers, the government, the armed forces, private companies, local government, the police force, the parliament, judicial powers, trade unions and the political parties. In my opinion, faith in the churches is a factor of governance in Latin American societies, something which other economic and political institutions have so far not been able to achieve.

Pluralist civil society is the proper realm of religious freedom. Real religious freedom is far removed from any fundamentalism,<sup>97</sup> "since it chooses to give equal protection to believers, agnostics and atheists and with the same determination. It is the freedom to profess a religion or not, it is the right to live and express oneself in one's own culture....without suffering violence in the process."<sup>98</sup> Thus, the presence of the secular state is essential to ensure that different expressions of religious freedom can co-exist and that the rights of third parties and the common good are respected. To this end the state must acknowledge and encourage the various manifestations of religious freedom without abandoning the separation of church and state. This separation means that religious and cultural beliefs of individuals and peoples tend to be assigned to the non-state sphere. Religious freedom can be a useful tool to stimulate good attributes in civil society, which in turn are a prerequisite for convergence and cooperation.

Thirdly, religious freedom can improve the sustainability of governance. In my opinion, governance can be made more sustainable if

<sup>95</sup> Cf. Zaremberg, G. (coord.), *Redes y Jerarquías: participación, representación y gobernanza local en América Latina*, Mexico 2012. Some commentators of this collective work have suggested that one variable which explains the different behaviour of the networks analysed in Brazil, Mexico, Nicaragua and Venezuela is membership of parish groups and especially of grassroots ecclesiastical communities.

<sup>96</sup> Latinobarómetro Corporation, Report 2013, Santiago de Chile 2011, 48-50.

<sup>97</sup> Pope Benedict XVI, *Caritas in veritate*, 56.

<sup>98</sup> Porras, F. and Traslosheros, J., Los artículos 40 y 24 constitucionales: una aproximación complementaria, in *Avanzando hacia la libertad religiosa: razones para valorar la reforma del artículo 24 constitucional*, anthology, Mexico 2012, 29.

(a) concrete solutions and experiences of private-public collaboration are designed in a creative manner and with the necessary technical expertise, and if (b) individuals and institutions can sustain this convergence and cooperation for relatively long periods of time. The first factor is important because the cooperation required for governance necessitates greater flexibility in some of the processes in hierarchical institutions. It also calls for flexible network-based organisations to formalise some processes in order to reduce the level of uncertainty for the participating actors and institutions.<sup>99</sup> In this connection it is worth recalling what is said in *Caritas in veritate* 30. The mainspring of faith – charity – must not be an appendage which is incorporated into the final technical process of finding and implementing solutions, irrespective of whether they are traditional or governance solutions. In fact, charity and technical expertise must go hand in hand from the very beginning, for this is precisely what engenders creativity and innovation. These are the most valuable resources for convergence and cooperation:

“Charity does not exclude knowledge, but rather requires, promotes, and animates it from within. Knowledge is never purely the work of the intellect. It can certainly be reduced to calculation and experiment, but if it aspires to be wisdom capable of directing man in the light of his first beginnings and his final ends, it must be “seasoned” with the “salt” of charity. Deeds without knowledge are blind, and knowledge without love is sterile. Indeed, “the individual who is animated by true charity labours skilfully to discover the causes of misery, to find the means to combat it, to overcome it resolutely” (*Populorum Progressio*, 75). Faced with the phenomena that lie before us, charity in truth requires first of all that we know and understand, acknowledging and respecting the specific competence of every level of knowledge. Charity is not an added extra, like an appendix to work already concluded in each of the various disciplines: it engages them in dialogue from the very beginning. The demands of love do not contradict those of reason. Human knowledge is insufficient and the conclusions of science cannot indicate by themselves the path towards integral human development. There is always a need to push further ahead: this is what is required by charity in truth

<sup>99</sup> Cf. Gault, D. A., *Los dilemas de la gestión local y las organizaciones comunitarias en México*, Mexico 2006.

(*Deus Caritas est*, 28). Going beyond, however, never means prescinding from the conclusions of reason, nor contradicting its results. Intelligence and love are not in separate compartments: *love is rich in intelligence and intelligence is full of love.*<sup>100</sup>

In other words, religious freedom, which enables charity to be rooted socially in communal forms of organisation, can also be a driving force for better technical proposals to respond to the challenge of convergence and cooperation.

The second way in which religious freedom can be a sustainability factor in governance is that different beliefs offer a personal and social incentive to work for convergence and cooperation. Some authors have spoken about how the networks of governance sometimes fail. Among the reasons are: a) the difficulties involved in maintaining this cooperation over a given period of time, and b) ignorance and opportunism<sup>101</sup>. Once again, *Caritas in veritate* reminds us that “When the State promotes, teaches, or actually imposes forms of practical atheism, it deprives its citizens of the moral and spiritual strength that is indispensable for attaining integral human development and it impedes them from moving forward with renewed dynamism as they strive to offer a more generous human response to divine love.”<sup>102</sup> Religious freedom is a resource for sustainability, since it enables the actors involved in cooperation efforts to obtain the strength and motivation they need in order to continue cooperating.

### **Religious freedom: more than just a right**

If one considers the symbolic and other resources that thrive on religious freedom, one must of necessity also think about the effects that freedom has on governance. The literature on governance must develop the hypotheses outlined here and conduct further theoretical and practical research into them. This entails moving beyond the customary discourse that sees in religious freedom a first-generation right relativised by its respective obligations. The Magisterium has emphasised in recent years that human rights are important for the very reason that they enable us to perform our duties. In other words,

<sup>100</sup> Benedict XVI, *Caritas in veritate*, 30.

<sup>101</sup> Schrank, A. and Whitford, J., *The Anatomy of Network Failure*, *Sociological Theory*, 2011, 29 (3), 151-177.

<sup>102</sup> Benedict XVI, *Caritas in veritate*, 29.

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there is a causal connection between the existence of our rights and the possibility of us meeting our obligations. This article primarily follows that line of reasoning.



# Between Religion and Violence

## A Missiological Appraisal

Francis Anekwe Oborji

### The Problem

This article is about the relationship between religion and violence. Most people consider religion to be the antithesis of violence and, in many places and time, religion has been a force for peace and social justice. In a groundbreaking work on understanding religious violence, Charles Selengut notes that all major religions have a code forbidding violence. We know, however, that despite being a force for goodness, charity, and reconciliation, religion also encourages and promotes war and violent confrontation.<sup>103</sup>

Thus, despite the excellent teachings of these religions about non-violence, how do we explain the fact that religion is so frequently involved in violence? Why is it that questions about faith, religious organizations, and religious leaders often lead to violence? Put another way, how come religious communities whose holy scriptures call for peace are engaged in so many wars and violent conflicts all over the globe? What is the place of the Golden Rule and teachings in the world's religions calling for tolerance, acceptance, and loving-kindness for all people? At the centre of all religions is the claim to our common origin in one God; and the yearning for the *eschaton*, an end-time when all the peoples of the world live together in peace and harmony, without war or conflict and under one God. The Hebrew Bible talks about the time when the "lion will lie with the lamb" and "nation will not war with nation anymore." Christianity is depicted as a religion of love. Jesus counsels turning the other cheek and, suffering on the cross, he still seeks forgiveness for his oppressors. Islam venerates the prophet Mohammed as a messenger of peace, and the

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<sup>103</sup> Selengut, C., 2003: *Understanding Religious Violence: Sacred Fury*. Walnut Creek, CA: Alta Mira Press, 1.

Koran describes the harmoniousness of Islamic society and tells us about the importance of hospitality and welcoming the stranger with warmth and dignity. In traditional religions (e.g., African Traditional Religion (ATR)), ultimate reality is conceptualized on the nature of harmonious living between the human beings themselves, and between them and God. The flow of life to the humans depends on maintaining this harmonious relationship in the community.

But despite these central religious images which articulate co-existence or rather nonviolence as normative religiosity, religion-generated violence continues unabated throughout the world. This is what some have referred to as duality in religious life, the two contrasting cultures (holy war and teaching on peace) found in all religions.<sup>104</sup> Religions face an enduring tension between encouraging violence and promoting peace. Almost all religions are caught in this sacred dilemma, establishing, by force and holy war if necessary, its particular view of the just and moral society based on its divinely revealed truths and an openness and tolerance for those individuals and groups that do not recognize these religious “truths.” Religions preach love and respect for all people, but they also, at the same time, promulgate a divine view of the moral and social order that they take to be binding on all humanity. According to R. Scot Appleby, this is the dilemma of the faithful. The faithful are sincere when they talk of peace and tolerance, for this is a message of the scriptures, but believers in the truths of their traditions and revelations are forced to fight, also, on behalf of their religion against those who refuse to accept these “self-evident” truths, who in their opinion want to force another culture or religious tradition on them, and who, in the eyes of the faithful, are violating God’s directives to humanity. Religion can tell us that it is ultimately right to love our neighbors, but it can also instruct us that it is our sacred duty to resist any attempt by another group to subdue or destroy one’s faith and culture, and if necessary to kill them or to be killed as a martyr in defense of one’s faith. This ambivalence in religion is at the heart of religious violence that we see today in our contemporary society.<sup>105</sup>

All this explains why religious violence is among the most pressing and dangerous issues facing the world community. The fervently

<sup>104</sup> Boulding, E., 1986. “Two Cultures of Religion,” *Zygon* 21, no. 4 (1986) 501-516.

<sup>105</sup> Appleby, S. R., 2000. *The Ambivalence of the sacred: Religion, Violence, and Reconciliation*. Lanham: Rowman and Littlefield.

faithful, acting in the name of religion, have, in the last decades, murdered hundreds of thousands of people throughout the globe, and groups of militants, in various religious communities, are organized into terrorist networks whose avowed goal is to destroy all those who oppose their religious goals. Be that as it may, it may not be altogether just to accuse religions alone for the conflicts and killings. Cultural and political factors are at work and religion is one of the cultural elements that is easily manipulated to advance the political goals through violence. This is because religion wields a strong inner force and power among its adherents. This means that religious beliefs have direct or indirect link with the constituent elements in culture that foster violence. It means also that clever people can manipulate the religious tenets to encourage people to act in violent ways. In other words, the major source of the violence in this context is both cultural and political. Religion is an instrument that can be used by some disgruntled elements in the society to encourage people to act in violent ways.

The above point leads us to another misconception in dealing with contemporary religious violence which some scholars would want to avoid. It is the refusal, particularly in the mainstream scholarship and secular elites, to see the link between the rise in religious fundamentalism with the current geopolitical and economic systems that have impoverished many countries of the southern hemisphere, where religion is still taken very seriously and distinction is hardly made between it and other aspects of life. Some like to view the present situation of religious violence as clash of civilizations, one secular and the other primitive with violent religious systems. But this view is another attempt to reinforce cultural superiority and purity of one group against the other. Some modern scholars may also like to argue that religious faith is waning. Thus, diplomats and academics "want to separate religion from economics or politics and blame everything on poverty or politics but violence is part of religion and economic and politics draws them out".<sup>106</sup> This view claims that it is religious history, religious sensibilities, and religious passions which drive religious conflict and turn other disagreements into violent confrontations. This

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<sup>106</sup> Hawley, J., "Pakistan's Longer Border" (paper presented at the Conference "Understanding Religious Violence", St. Batholomew's Church, New York, February 2002, cited in: Selengut, C., 2003: *Understanding Religious Violence: Sacred Fury*. Walnut Creek, CA: Alta Mira Press, 13.

type of reductionism misses the key issues in the conflict and can lead to major international misunderstandings and catastrophes, of which the September 11 terrorist attack on the World Trade Center in New York City is the most egregious example.

Therefore, it is incorrect to blame everything on religion as far as the present social conflicts and violence are concerned. We need to take religious claims, histories, and passions seriously but without making judgments about the legitimacy or ultimate morality of any particular religious position in fostering violence. It is better to understand the unique confluence of history, culture, religion, politics, and group psychology that gives rise to violence, and avoid any stigmatization or stereotyping judgment on any particular religion or group of people. The goal of viewing religious violence from this perspective is to present reasoned interpretations that will make sense of the present global religious conflict. In other words, our study of religious violence does not aim, primarily, to offer fixed answers, but rather to make a full presentation of the theory and dynamics of religious violence that will provide much-needed information for informed and reflective decision-making.

Thus, in the present article, we shall discuss religious violence under three main headings: the meaning and history of religious violence, cultural factors that foster religious violence, and religious fundamentalism.

### **The Meaning and History of Religious Conflicts and Violence**

In what follows, we shall attempt to provide a working definition of religious violence, discuss its history and, indicate the relationship between religion and violence in the present social context.

#### **The Meaning of Religious Violence**

Like the term violence in general, defining religious violence is a complex issue. Violence has a conventional definition that tends to treat it as observable physical injury. It is also defined in terms of various forms of nonphysical, psychic violence. It is precisely in this second sense that religious violence comes into play; because it surges up when the issue involved are religious beliefs, holy personages, desecration of sacred places, etc. In other words, violence includes actions that inflict, threaten or cause injury, and such action

may be corporal, written or verbal. The injuries need not be physical; they can be psychological, sociological, or symbolic, as in the case of religious desecration, stereotypes or negative rationalization of one group against the other on the basis of race, culture or religion.

In this context therefore, religious violence includes activity leading to a) physical injury or death, b) self-mortification and religious *martyrdom*, c) psychological injury, and d) symbolic violence – causing the desecration or profanation of sacred sites and holy places. But there is also another dimension to religious violence, which according to Selengut is based on the category and event experienced by a given community in its particular religious culture. The experience of psychic violence will depend on the cultural and religious sensitivities, beliefs, and values of a religious community. It will also depend on the historical experience and relationship of one group with the other. Destroying images of Hindu deities in a South Indian temple would be, in this case, an act of desecration, while some monotheistic, fundamentalist militants might claim the desecration of the images is no violation of religion. In another case, destroying a Christian church or murdering a priest in Northern Nigeria by the Muslim militants and fundamentalists, would be, a great act of violence against Christian religion, while the Muslim community and some outsiders may say, there are not acts of religious violation but only political or ethnic disturbance operative in the society. A more vivid example is the caricature of Prophet Mohammed which was made in a Danish newspaper some years ago. For some from a secularized society, it is only an expression of freedom of the press, while for Muslims it is a desecration or profanation of the name of the holy prophet.

These variations in the conception of what constitutes religious violence, challenges us to dig deeper into the relationship between religion and violence. Religious violence is a complex and varied phenomenon and no one definition can legitimately explain the many forms of religious war, terrorism, and violent conflict. Such activity is frequently motivated by religious sentiments, but what passes for religious violence may also be an attempt on the part of one community to utilize religious sentiment in order to gain political or economic advantage, to punish a historical rival, or to maintain power over a subordinate group. In other words, the power of religion to motivate and mobilize can be used for religious as well as distinctly secular purposes. It is essential therefore in studying the phenomenon

of religious violence to carefully analyze the underlying causes and motivations and not view it as monolithic.

### **The Rise and Examples of Religious Violence Today**

In the beginning, most of the world's major religions as we know them today were not such a strong or political force among the people where each of the religions had started. But with the passing of time, and knowing the influence of religion among its adherents, political leaders hijacked religion, united their people under it and thus started using religion in advancing political ambitions and aggression against other groups. For instance, in the seventh century AD, the people of Arabian peninsula united themselves under Islam and advanced towards North Africa, and from there crossed Mediterranean Sea, conquering and converting into their religion the people they met on their way. For many years, Arab Muslims occupied Spain and Portugal in Western Europe. In North Africa, they altered not only the religious and cultural heritage of the indigenous population, but also the political and demographic contours of the continent. No one remembers today that there was a time when the whole of North Africa was mainly inhabited by ethnic (indigenous) Africans (though, the zone had, before Arab conquest, been vandalized both by Greek and Roman invaders as well as Turks). Again, the Arab Muslim incursion into the sub-Saharan Africa some two hundred years ago has created in the countries of this region, a mixed population – Arab Muslim settlers and indigenous Africans, each struggling for supremacy over the other – often resulting in further conflicts and violence among the local populace. And in a more serious note, this situation has made Africa another theatre of religious conflicts and violence as the situation in Sudan and Northern Nigeria has shown.

On the side of Christianity, one needs only to mention the long years of wars and political confrontations between the various European monarchs or kings and the Christian church, especially in the medieval period, each seeking a political domination over the other and that of the larger society. The rise of Protestantism and the reformations that followed created many denominations and national churches amidst conflicts and violence. This experience has continued to hurt the churches till our day. Some of the churches still carry national or parochial character and advance the political agenda of the founding country. Moreover, during the nineteenth

century colonialism, most of the governments of those countries that were anti-clerical and hostile to the church at home, supported the efforts of the churches for the expansion of Christianity in the foreign lands. This is because, in the opinion of many, Christianity is the main religion of Europe and so must be preached to other parts of the world, wherever there is European presence and influence. In Asia, Buddhism became a unifying religion for some societies despite the fact that the founder of the religion had to be expelled from his place of birth in India. And in India itself, Hinduism, which is viewed as a cultural religion, has been adopted as the unifying religion for the state not minding the presence of other religions in the country. In recent times, Hindu fundamentalists have carried out many violent attacks against followers of other religions, especially against the Indian Christians, for the same reason that the religion of the country, as they claim, is Hinduism.

### **The Present Situation of Religious Violence**

The steady increase in religious violence shows that it is a pressing issue that our contemporary world must confront and address in a more amicable way. It is a delicate issue but not beyond solution if there is openness on the part of all to enthrone a culture of peace and co-existence in spite of differences in religion and culture. The harm religious violence has already caused is enough to inspire all to work towards achieving peace and reconciliation on those contending issues that still foster violence and conflicts. In the Middle East, violence and killing continue to this day, with elements in both Islam and Judaism invoking religious justifications for armed conflict and terrorism. Each side claims that it has a sacred obligation to wage war against the other side in order to reach its religious goal of full control of the Holy Land.<sup>107</sup>

The fundamentalist al-Qaeda network and its charismatic religious leader, the late Osama bin Laden, declared a kind of total war against the United States and the West, for what he regarded as their modern culture, materialism, secular morality and political influence and presence in the Arab hinterlands, which have created terrible consequences for traditional Islamic society and religion. On September 11, 2001, the twin towers of the World Trade Center in

<sup>107</sup> Armstrong, K., 2000. *The Battle for God*. New York: Alfred A. Knopf, 317-364.

New York City, perhaps the world's most famous skyscrapers and a symbol of American prestige and world dominance, were attacked by terrorists linked to the al-Qaeda network, who hijacked four jetliners and successfully crashed two of them into the towers. The attacks destroyed the buildings and killed all the passengers in the two planes and several thousand people who were trapped in the burning buildings. The attack was, in the eyes of the perpetrators, a legitimate and religious act of war against a dangerous enemy.<sup>108</sup> Apart from the religious violence coming from outside, also in the United States, there are unfortunate signs of growing religious conflict and violence, as evidenced by the rise of neo-Nazi and militant white supremacist militia groups. The bombing of the Federal Building in Oklahoma City, is seen as an activity of such groups. Members of extremist Christian antiabortion groups, have murdered physicians and nurses in abortion facilities in many parts of the country, often motivated by their narrow interpretation of their doctrine approving violence on those killing unborn child.<sup>109</sup>

In Europe, religious violence between Christian Serbs and Muslims in the areas once controlled by the defunct government of Yugoslavia has taken many lives, and tens of thousands on both sides were forcibly removed from places where they had lived for centuries in campaigns of ethnic cleansing to ensure that a particular town or city would be populated solely by members of one religious group; killings and rapes were justified as legitimate means to maintain ethno-religious separation. In Ireland, a violent civil war between Irish Catholics and Irish Protestants has been going on for centuries, with periods of relative quiet and times of great violence and destruction. The Irish speak the same language, look alike, and share much the same culture, but religious differences still matter and terrorism against militants and civilians in the name of religion is a regular feature of life in Northern Ireland. Though both sides are Christians, each sees the other as perpetuating a false and illegitimate religiosity. Each, somehow, blames the other for the problems and shortcomings of Irish society. In the former Soviet Union, where religious tensions were kept under control by the authoritarian, atheistic central gov-

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<sup>108</sup> Jacquard, R., 2000. *In The Name of Osama bin Laden*. Durham, N.C.: Duke University Press.

<sup>109</sup> Selengut, C., 2003: *Understanding Religious Violence: Sacred Fury*. Walnut Creek, CA: Alta Mira Press, 7.

ernment in Moscow, religious conflicts have mushroomed throughout the former Soviet Republics. Perhaps the best known and bloodiest of these religious conflicts was in Chechnya, where it is alleged that a Russian Orthodox population has united in war against the predominantly Islamic community.<sup>110</sup>

In addition to the perennial hostilities in the Middle East, in some other parts of Asia, religious violence continues. In East Timor, a part of Indonesia which has been a place of peaceful co-existence between religions, serious and sustained violence occurred in the last decades of the twentieth century between the Muslim majority and the predominately Catholic minority, with massacres of the civilian population on almost regular occurrence. In the Philippines, a predominantly Catholic country, a minority group of Muslims in one of the localities, have, on regular basis, continued to carry out terrorist attacks against civilians and tourists. In predominantly Hindu India and Muslim Pakistan, two nations with nuclear capacity, continuing tensions over the disputed area of Kashmir have resulted in the thousands of deaths as militants on both sides invade each other's territory. Extremists regularly call for total war so that each side can assert its moral, religious, and political rights once and for all. In fact, all over central Asia religious violence has broken out between various Christian groups and Islam and among newly formed Christian sects and denominations.<sup>111</sup>

In Africa, religious battles between the Christian and Muslim communities have taken place in many countries, with particularly violent encounters in Nigeria and Sudan. In Nigeria, a country that is almost evenly divided between Christians and Muslims, tens of thousands on both sides have lost their lives in recent years as a result of religious and ethnic violence and conflicts that are on regular occurrence in that most populous nation of Africa. Religious violence has divided the country between the Muslim North and the Christian South. Sudan is another African country burdened with religious violence and conflicts. The war in Southern Sudan (and now extended to Darfur) has been going on for many years (even before its recent fragile political independence). It is not only a racial issue, but also a religious war between the Muslim North and the Christian South. The war was originally

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<sup>110</sup> *ibid.*, 4-5.

<sup>111</sup> Haught, J. A., 1995. *Holy Hatred*. Amherst, N.Y.: Prometheus.

occasioned by the imposition of Sharia law by the north Muslim-led government on the rest of the country. Those in the south of the country who are mostly Christians and ethnic (indigenous) Africans objected to the imposition of Islamic legal system in their region and the entire country. Since then, the country has not known peace, especially, the people living in the south. Millions of lives have been lost and Southern Sudan became almost a deserted area; many have been forced to live in refugee camps, and those from the south, who have decided to stay back, feel that they are treated as second class citizens. Those in the central government are accused by the people of the south of using government machinery to advance the cause of Islam in a multi-ethnic and religious society such as Sudan and to force Arab culture and language on the ethnic (indigenous) Africans of the country. Furthermore, the recent outbreak of violence in the Sudan Darfur region has also a religious undertone, outside, the scramble for the control of the petroleum oil deposit discovered there. The government of Sudan is being accused of sending Arab militant groups to Darfur in order to alter the demographic contour of the place, that is, to reduce the influence of non-Muslim Arab Sudanese there. Thousands of lives have been lost, many ethnic Africans have been displaced and their property vandalized since the outbreak of the Darfur conflicts. Some have described this incident as ethnic cleansing.

Thus, recent events show that people are becoming more and more conscious of their religious heritage and are prepared to protect and defend that heritage by whatever means possible. On hindsight, however, this drive to defend one's religion is link withed to what has been said already about other operative elements of violence in the society, namely, cultural, ethnic, political and economic interests of the ruling elites who often resort to the use of these divisive elements in the society for selfish ends to manipulate the common populace and ferment conflicts and violence in the society. In the case of religion, it often has a political undertone. Thus, violence in the present social context is a complex issue. And often, when religious sentiments are appealed to, they are simply meant to serve the cultural and political motives of the perpetrators of violence and conflicts.

### **Relationship between Religion and Violence**

To the question, why religion is so often involved in violent conflicts and why is it used to justify war and violence? Charles Selengut offers

the following answers. According to him, the answer lies in the unique nature of religious faith, organization, and leadership. Religious faith is different from other commitments and the rules and directives of religion are understood by the faithful to be entirely outside ordinary social rules and interactions. Religious faith and commitment, according to this view, are based upon sacred and ultimate truths and are, by definition moral, desirable, and good. For the faithful, religious mandates are self-legitimizing; they are true and proper rules not because they can be proven to be so by philosophers or because they have social benefits but because they emanate from a divine source. Selengut argues that the critical motivation for the fervently faithful to act in certain manners (including charitably) is because their sacred tradition demands it, and not because it is politically correct or socially utilitarian ethics. It is the requirement to conform to the demands of religious law, whether or not it makes sense to those outside the faith. The divine imperatives of the religious tradition, including violence, are not open to question by nonbelievers, and secular legalities can be breached if they conflict with religious truth.

Selengut further argues that, religious violence is fostered by promises of rewards in an afterlife free of the disappointment and pain of everyday life. The violent actions carried out by the faithful may be considered criminal, entail long prison terms, and even result in one's own death, but the promise of eternal life, which only religion can provide, can break all legal and cultural restraints against crime and violence. All religions have versions of an eternal life for their religious martyrs who die a sacrificial death on behalf of the tradition. In Judaism, such martyrs are called *kedoshim*, the "holy ones" who verify the truth of the faith by their willingness to die for it. Christianity, in the course of its history, in particular when it was despised in the old Roman Empire, suffered an incredible martyrdom. In Islam, Hinduism, and Buddhism, as well as strong traditions of self-mortification and religious sense of martyrdom continue. Only in traditional religions (e.g., African Traditional Religion) we do not have norms on martyrdom for religious reasons. The teachings of the traditional religions are based on good moral conduct, protection of the community through inter-human relationships for the security and guarantee of life that flows from God.

However, in the religions with historical founders, martyrdom has a religious goal, which is often beyond scientific and rational under-

standing. It is the goal of religion to offer explanations to the transcendental dimensions and experiences of human life, which often are beyond the scope of social sciences. Religion helps to explain the reasons for orderly social living and the normative structure to human existence, protecting society from chaos and assuring the individual that life, both with its blessings and disappointments, has ultimate meaning and value. Religious systems, in the language of sociology of religions, provide the theology, an explanation of human suffering which promises an ultimate reward, in an after-life of eternal bliss and happiness, for those who have followed religious teachings and have been faithful and obedient in the course of their lives.<sup>112</sup>

Teaching about the life-after and ultimate reality belongs to the realm of religion. It is specifically a religious duty to tell the faithful about the things of God and how to reach there. Thus, on its own, there is nothing bad about teaching people of what awaits them as human beings after this terrestrial life. Such a teaching helps to give meaning also to our present life. Since most of the world religions believe on the final return of the human person to its creator, the teaching on the after-life and ultimate reality could be one way of promoting reconciliation and unity of the human race, because, after-all, we are all moving towards one goal, the unification of all things in one God, who is the creator of us all. However, the problem lies in the fact that, as it often happens, these religious frameworks can be abused and given fundamentalist interpretations by some charismatic religious leaders or members. Once hijacked by such people, they can use religion to demand violent action from committed followers. As Selengut explains, the faithful, in these instances, are offered a terrifying choice: if you are true believers and wish to remain a part of the community and be assured of heavily reward, you must concur with the injunction to wage violence against the religion's enemies. It is difficult – frequently impossible, to refuse this religious “call to duty”, in which violence is also justified as an essential element of religious life. The cost of refusal is steep, for it means that one is no longer a part of a community and a hereafter to which one has dedicated oneself, psychologically and materially. Many militant religions put the matter starkly when it comes to calling for violent action: “You are with

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<sup>112</sup> Berger, P. L., 1969. *The Sacred Canopy: Elements of a Sociological Theory of Religion*. New York: Doubleday. 1977. *Pyramids of Sacrifice: Political Ethics and Social Change*. Harmondsworth: Penguin, 53-80.

us or against us.” In this sense, religion is eminently suited to exercise psychic, if not physical, coercion on members and followers.<sup>113</sup>

Religious fundamentalists use this type of tactics to encourage some faithful to act in a violent way against those perceived enemies of their religion. The desire to remain connected to the religious community, to continue in the warm confines of its fellowship and theological understandings, results in acceptance of, if not outright participation in, the violent actions carried out on behalf of the group. The actual violence in any group is usually carried out by small cadres of zealots, but the larger group which supports such movements with financial help, safe houses, transportation, and respectability in the larger community is numbered in the hundreds and beyond. This is the case in the Middle East conflicts, the Christian-Muslim conflicts in some African countries (e.g., Sudan, Nigeria), in the Catholic-Protestant conflict in Ireland, the Hindu-Muslim clashes over Kashmir, etc. In each of these cases, powerful and respectful members of these communities, on both sides of the divide (and their members in the Diaspora and international sympathizers) aid, abet, and provide capital for the violent outbursts.

Again, as our preceding discussions have shown, it would be absolutely incorrect to assign to religion, in all instances, the source and cause of conflicts and violence in the present social context. We have demonstrated already, the cultural and political motivations behind most of the conflicts and violence. The role of religion in most of those circumstances, lies in the ability of religion to provide sacralization of human activity and by its great power to infuse life with meaning, order, and security, can call upon the faithful to engage in what it sees as “holy war” (or jihad in Islam), in defense of God and truth.

Again, the increase in religious violence in the present social context has made the issue very much in the news and thus subjected to various analysis and interpretations. In efforts to make sense the bewildering actions of religious fundamentalists, some have resorted to simplistic and stereotypical explanations. This is the tendency to view a particular religion in a negative way, as a religion that breeds terrorists. Islam, for example, since the September 11, 2001, terrorist attacks in the United States, and the subsequent wars in Afghanistan

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<sup>113</sup> Selengut, C., 2003: *Understanding Religious Violence: Sacred Fury*. Walnut Creek, CA: Alta Mira Press, 8.

and Iraq, has suffered most from this type of stereotype. This has resulted in regarding any Muslim in our neighborhood (particularly those of them from Arab world), as a terrorist. As the saying goes, "If you want to kill a dog, give it a bad name." Some Muslims have been wounded psychologically by this tendency and some of them have suffered unjust treatment in some foreign countries because of their religion and place of origin. There is also the tendency to regard religious zealots who engage in violent behavior or terrorist activity as mentally unstable. There is no scientific evidence for this and it is simply an attempt to stigmatize religious activists and deny their *genuine* motivations. As we have noted already, all religions have themes both for forgiveness and peacemaking as well as demands for retribution and violence against their enemies. Violence in language and deed is an element in every religion worldwide that, labeling alien faiths as evil or warlike and one's own as peaceful and godly, reinforces a community's sense of moral superiority. Christianity, as well as Hinduism and Buddhism, two Eastern religions ostensibly opposed to violence, have histories of involvement with violence; there are continuing killings and rampages in contemporary Hinduism and Buddhism.<sup>114</sup>

Profiles of some violent religious activist movements of different world religions show their members to be involved in communal life with no unusual psychiatric history and no criminal past other than their involvement in religious extremism. Again, some of the religious militants have been found to be members of educated, accomplished, and, by and large, successful and upwardly mobile groups. This does not, however, mean that there are no mentally disturbed individuals who participate in the activities of these groups. Some do, and well may be attracted by the strong camaraderie and violence in intense religious communities. It may be also due to the general feeling of desperation in a community which attracts most people to join such violent groups that claim to be fighting against the forces of desperation in the community, using the instrument of religious sentiments. Recent studies have shown that terrorist networks weed out disturbed individuals and actually seek recruits who are socially adjusted and psychologically stable; for the most part, they are successful in attracting such types.<sup>115</sup>

<sup>114</sup> Haught, J. A., 1995. *Holy Hatred*. Amherst, N.Y.: Prometheus, 107-116.

<sup>115</sup> Selengut, C., 2003: *Understanding Religious Violence: Sacred Fury*. Walnut Creek, CA: Alta Mira Press, 12.

In any case, the fact remains that it is political motivation, cultural sensitivity, and economic and social goals, however misguided, which many outsiders consider that set the agenda for religious violence. That notwithstanding, in discussing the problem of conflict and violence in the present social context, religion has a critical position because it is a major element of culture that could easily serve as a unifying force for the faithful to rally around and defend what they may perceive as an attack or distortion of their faith, culture, and vision as a group. Religion touches the inner-most dimension of the human person.

### **Factors fostering Religious Violence**

There are some factors that are fundamental in evaluating religious violence. According to Selengut, factors that may foster religious violence include the following: religious tradition or sacred books and their teaching on holy war; psychological needs; political agenda, vision of afterlife, and religious view on the role of the body and theology of social organization.<sup>116</sup> However, in the present study, we shall take all these to mean cultural factors and discuss them under the following sub-headings: religious tradition, psychological perspectives, and religious fundamentalism.

### **Religious Tradition and Violence**

Extremists that engage in religious violence often take their motivation from the sacred book and other holy teachings of their religious tradition. This has been defined by some scholars as scriptural violence. It is a kind of violence that is seen as directly justified by divine mandate. This is the phenomenon known as “holy war” in the Christian tradition, *milchemet mitzvah* or obligatory war in Judaism, and jihad, or wars motivated by defense and support of Islamic faith community. It is argued that the scriptural perspective highlights the transcendental and sacred nature of religious violence. It focuses on the unique message and revelation of each religion and its task and goal to transform the world in accordance with religion’s understanding of divine command.<sup>117</sup> However, this perspective is an attempt by some to highlight, perhaps, the relationship between

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<sup>116</sup> *ibid*, 11-12.

<sup>117</sup> *ibid*, 17.

religion and violence. It must not be interpreted to mean that religion aims at fostering violence. Again, one must admit, religious scriptures of the great religions have not as their objective to encourage violence of any kind as Selengut seems close to suggest. The fact is that despite all the association made of religion and violence, fostering violence is not the aim of religion, though it may not be something alien to it.

Having said that, the proponents of scriptural violence have indicated some areas where a religion through its sacred books could encourage the faithful to act in violent way. They argue that holy war is a necessary and essential element in virtually all religious systems.

Judaism's approach to holy war is based on the biblical narratives which tell of God's covenant with Israel, where God promises the Holy Land to the Israelites as an eternal possession and commands them and their leaders and prophets, Moses and Joshua, to wage war against the indigenous inhabitants of the land, then called Canaan (Palestinians). God tells the Israelites to annihilate all the inhabitants and destroy all the Canaanite cities, leaving no trace of their civilization. To the Israelites, violence and holy war was eminently reasonable, since they were to inherit the land by decree of the Almighty God, whom they called.<sup>118</sup> The Canaanite nations who were to be dislodged saw things differently, but Deuteronomy 20 records God's instructions as absolute. The Canaanites, according to this tradition, were evil and idolatrous and had to be destroyed. Other passages of the scriptures that spoke highly of this people in a positive way were simply ignored. Even New Testament exegetical interpretations on this matter which speak about God's universal blessings to all nations through his choice of the nation of Israel from whom was to be born his Son Jesus Christ, is also simply ignored.

In the Old Testament, the book of Joshua describes in great detail the various battles for the conquest of the land of Canaan and the necessary killing and obligatory nature of extermination decreed by God as a way to root out the evil and idolatrous culture of the local peoples. Total destruction, as in the case of the Canaanite cities of Ai and Jericho, is applauded and shown to be a true sign of religious

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<sup>118</sup> Orlinsky, H. M., 1997. "The Situational Ethics of Violence in the Biblical Period," *Violence and Defense in the Jewish Experience*, ed. Solo W. Baron and George S. Wise. Philadelphia: Jewish Publication Society, 45.

fidelity, while mercy for the Canaanites, occasionally shown, is derided as moral weakness and infidelity to the Lord, *Hashem*. The destruction of the city of Ai is a milestone in the holy war quest of the Holy Land.<sup>119</sup>

All these narratives indicate the essential Jewish understanding of holy war in the Old Testament. It is a war ordained by God to conquer or restore Jewish sovereignty to the land of Israel, which is covenantally promised by God to the Jewish people. This original motivation for holy war has been enshrined in Jewish history and jurisprudence as *milchemet mitzvah*, an obligatory war, and has come to mean that whenever feasible, a religious war must be fought for the maintenance of Jewish sovereignty over the Holy land. In the course of Jewish history other categories of holy war evolved, including holy wars of defense and religious wars fought in honor of religious teachings, referred to in Jewish theology as wars for the "sanctification of God's name," *Kiddush Hashem* wars. But, all these later versions of holy war are based upon the original biblical formulation for the conquest of the Holy Land in ancient Israel.

However, after the Babylonian exile from the land of Israel in 70 C.E. and the loss of Jewish political autonomy, the concept of holy war was felt to be irrelevant to a dispersed and stateless Jewish community. In spite of this, holy war remained a religious obligation, and the idea continued to live on, at least through a ritualistic and liturgical reenactment. The idea of holy war was deeply imbedded in Jewish law and tradition and remained so during the centuries of Jewish exile. The Zionist movement and the 1948 proclamation of an independent Jewish state of Israel in the Holy Land restored the practical relevance of holy war theology and showed once again how theological ideas and sacred history can influence international affairs.

It could be said that the modern conflict in the Holy Land has its origins in the rise of modern Zionism in the nineteenth century and the return of Jews in increasing numbers to the biblical Holy Land in the late nineteenth and early twentieth centuries. Palestine, as the territory has been known, was then a sparsely populated land with both Arab (Muslims and Christians) and Jewish populace but under the governance of the Muslim Ottoman Empire. After World War I and

<sup>119</sup> See Jos. 8,25-29.

the dissolution of the Ottoman Empire, the governance of Palestine was given to Great Britain as a League of Nations mandate to run affairs until the territory could be equitably divided between Jews and Palestinians. However, World War II and the experience of the Holocaust helped to put into effect the creation of the modern state of Israel in the Holy Land. The land was however, divided between Jews and Arabs. One state, Israel, became a Jewish state, while the other was to be an Arab Palestinian state.

The Jewish community accepted the partition plan but the Arab world, believing the partition arrangements to be unfair, refused to participate, and the first of several Arab-Israeli wars broke out in 1947 after the announcement of the partition plan. An armistic, but not a permanent peace treaty, was agreed upon in 1949, but violent clashes have continued since then till today. These wars have major repercussions, as they have caused the change of the original geo-political arrangements, making Israel forces to occupy almost the entire Palestinian territory, as the Arab world allege. The new Jewish settlements on the West bank exacerbated an already tense conflict between the two sides and considerable violence erupted as Arab groups organized a series of *intifadas*, violent protests, to force the Israelis from what they saw as their ancestral land. Israelis, with American support, has always responded to any insurgence in the territory, with great military might. All this has resulted in a seemingly unending chain of violence and counter-violence. Some elements on both sides turned to terrorism and killings, justifying these actions in the name of holy war.<sup>120</sup>

Again, the argument that theological interpretations and sacred books are at the roots of the conflict in the Middle East as Selengut sustains, is loaded with some misgivings. It is true that both Israelis and the Arabs in the Holy Land have used strong religious arguments to justify the war against the other, but it is obvious, that the underlying issue is political. The conflict between the two sides has its root in the political arguments and legitimate historical grievances. Religion became an instrument that each side has continued to use for political reasons. This is because, as we indicated earlier, religion has in-built capacity to unite a group of the same cultural leaning for a common

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<sup>120</sup> Selengut, C., 2003: *Understanding Religious Violence: Sacred Fury*. Walnut Creek, CA: Alta Mira Press, 25.

course. Again, it is true that the Jews, given their theology and holy scriptures, consider themselves to be God's "chosen people", to whom God has given the holy land as an eternal inheritance, but the same Hebrew Bible recognizes the fact that the blessings of God extends also to other descendents of the biblical patriarch, Abraham. In the same context, the Islamic holy book, Koran speaks highly of the Jews as the people of the Holy Script, and forbids any form of disrespect to the prophets of the Old Testament Bible. Furthermore, to blame religion as the sole cause of the Middle East conflict is to deny the fact that on both sides, there are Arab Israelis and Christians, and vice-versa. In fact, once a balanced political solution is proffered for the conflict in the Middle East, other issues will take their proper place, including religion.

This brings us to the Christian approach to *holy war*. In principle, Christians interpret their religion as that of love and forgiveness. Christianity has been acknowledged also by many Christians and non-Christian scholars alike as a religion of peace and reconciliation in the modern world. For most Christians, war is a thing of the past, and much of contemporary Christian theology has taken on a distinctly pacifist stance. Moreover, the idea of a holy war is, in large measure, not based on the earlier biblical traditions and Christian theology. However, with time, and following the infiltration of political wrangling between some churchmen and European monarchs or kings, especially in the medieval period, the doctrine of "just war" came to be developed in Christian theology. Among other things, "just war" in the writings of some classical thinkers, means that the use of arms to defend oneself may be permitted in some extreme circumstances. However, some have interpreted this to include a call to use arms to defend threats to Christian religion and to punish heretics.<sup>121</sup> But this view needs a critical appraisal.

When Christianity became the religion of the Roman state, there were some instances in which it was forced to defend its doctrine. Being in power and concerned with security and order gradually forced some leaders of the church to tolerate a "war" against the invading forces. But this idea of "holy war" in Christian history and theology is not to be confused with the church's disciplinary measures to curtail heresy or the infiltration of alien faith. Some authors have attempted

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<sup>121</sup> Johnston, J. T., 1992. "Historical Roots and Sources of Just War Traditions in Western Culture," *Just War and Jihad: Historical Perspectives on Peace and War in Western and Islamic Traditions*, ed. Kelesay, J. and Johnston, J. T.. Westport, Conn.: Greenwood, 49.

to mix-up the idea of holy wars and persecutions with the church's old forms of disciplining her members (the so called inquisitions).<sup>122</sup> History records some tortures of unimaginable magnitude that really occurred as a result of inquisitions, but again, this was for a period of time in the history of Christianity and it did not last long. Moreover, it did not develop as divine or scriptural inspired mandate but rather as the exigency of the time presented itself to the then ecclesiastical leaders. It was more an ecclesiastical disciplinary measure other than a biblical and theological teaching on holy war; though it was abused and misapplied. Furthermore, these norms were the ordinary way for the church, as every other community does, to enforce order and fellowship in its ranks and files. Norms for the internal life of the church and for its relationship with others, must not be confused with the Christian approach to holy war. Both are different issues and each has its own distinct history and theology in the development of Christian religion.

In the same context, it is incorrect to view the sexual scandal of some church officials as a religious violence, as some authors seem close to argue these days.<sup>123</sup> Religious officials as custodians of morality are expected to live exemplary life, especially in matters of sexuality, and to have the confidence of the society in training the young people entrusted to their care. Sexual scandal of any form is not only disgusting but is something that the church itself abhors and counsels against, especially among its clergy and religious. The greater percentage of the clergy live exemplary lives but there may be few who do not. The weakness of the few is often blown up to overshadow the heroic and exemplary life of many of the clergy. Christianity has never presented weakness in sexual morality by any class of the faithful or clergy as ideal. In fact, Christianity appears unique in its venerable teaching on sexual morality – something that we cannot say of other major religions of the world. Therefore, to say that sexual scandal among some clergy is a religious violence because it is something approved or condoned in the church is to say the least about Christianity's strong and venerable tradition on sexual morality

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<sup>122</sup> Selengut, C., 2003: *Understanding Religious Violence: Sacred Fury*. Walnut Creek, CA: Alta Mira Press, 26; Arbuckle, G. A., 2004. *Violence, Society, and the Church*. Collegeville, Minnesota: Liturgical Press, 57.

<sup>123</sup> Selengut, C., 2003: *Understanding Religious Violence: Sacred Fury*. Walnut Creek, CA: Alta Mira Press, 210.

and of the exemplary witness of many clergy on this matter over the ages. Weakness in sexual morality is not peculiar to any group of people or profession at all. It is something that is found everywhere. Thus, the relationship that is often made between religion and sexual violence requires rethinking. While all are shocked and pained by the prevalence of reports of sexual abuse by religious officials, experts are of the view that the abuse is a result of psychological malfunctioning or mental illness on the part of the adult perpetrator. The abuse, as a matter of fact, is not a problem of religion per se but of actions carried out by mentally ill individuals, who may be found in all professions and classes of people. The issue of sex is a problem of the mind. As for the religious officials concerned, the problem could be a result of lack of close supervision and a failure to properly train them on how to deal responsibly with the children or young adults in their care. Better training, formal procedures, psychological testing, life of sanctity, and better supervision, will effectively deal with the abuse in religious life. Thus, sexual abuse should not be confused with religious violence, even if it is perpetrated by religious officials.

Again, the Christian authors who spoke of holy war against enemies of the faith, as it were, were children of their time. Christianity, in its beginnings, as we noted above was pacifist and opposed to violence of any sort. Even when Christianity came to Rome, many Christians were tortured and subjected to various forms of violence but these did not retaliate at all against their persecutors. The old Roman Empire subjected early Christians to violence but the Christians never responded with violence in return. It is the model of the Master (Jesus Christ) who, though innocent, was subjected to violence but did not retaliate. This is the background for any balanced evaluation of violence and the idea of "holy war" in Christianity.

The Crusades, while not detached from its ecclesiastical support, were influenced by a variety of political and economic factors. It came to be identified as a religious war because its executors were armies from *Christian* Europe and therefore, had the blessings of some ecclesiastical powers there. The executors of the Crusades, once more, used religion to pursue their political agenda. It was not, as such, a holy war for Christianity to maintain theological and social control or to stop alien religions and heretical sects from having power and influence. The underlying motivation, as later events have shown, was the political goal to establish European presence in the Middle

East and to contain the Arab expansion in the continent. The great powers in Europe used Christian religion to unite among themselves against a perceived common enemy – the Othman Arab Empire. The Arabs had earlier, as we noted before, united themselves under Islam and advanced to other lands which had led to their conquest of North Africa, Spain, Portugal and some parts of Eastern Europe, including Turkey, a former See of Eastern Orthodox Christianity.

Be that as it may, nowadays, there are some New Religious Movements among Christians which see religious violence as scriptural obligation. Among these also, some authors have mentioned the activities of radical Christian *antiabortion* groups, who approve and encourage violence against abortion clinics and sometimes murder the abortion workers.<sup>124</sup> The groups are mainly based in North America and again, these groups do not enjoy the approval of their churches, even though, abortion is considered a grave moral issue in Christian theology. The activities of radical groups who kill and destroy abortion clinics, have been condemned by mainline churches and contemporary Christian theology. One does not fight violence against unborn with another form of violence. Furthermore, the activities of the antiabortion radical groups must be evaluated in its right context. Though the radical groups may consider the bombing of abortion clinics and murder of abortion workers to be a religious obligation for their faithful, yet the main motivation is social and political. Some of these radical groups are funded by political organizations or parties in the society. They represent a constituency of one political party or the other and are funded by politicians for ulterior motives other than religious. The phenomenon of radical antiabortion groups, represent the political and social tensions in the society. Some radicals, however, use religion to legitimize some of these social and political ideologies operating in the society. Therefore, while the religious goal in these violence acts of some individuals and radical groups cannot be denied altogether, the underlying motivation often is not always religious. Some of the violent acts are motivated more by the social and political issues of the time than by religious beliefs.

It is from this perspective that one can appreciate the Christians' wide sense of remorse over violent events of European Christian history, as the church came to realize the role politics and cultural

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<sup>124</sup> *ibid*, 35.

supremacy had played in tainting her image with war and violence in that history. Today, Christianity has virtually retreated from tainting her image with “holy war” mongers. In the build-up to the Iraqi war, John Paul II was the only visible religious leader who opposed the war and the ideology behind the doctrine of preventive war. His successors, Benedict XVI and the present Pope Francis are no less a voice in this matter too. The popular and influential view now in mainstream Christian theology is that holy war violence is a relic of the past, part of Christian religious infancy.

In Islam, the Holy Koran was aware of the difficulties of waging war and conducting violence on behalf of religion and did not suggest it lightly. However, the idea of holy war (*jihad*) came to be developed following the struggle of early converts to the prophecy of Muhammad to establish their presence in the ancestral home of their prophet and founder, who had earlier on been sent into exile because of his new religion. Thus, the *jihad* was at the beginning, waged among the Arabs themselves for political control of the ancestral homeland of the prophet. The doctrine of holy war then came to be developed as a message of the Koran and as constituted by the call by Allah to reject pagan practices and immorality and establish an ethical and moral order in accordance with the will of God as delineated in the messages contained in the Koran. The battle had to start with the Arabian society which was viewed by the early Muslims as living in an age of *jahiliyya* – an age of ignorance and a culture bereft of ethics and morality. This meant that considerable effort and struggle – *jihad*, in the Muslim understanding – would have to be expended to transform a pagan, immoral society living in *jahiliyya* into a Islamic state governed by laws and authority which emanated from the one supreme God Allah.<sup>125</sup> Some have interpreted this to imply, in practical terms, that the struggle or jihad fought on behalf of Allah might have to involve coercive and violent battles in order to destroy the culture of *jahiliyya* and achieve the goals and society ordained in the Koran. But, in its early beginnings, *jihad* started as political or ideological battles, and later as a holy war which could result in death and destruction in order to obliterate an immoral social and political order and replace it with a Muslim community governed by divine law, *sharia*, as interpreted by Muslim clerics.<sup>126</sup>

<sup>125</sup> Armstrong, K., 2000. *The Battle for God*. New York: Alfred A. Knopf, 218-258.

<sup>126</sup> Selengut, C., 2003: *Understanding Religious Violence: Sacred Fury*. Walnut Creek, CA: Alta Mira Press, 29.

The use of the Koran to legitimize a call to establish a Muslim *ummah*, an embracing Muslim community, has led Islam since the time of its prophet Muhammad to divide the world between the lands and states under Muslim control, referred to in Muslim jurisprudence as *Dar al-Islam*, the domain of Islam, and those lands and territories not under Muslim jurisdiction, called *Dar al-Harb*, the domain or abode of war. However, the unfortunate thing here is that the goal of *jihad* is not to force individual conversions but to bring about the transformation, by force and violence if necessary, of non-Muslim areas into Muslim-controlled states, whereby they become part of the Islamic world, the *Dar al-Islam*. Islam from its earliest periods permitted monotheistic religions like Christianity and Judaism to maintain their religious institutional life within Muslim societies, but these communities, known as *dhimmi* communities, while allowing religious and economic rights, were consigned to an inferior status and subject to special taxes and obligations. For example, in Egypt, the Christian Orthodox (Coptic) Church has the status of *dhimmi* and has to pay tax for its continued existence in an Islamic state of Egypt. This is despite the fact that the Christian Church was already established in the area many years before the Arab Muslim conquest of Egypt. Unlike *dhimmis*, citizens of non-Muslim societies are seen as *harbi*, people living in a war zone and therefore subject to conquest. The late Alhaji Ahmed Bello, the Sultan of Sokoto (the See of Muslim Caliphate in Northern Nigeria), a charismatic leader of Muslims in the country, declared sometime in the past that the Koran must be dipped into the Atlantic Ocean (Southern regions) coastal part of Nigeria. Most people saw in this a declaration of *jihad* on the non-Muslims who inhabit the southern part of the country. The declaration was seen as being insensitive to the multi religious nature of Nigeria and of the fact that majority of the Christians are from the south of the country. But it signaled the beginning of the tensions that we see today between Muslims and Christians of Nigeria. First, it ignited the infamous three-year Biafra-Nigeria War (1967-1970) that claimed about three million lives, most of whom were from the East (Christian zone) of the country. The present-day activities of the so called “Boko Haram” extremist Islamic terrorist group operating in the northern part of Nigeria is just another manifestation of the old problem. The same applies to the fate of non-Muslims in Sudan where the central government (before the referendum that led to the creation of new nation of South Sudan), had insisted in forcing *sharia* on the non-Muslim population of the south of the country. The refusal of the

people from the south of Sudan to accept the imposition of *sharia* on them was also at the root of the protracted wars and religious violence in that country though there are other factors.

This vision of *jihad* has led some authors to explain that holy war, in appropriate settings, is an essential element in the Muslim religious mission. There appears to be a canonically obligatory perpetual war “between Islamic civilization and non-Islamic societies which must be fought by faithful Muslims” until the whole world either accepts the message of Islam or submits to those who bring it.<sup>127</sup> The world, in the view of some Muslims, is divided between “Islam and non-Muslim” and the devout believer must answer the call of *jihad* to advance Allah’s message for all. From the perspectives of some, believers should throw themselves into an unending *jihad* until their religious duty of world transformation is complete.<sup>128</sup>

However, and in keeping with the perspective of this study, political reality, military strategy and evolving religious understanding of Islam influenced this extreme view of *jihad* in Muslim history and theology. These realities have also helped in modifying Islam’s approach to holy war in modern times. In the course of their history, Muslims have often reconsidered the precise contexts and meanings of jihad and Dar al-Islam, and their concomitant justifications for holy war have changed. For example, in the medieval period, when Islam was steadily advancing in the world of that era, it was assumed that all non-Muslim lands would be conquered and would take their place in the greater Dar al-Islam. After the Spanish *Reconquista* and the expulsion of Islam from the West, the classical view of total and constant *jihad* was modified to fit the gradual loss of Muslim hegemony. However, in spite of these changes and theological adjustments and controversies throughout the centuries to this day, subsequent experience of humiliation suffered by Muslims and the Islamic world in general, the unhealthy relationship that had often existed between them and their neighbors, the call to *jihad* and holy war remains central to Islamic political and religious culture.

As we noted before, the most recent example of the Islamic call for holy war is the one declared in 1998 by the radical Islamic sheik, the late

<sup>127</sup> Lewis, B., 1984. *The Jews of Islam*. Princeton, N.J.: University Press, 21.

<sup>128</sup> Selengut, C., 2003: *Understanding Religious Violence: Sacred Fury*. Walnut Creek, CA: Alta Mira Press, 30.

Osama bin Laden, and his al-Qaeda organization against the United States of America. In this also there is mixture of politics and religion. It is a case of a charismatic Muslim sheik who used his religion to advance his political ambition and agenda against his perceived enemies. For al-Qaeda, the United States is a “satanic” empire, a land of *kufirs*, immoral infidels who consort with the apostate Muslim elites in Egypt, Jordan, Saudi Arabia, and other Muslim states, cooperated with the United States in the 1991 Gulf War, and have, against Islamic religious law, permitted American troops to be stationed in the sacred precincts of Saudi Arabia. Moreover, the United States is a land of sexual immorality and idolatrous beliefs and is guilty of exploiting Muslim countries for their oil and other natural resources. The United States, moreover, is seen as the world power representing world Christianity and Judaism, “the Zionist Crusader alliance,” in the late Osama bin Laden’s rhetoric, which is determined to destroy Islam. The United States uses all its power, influence, and foreign aid to subvert Muslim religiosity and Islamic institutions. Thus, Bin Laden’s call for war and violence against all Americans is based on his fundamentalist but highly traditional and pious interpretation of Muslim texts, which he argues demand that all Muslims participate in a holy war which will bring violence and death to Americans as individuals and to the United States as a nation.<sup>129</sup> Bin Laden negated political negotiation or religious dialogue in addressing the issues he raised and encouraged the use of violence and organized war against his perceived enemies. Thus, the al-Qaeda movement has translated their holy war declarations into highly organized and strategically successful terrorist attacks all over the world. The September 11, 2001 terrorist attacks in the United States, the 1998 bombings of American embassies in Kenya and Tanzania, among others, are seen as results of al-Qaeda-organized terrorist activities. The American-led wars in Afghanistan and Iraq are taken as part of responses to curtail the activities of this terrorist group. But despite that, the al-Qaeda warriors have refused to surrender and have sought to fight to the death in their war against the so called *infidels*.

### Motivations for the Holy War

What are the characteristic motivations for the holy war? Selengut presents three general characteristics of it, which are worthy considering for the purpose of this write-up.

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<sup>129</sup> Ibid., 40.

In the first place, *holy war is fought to defend religion against its enemies*. This idea of holy war is used to fight against those who are believed to threaten the spiritual or material well-being of the religious community. This includes governments and societies whose legal systems, political orders, social organizations persecute and discriminate against one's religion or group and threaten the practice and free expression of religious life and political growth of the people. These "enemies" of religion can also include, at times, secular governments that, though promoting the free expression of religion, encourage or tolerate cultural expressions like pornography, the sale of alcohol, or sexual practices which are seen as a danger to religious morality and the continuity of religious community. "Enemies" is a relative term and a social organization or alien religion can be redefined, at any time, by religious authorities and be subject to holy war.

Secondly, holy war is fought to ensure religious conformity and punish deviance. Here violence and war are pursued to protect "true" religion against heretics and those who challenge religious orthodoxy. This was frequently the justification for the post-Reformation wrangling between Protestants and Catholics and is today a major justification of *jihad* against moderate Muslims in the Islamic world. It is also used to justify violence by ultra-orthodox Jews against those Jewish groups they consider deviationist sects in their own communities.

Finally, there are *holy wars fought under the direction of charismatic religious leaders*. This is a general and somewhat all-embracing category which legitimates violence as holy war when fought at the direction of charismatic leaders who are believed to represent the divine will. Charisma, the gift of grace, the gift of leadership, is a unique quality of leadership which enables special individuals to endow their directions with sacred meaning and motivate individuals to participate in religious wars. Charismatic leaders often deviate from religious traditionalism and are frequently opposed by established religious authorities, but their religious and psychological hold on followers is so great that followers will obey the charismatic leader's bidding, despite the objections of the traditional clergy. Rabbi Meir Kahane and Osama bin Laden are contemporary examples of such charismatic leaders. The traditional clergy by and large do not recognize their religious authority to declare holy war but their charismatic leadership enables them to declare holy war against those they define as enemies.

## Psychology of Religious Violence

Experts on religious violence have developed a new theory which speaks of the psychology of religious conflict and violence. The psychological perspective does not focus on specific theological issues or matters of faith but analyze violence as a way a social collectivity deals with structures of injustice, frustration, envy, anger and the feeling of powerlessness in the face of an overwhelming internal or external aggression. According to this theory, the accumulated aggression, frustration and conflict within any society must find an outlet or the group itself will be destroyed by internal conflict, rivalry and external aggression. Religious battles against competitors or those labeled enemies, in this view, are merely ways of allowing the human collectivity to express its pent-up anger and frustration. The violence expressed by the group takes religious form and is justified by religious vocabulary, but it is primarily a way to get rid of anger and aggression that, if left uncontrolled, would jeopardize social order and coherence. In other words, religious violence is not as it were, about religion but about psychological issues and dilemmas that take religious form. There is the sense in this psychological approach that those involved in religious conflict and confrontation are themselves unaware of the underlying psychological forces and motivations which provoke and maintain the specific religious struggles.<sup>130</sup>

No doubt Sigmund Freud's psychological ideas influenced this theory. In his works, particularly in *Totem and Taboo* and *The Future of an Illusion*, Freud saw civilized society as possible only in a situation where humans are forced to repress their instinctual desire to fully express their sexual and aggressive drives. In the Freudian view, human aggression and the propensity for violence do not have to be related to actual conflict or historical grievances. Human biology, social relations, and brain activity are intrinsically linked to aggression and violence, and despite all attempts at amelioration, aggression and violence remain an essential part of the human condition. According to this view, the measure of social order we do enjoy is made possible by the fierce demands of civilization, as seen in religious teachings, family socialization, schools, and the workplace. In his book, *Civilization and Its Discontents*, Freud argues that men are not friendly creatures wishing for love, who simply defend themselves if they are

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<sup>130</sup> Ibid., 49.

attacked, but that a powerful measure of desire for aggression has to be reckoned as part of their instinctual endowment. In this Freudian psychoanalytic view of human nature, men's neighbor "is to them not only a possible helper or sexual object, but also a temptation to them to gratify their aggressiveness on him, to exploit his capacity for work without recompense, to use him sexually without his consent, ... to humiliate him, to cause him pain, to torture and kill him".<sup>131</sup>

Freud was an avowed atheist, and in the Freudian system, religion is viewed as having no basis in empirical reality. But in this case, for Freud, religion does have a positive function because it provides human collectivities with myths and rituals which help defuse the ever-present aggression, which, if left without an outlet, would threaten social order and destroy society. According to Freud, rituals and myths were developed in later days to remember, commemorate, and vicariously relive the earlier real or imagined collective efflorescence of aggression and violence. In all these, the sacrificial victim in religious rituals (like animal sacrifice and even human sacrifice which represent the early religious practices), in the Freudian view, serves as convenient outlet for the accumulated anger and sexual aggression engendered in the society that, if not expressed against the sacrificial object, would be taken out against members of the society. Sacrificial victims do not, in the Freudian view, represent an objective threat to the group; they are killed solely as a function of the group's need to gain release for the pent-up anger and aggression. In this way, Freud explains the ubiquitous nature of religious conflict and violence. In the Freudian view, religious protagonists from time immemorial to the present fight, kill, and sacrifice in the name of religion, but the religious activity is an elaborate, if not unconscious, cover-up.

However, in this Freudian view, one notices the tendency to subject all human activities and religious beliefs to psychoanalysis, and to locate the origin of violence in human society to neurotic malfunctioning. But at the end, Freud blames religion for all these. Freud lashes out a traditional criticism on religion and says that by sacralizing and legitimizing violence against outside enemies, it promotes intra-group violence. The ideas of Freud though highly suggestive, are controversial and experts of religious violence have had

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<sup>131</sup> Freud, S., 1930, *Das Unbehagen in der Kultur*, Wien (<http://www.textlog.de/sigmund-freud-unbehagen-kultur.thml>, 27.2.2014)

to contend with the significance of his ideas and analyses. In this particular Freudian thesis of religious violence, it is difficult to say where the role of neurosis ends and where that of religion begins. There seems to be a mix-up of the two.

Rene Girard, the author of the controversial books as *Violence and the Sacred* and *Things Hidden since the Foundation of the World*, has also a Freudian type of interpretation on the relationship between religion and violence. For Girard, religious institutions are critical to the well-being of society because religion functions to defuse the anger and aggression that inevitably develop among people by providing rituals that serve as an outlet for actual and real anger and fury. Through ritual sacrifice and relived myths, religion encourages the expression of “safe” and controlled anger and aggression so that violence is not expressed against members of one’s own group but against victims who cannot fight back, or the aggression is acted out in symbolic rituals in which aggressive emotions are acted out but no one is actually injured or killed. Girard takes the position, that “sacrificial rites” are critical to avoiding war and violence.<sup>132</sup>

Girard takes issue with Freud as to the reason for human aggression and the need for violence. Where Freud emphasizes instinctual aggression, Girard sees violence as a result of envy and jealousy, what he calls “*mimetic desire*”.<sup>133</sup> In Girard’s understanding, mimetic desire is the wish to take on the positive attributes of another person, to be like that person in all the ways in which that person appears ideal, to act like that person, to have the high status, to be strong, wealthy, and socially desirable. This desire to emulate leads to envy, jealousy, and, according to Girard, ultimately to conflict and the desire to eliminate and destroy the model one so desires to imitate. Alternatively, we can become competitive with others in our society as to who is best achieving the ideal qualities of the societal model. Either way, mimetic desire leads inevitably to competition, comparison, and the desire to eliminate the competitor. If the competition does lead to actual violence on the part of the desired other, violence will be responded to with violence and a never ending cycle of violence will ensue.

<sup>132</sup> Selengut, C., 2003: *Understanding Religious Violence: Sacred Fury*. Walnut Creek, CA: Alta Mira Press, 52.

<sup>133</sup> Girard, R., 1977. *Violence and the Sacred*. Baltimore: Johns Hopkins. 1987. *Things Hidden Since the Foundation of the World*. Stanford, Calif.; University Press, 143-168.

Thus, for Girard, aggression and violence emerge from the desire for sameness or even love and respect. The competitors begin by wanting to be like each other, but out of fear and envy they become enemies and want to eliminate each other. No society can tolerate this accumulated anger and violence. Religion, by providing sacred outlets for this violence in the form of sacrifices and holy war, is the means by which violence is kept out of the society. In other words, in the view of Girard, religion does not deny or repress violence, but rather keeps it outside one's own social milieu by permitting violence against outsiders, those classified as enemies. For Girard, it is essential that the three constituent elements of religion – symbols, myths, and rituals be maintained in order to avoid the outbreak of actual violence. Both the historical cases of religious war and the many cases of contemporary religious conflicts and violence are directly attributable, according to Girard, to the breakdown of symbolic rituals to defuse violence. Thus, for Girard, the essence of religion and its essential function is to provide an outlet for the violence created by envy and competition. However, Girard adds that what makes religious violence so functional is that those who engage in such violence see it as divinely ordained and feel no taint of shame or guilt.<sup>134</sup>

Many scholars have criticized and rejected Girard's theory of religious violence as an insightful literary analysis of myth but not one supported by empirical studies of religious violence. Historical cases of religious violence indicate that conflicts and violence between different religious groups do not originate from envy or desire to be like the other. In fact, religious conflicts and violence occur because members of one group hates the way of life of the other group and so would want to avoid its influence in their domain. For example, Muslim fundamentalists of the Al Qaeda network organization are not attacking their pent-up enemies just because of envy or desire to be like them, but because of what they hate in the life style and culture of their enemies. Girard's analysis avoids political strategy and goals as major elements in evaluating the causes of religious violence. He incorporates myth, ritual, and the unconscious being of the human person and says that religious violence comes about as a result of envy and desire to be like the other. He avoids political and military dimensions of religious violence, but would suggest psycho-

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<sup>134</sup> Selengut, C., 2003: *Understanding Religious Violence: Sacred Fury*. Walnut Creek, CA: Alta Mira Press, 53-54.

logical solution in resolving a lot of internal and probably unconscious problems of the society that foster religious conflicts and violence.

In any case, the strength of Girard's thesis lies in the ability to show how religion could be involved with conflict and, that religion among its numerous functions, has also the capacity to help societies to deal with their own internal violence. In Girard's view, religion does not have to be a force for violence. Genuine religion provides myths, stories, liturgy, and rituals that help society express violent sensations symbolically so that actual violence need not occur. Girard's theory helps to explain why a war is sometimes waged against a perceived external enemy so as to quell a problem or to achieve a relative harmony at home. A country achieves a new harmony in its domain, in Girard's understanding, by engaging in violence against another so that violence is not taken out on one's own group. According to Girard, the function of religious wars is to keep the violence engendered in the community outside the community.<sup>135</sup> Wars that are fought for the most ideological and pure reasons are, in this view, merely elaborate attempts to defuse violence against neighbors so that social order will be maintained.<sup>136</sup> This means that wars can be consciously fought to siphon off internal violence or to deny that there are political and economic triggers that generate violence.

### Religious Fundamentalism and Violence

According to Patrick Arnold, fundamentalism is an aggressive and marginalized religious movement which, in reaction to the perceived threat of modernity seeks to return its home religion and nation to traditional orthodox principles, values, and texts through co-option of central executive and legislative power of both the religion itself and the modern national state.<sup>137</sup> For R. Scott Appleby, fundamentalism is "a specifically pattern of religious militancy by which self-styled true believers attempt to arrest the erosion of religious identity, fortify the borders of the religious community, and create viable alternatives to

<sup>135</sup> Rapoport, D., 1991. "Some General Observations on Religion and Violence," in *Violence and the Sacred in the Modern World*, ed. Mark Juergensmeyer. London: Frank Cass. 118-140.

<sup>136</sup> Selengut, C., 2003: *Understanding Religious Violence: Sacred Fury*. Walnut Creek, CA: Alta Mira Press, 57.

<sup>137</sup> Arnold, P., 1990. "The Reemergence of Fundamentalism in the Catholic Church," *The Fundamentalist Phenomenon*, ed. N.J. Cohen. Grand Rapids, Michigan: Eerdmans, W.B., 174.

secular structures and processes".<sup>138</sup> For some others, fundamentalism is a form of "organized anger" and many fundamentalist groups "share the deep and worrisome sense that history has gone awry," the result of modernity and post-modernity. In brief, fundamentalists believe their task is to make history accord with the orthodox principles of their religion. Fundamentalists are anti-intellectual and intolerant of opposition; and are absolutely certain that they are right. They are led by male charismatic or authoritarian leaders; draw their following from professional and working classes, though disproportionate numbers come from among the young, educated, unemployed, or underemployed males. They select particular statements from the sacred texts of their religion or tradition to legitimate their actions; and ignore other important points.<sup>139</sup>

Furthermore, fundamentalists tend to form themselves into sects in the traditional sense described above, rather than cults. They believe that people in an established religious group have lost their original truth and zeal, so their task is to purify the group. If resistance is too great, fundamentalists may form a schismatic group. Fundamentalism in the Western world has generally tended to be confined to the middle class, whereas in India and Israel its mix of nationalism and religion has attracted people from all sections of society. In the Islamic world fundamentalism has appeared as the mouth piece for the oppressed and marginalized and as a reaction against the increasing Western influence and hegemony in these regions. Modernity and post-modernity in their many forms are the "Great Satan" for Islamic fundamentalists. In a reaction against the modernization and secularization that the mullahs believe have corrupted the purity of Islam, Ayatollah Khomeini outlawed as "satanic" all those elements that symbolize corruption in Iran.<sup>140</sup>

Among the fundamentalists, violence can range from manipulating facts and truth to physical assault on people and property. Fundamentalists who commit themselves to violence believe they are living in exceptional times that threaten their beliefs, and this permits

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<sup>138</sup> Appleby, S. R., 2000. *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation*. Lanham: Rowman and Littlefield, 86.

<sup>139</sup> Arbuckle, G. A., 2004. *Violence, Society, and the Church*. Collegeville, Minnesota: Liturgical Press, 196.

<sup>140</sup> Appel, V., 1983. *Cults in America: Programmed for Paradise*. New York: Holt, Rinehart and Winston, 17.

them to suspend normal requirements of their religion, such as respect for human rights. Towards the end of his life, Ayatollah Khomeini explained why fundamentalists are able to use terrorism even though this is normally against their religious beliefs. He claimed that since the very survival of the Islamic Republic of Iran was threatened, parts of the Islamic law governing it were to be bypassed in favor of the supreme jurist's (i.e., Khomeini's) own decisions.<sup>141</sup> In this way he justified the establishment of state terrorism in Iran and his support of Islamic terrorists in other parts of the world. Likewise, the fundamentalist Taliban in Afghanistan and extremist radical Christian groups who kill abortionists or blow up their buildings claim that exceptional times demand ruthless responses. White supremacists in the United States, who destroy property and kill, assert that the laws of the land no longer apply to them, for governments are corrupt and evil. God is calling them to be his special prophets and all previous laws are suspended.<sup>142</sup>

Another form of fundamentalist activity is to engage in political terrorism, "criminal behavior designed primarily to generate fear in the community, or a substantial segment of it, for political purposes".<sup>143</sup> The primary motivation of terrorist organizations may be nationalist (e.g., Basque Nationalism, the Irish Republican Army), ideological (e.g., the Red Brigade), or religious mixed up with politics; e.g., the Taliban, Hamas, Hezbollah – the Lebanese Shiite movement). All have one thing in common, namely, to create enough fear in the population to force governments to make desired political changes.<sup>144</sup> Terrorist movements have existed for centuries, sometimes involving thousands of members, but in recent times there has been a radical change in their character. Now, given the increasing availability of sophisticated technology, a small group or even one individual can terrorize thousands, even millions of people. Small groups are difficult to detect and infiltrate.

Terrorism has at least three strategic objectives: a) to gain publicity; b) to show that a government cannot protect the people; and

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<sup>141</sup> Appleby, S. R., 2000. *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation*. Lanham: Rowman and Littlefield, 89.

<sup>142</sup> Arbuckle, G. A., 2004. *Violence, Society, and the Church*. Collegeville, Minnesota: Liturgical Press, 199.

<sup>143</sup> Johnson, C., 1982. *Revolutionary Change*. Stanford: University Press, 154.

<sup>144</sup> Hoffman, B., 1998. *Inside Terrorism*. New York: Columbia University Press, 43.

c) to force a government to overreact by turning the situation into a military one with the aim of restricting a population's freedom that people will eventually turn against their government and impel it to submit to the terrorists' demands.<sup>145</sup> With the availability of weapons of mass destruction and advanced technology, terrorists can now imagine a further aim, namely, to paralyze and undermine a nation's economic infrastructure, even the global economy itself. The terrorist attack on the United States illustrates that that aim is now a real possibility.

In fact, it is claimed that the present Islamic fundamentalism is a reaction to modernization and to ongoing economic and cultural domination by the West. Again, the Islamic fundamentalists feel that so much has been destroyed by contact with the West: Koran (Qur'anic) education, a sense of community, social coherence, the old religious legal system; above all, respect for ancient Muslim culture and values. Globalization has intensified this feeling of loss, e.g., the Internet pornography, the atomization of families, the neglect of religious values. The West is blamed, but the United States in particular is seen as leading the way of the destruction of all that is considered sacred. Political terrorism draws on this bitter resentment, and terrorists have a perverted hope that in the violent downfall of the "Great Satan" (America), the world will be put right again.<sup>146</sup>

The uncomfortable truth about all this is that much of the contemporary hostility of fundamentalism, especially in the Islamic world is the result of the past political alliances and arbitrary colonial configuration of people which aimed only at serving a narrow political agenda at the time. For example, the idea of *jihad*, or holy war, had almost stopped in the Islamic world after the tenth century but was revived, with a foreign backing, in order to create a pan-Islamic movement following the Soviet invasion of Afghanistan in 1979. The policies of the foreign power over the last twenty years in that part of the Muslim world had therefore helped to create both Osama bin Laden and the fundamentalist Taliban regime that protects him. The foreign power sent billions of dollars' worth of weaponry to groups fighting the Soviets. The aid succeeded and Soviets were forced to

<sup>145</sup> Johnson, C., 1982. *Revolutionary Change*. Stanford: University Press, 156-168.

<sup>146</sup> Arbuckle, G. A., 2004. *Violence, Society, and the Church*. Collegeville, Minnesota: Liturgical Press, 201.

withdraw, but the results are everywhere to be seen: huge supplies of arms, powerful local warlords, and extreme religious zealotry. Now the *jihad* has been taken into Pakistan, to the *unjust* kingdoms of the Gulf, the repressive states of the southern Mediterranean, and to the West itself. Even the harmless states of sub-Saharan Africa have also become the targets of the terrorists as was the case in the bombing of American embassies in Kenya and Tanzania and the regular disturbances by the Muslim militants in the Sudan and Northern Nigeria.

Furthermore, most of the conflicts in other parts of the world are seen as a result of unjust political decisions and ambiguous foreign interests of the powerful nations over the developing countries of the southern continent. For example, most of the conflicts in sub-Saharan Africa owe their roots to the history of slave trade and colonialism that followed. Of particular importance is the 1885 Berlin Conference of the European nations that divided up the continent of Africa for economic purposes without any regard to the people there. Again, many of the world's troubling problems have their roots in decisions made at the treaty of peace at Versailles in 1919 following defeat of Germany. Among them are the creation of Burundi, Rwanda, the Congo and Iraq, the instability of the Balkans, and above all, the feud between the Arabs and the Israelis.<sup>147</sup> Similarly, in recent times, there are Palestinian exiles in refugee camps in Lebanon, Syria, and Jordan living in poverty and overwhelmed with a sense of hopelessness. All these are compounded all the more by the current arbitrary geopolitical and economic systems that have divided the countries of the North against those of the South. Frustration is attracting growing numbers of refugees to Islamic extreme groups; violence in defense of their political and religious rights, these dispossessed refugees believe, is the only way out of their oppressive conditions.<sup>148</sup>

As long as the domineering groups continue to contribute to the volatile atmosphere, and unless the injustices are addressed, the world can expect more violence and terrorist activity. The rage of "violent fundamentalists" often has its roots in past and present injustices. Until the injustices are openly acknowledged and addressed, it is impossible to begin dialogue and reconciliation.

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<sup>147</sup> Arbuckle, G. A., 2004. *Violence, Society, and the Church*. Collegeville, Minnesota: Liturgical Press, 201.

<sup>148</sup> *The Economist*, 8 September 2001, 51.

## Conclusion

The study of religious conflicts and violence raises one critical question: Are the seemingly never-ending cycle of religious conflicts, clashes, wars and terrorism across the globe, truly examples of religious violence or, are they merely attempts to use religion as a vehicle to justify secular political or nationalist goals, seek economic control and political hegemony? Again, are the religious conflicts merely a way to express ethnic resentment over mistreatment or minority status? In other words, how *religious* are many of these conflicts and outbreaks of religious violence? Religious violence as we experience them today could be described as combination of all these. Most of the violence and conflicts are done in the name of religion and so religion *per se* cannot be exonerated from the cause of the violence and conflicts as such.

Having said that, it is important to note that religion is involved in fostering these acts of violence because it is a powerful tool that could be used to motivate people to action and provide resources for social and political movements that is highly useful in battling for nationalist and secular goals. Leaders of national, ethnic, linguistic and cultural movements are aware of the ability of religious beliefs to motivate collective action, and they often seek to use religious language and symbols to foster and justify continuing ethnic or socio-economic and political conflict even in situations where religion was not initially an element in the conflict. Thus, the origins of some of the conflicts that may appear as religious in nature today, could, by hindsight, be discovered to have been motivated by socio-political and economic goals. Moreover, since most of the contemporary conflicts have a long history, their socio-political origins may not be easily acknowledged. But the fact remains that at its beginning, most of the conflicts we describe today in religious context, were triggered off by secular goals. This does not mean that some of the cases involving religious violence are, however, not motivated by religious doctrine, faith, and sacred fury. Again, the power of religion to unite people of the same faith for a common cause makes it an easy instrument to be used by nationalists and interest groups for secular goals. While operating under a hidden secular framework, they would try to impress upon the faithful the religious goals for their violent activities. But in reality, the motivations are political and secular. Often the perpetrators of religious violence would claim, among other things, that the reason for

their violent action is to champion God's will, to oppose those whom they perceive as enemies of their religion, and to push ahead the imposition of their religious vision of society and law for all. No doubt, these goals have religious motivations. And in a sense they show how the religious violence of ordinary believers is being manipulated by social elites for their own economic and political gain. In other words, many of the wars we label as *religious*, the violent demonstrations, even the dramatic suicide bombings, which are done under the cover of religious events, are, but attempts to use the pious masses to force competing ethnic groups or powerful states to make political concessions or to gain economic advantage for the governing elites.

Therefore, in evaluating religious violence, there is need to acknowledge the fact that there are many elements at play. The socio-political and economic dimensions of conflicts and violence are as devastating as the religious motivations that legitimate them and are often used to pursue the secular goals in religious conflicts and violence. Thus, as a way of addressing and reducing religious violence, it is important to understand, first of all, the complex nature of religious violence itself. Both religious protagonists and political leaders need to be sensitized about the complexity of religious violence. The whole field of religious conflict resolution is new, and, fortunately, some have already developed a series of highly creative strategies and techniques for mediating religious conflict and violence. Some of these strategies have worked well in different settings and appear to have considerable promise of larger applicability, while other approaches, more theoretical and innovative, have yet to be proved workable.

# Religious Freedom as a Human Right



# Religious Freedom in the Maghreb Countries

Hans Vöcking

Once upon a time there was a spark of freedom. It ignited in Tunisia, spread to Egypt and then lit up Libya and other regions in the Arabic Islamic world. Young and courageous freedom fighters went out on the streets and squares to put an end to decades of oppression. Demands were raised for the observance of universal values – human dignity, freedom of thought, religious freedom and emancipation. Observers of events in this region witnessed an Islamic society embarking on a journey towards change and into the modern age.

The Maghreb covers the Northern African countries of Algeria, Morocco and Tunisia. These countries form a coherent region, both linguistically and culturally. The national language of the three states is Arabic, and their culture has been dominated by Sunni Islam since the seventh century. It influences the organisation of their communities and provides guidelines for national and international policies.

Lasting traces have been left by France as a colonial power, which was present in the Maghreb region from 1830 to 1962. Three *départements* were set up in Algeria – Alger, Constantin and Oran – which formed part of the French nation. Morocco, Tunisia and the Sahara, on the other hand, were run as mandates. France shaped and organised society along European lines, and the French colonial power respected Islam as the religion of the majority. France's long presence in the Maghreb has left its mark: along with Arabic, the national language in all three countries, French continues to play an important role as a language of education, trade, culture and everyday interaction.

## Religious minorities in Northern Africa

According to the Maliki School, one of four recognised schools of Islamic Sunni law, the predominant religion in all three countries is Sunni Islam. Based on the tradition of Medina, Malikis follow a

rigorous interpretation of Islam whereby the interests of the Islamic community rank higher than those of the individual. According to the constitutions of Algeria, Morocco and Tunisia, Islam is the state religion in each country. However, religious minorities have been present in the Maghreb for several centuries.

In Algeria and Tunisia there is an Islamic minority of Ibadites. This is the only surviving branch of the Kharijites (“those who went out”) in Northern Africa. The movement arose from a group of Muslims who opposed both the 4th Caliph, Ali (602-661), and his opponent, the 6th Caliph, Muâwiya (600-680), as they were fighting for domination. Later the Kharijites also resisted the Sunni Caliphate of the Umayyad dynasty (661-744). The main reason for the split was the Kharijite dogma that any Muslim – “even an Ethiopian slave” – can hold the office of an imam or caliph. They see themselves as the elect and all non-Kharijites as infidels.<sup>149</sup>

A Jewish minority has lived in the three Maghreb countries for many centuries. Quite a few traditional Moroccan dishes, for instance, have their origins in Jewish cuisine.<sup>150</sup> However, the number of Jews in the area has gone down considerably since the three countries gained independence. The foundation of the state of Israel and the Israeli-Arab wars are further reasons why Jewish communities in Morocco and Tunisia are very small now.

The third religious minority is formed by a variety of Christian churches and fellowships. There has been a lively church in Northern Africa since the second century, with Carthage as a centre of Christian theology and spirituality. The church in Northern Africa paved the way for Latin Christianity by translating the Bible and the writings of the Church Fathers into Latin.<sup>151</sup> The time of Saint Augustine, the greatest Latin-speaking Doctor of the Church, was the period when the church experienced its greatest extension. During the fourth century today's territories of Tunisia and eastern Algeria had around 300 dioceses. In the seventh century Northern Africa was conquered by Arabic Muslims, and Christianity disappeared in the course of the centuries.<sup>152</sup>

<sup>149</sup> Elger, R. (ed.), *Kleines Islam-Lexikon*, Bonn 2001.

<sup>150</sup> Riemenschneider, M., *Zur Situation der Christen in Nahost und Nordafrika*, KAS Auslandsinformationen, 2011, 6, 6.

<sup>151</sup> De Sauto, M.: Teissier, H., *un évêque en Algérie*, Paris 2006, 36.

<sup>152</sup> Cuoq, Joseph, *L'Eglise d'Afrique du Nord du II<sup>e</sup> au XII<sup>e</sup> siècle*, Paris, 1984.

During the colonial era the core of the Christian minority was formed by European immigrants. It was the French Roman Catholic Church that created the ecclesiastical structures of dioceses and parishes in the Maghreb. In the same way the French Reformed Church also created its church structures, which continue to exist in the expatriate community to the present day.

New Protestant churches have arisen in all three countries over the past thirty years, both Evangelical and Charismatic. They go back to the activities of North American missionaries from the 1970s onwards. Today, however, it is local people who work as missionaries, preachers and church leaders. The exact number of conversions is not known; the Northern African media speak of several thousands, mainly among the Berbers.

Estimated number of Christians:

Algeria:	65,000 Evangelical Christians 10,000 Protestants 4,000 Catholics 1,000 Orthodox
Morocco:	23,000 Catholics 6,200 Protestants and Evangelical Christians 1,000 Orthodox
Tunisia:	21,000 Catholics <sup>153</sup> 1,800 Protestants and Evangelical Christians 300 Orthodox <sup>154</sup> 1,000 Jews on the island of Djerba and about 40 families in Tunis <sup>155</sup>

Taken together, Jews and Christians in the three Maghreb states form a minority of less than 1%, and Christian churches mainly consist of migrants, African students, diplomats and international experts.

### Religious freedom in traditional Islamic doctrine

Despite different manifestations of Islamic society today, all of them have one thing in common. Their political and legal foundations

<sup>153</sup> Neue Zürcher Zeitung (29 April 2013) mentions 30,000 Christians.

<sup>154</sup> [www.ead.de/gebet/gebetstag-fuer-verfolgte-christen/archiv/archiv-laenderinformationen](http://www.ead.de/gebet/gebetstag-fuer-verfolgte-christen/archiv/archiv-laenderinformationen).

<sup>155</sup> Neue Zürcher Zeitung, 29 April 2013.

derive from the Qur'an and the tradition of Mohammed (570-632). Mohammed continues to be the timeless model both in theological doctrine and in his function as a legislator and politician. Yet there are also Muslims who believe that such principles can only be derived through a contemporary reinterpretation of the two sources – the Qur'an, on the one hand, and the Sunnah and tradition, on the other. Any investigation into human rights in general and religious freedom in particular requires that the two sources be read with today's knowledge in mind. They take the view that the Qur'an provides guidelines for "correct" action and is the basis for a "just order", but that the two sources do not have constitutional status. The character of the Islamic order stands and falls with Sharia law, on which it is based.<sup>156</sup> Muslims regard Sharia law as a compendium of commandments and prohibitions which were taught by acknowledged scholars as an unchangeable divine order between the 7th and 10th centuries.

Problems arise when we talk about the equality of citizens, freedom and the freedom of religion while applying the basic tenets of the Western world as a yardstick. And tension can be expected when it comes to implementing freedom of expression, political freedom, gender equality, equality between Muslims and non-Muslims, the separation of powers, the rule of law, and the freedom of conscience and religion. Modern thought comes face-to-face with traditional concepts based on Sharia law. Numerous things have changed, as a result of which political rights have been given to non-Muslim minorities in the Maghreb countries. For instance, citizens are entitled to vote and stand for election regardless of their religion or gender. Religious freedom, however, is only granted within narrow limits. Nevertheless, it is worth noting that an increasing number of Muslim men and women now also believe in the compatibility of religious freedom and Islam.

Islam traditionally sees freedom as a matter of the law – Sharia law – which contains God-given specifications for areas in which individuals are permitted to make their own decisions. In Islamic society, freedom is seen as covering two areas. The first one concerns the relationship between a Muslim and a slave<sup>157</sup>, who is the property of a

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<sup>156</sup> Scharia und Rechtsstaat – Informationen zur politischen Bildung, 2012, 317, 79.

<sup>157</sup> "hurr". EI <sup>2</sup>(Engl) IV, 587.

Muslim and therefore not free. The second understanding of freedom is about the personal ethical behaviour of a Muslim. A Muslim is free if he is fighting for a good cause. Freedom becomes a matter of *noblesse*. This idea goes back to pre-Islamic times, and Arabic poetry has preserved the concept of “noble” action as a desirable virtue to the present day.

When Greek literature and academic writings were translated into Arabic, Muslims came into contact with Greek ideas about the philosophical issue of freedom as such. As a result, the interpretation of *noblesse* also came to be equated with Aristotelian virtues such as “generosity”. It should be pointed out, too, that Muslim philosophers such as Farabi (around 870-950) and Ibn Averoes (1126-1198) had only limited knowledge of political freedom.<sup>158</sup>

A major contribution to an understanding of freedom came from Sufi movements. For Muslim mystics (*hurriyya*)<sup>159</sup> freedom essentially concerns people’s behaviour towards all things, except their behaviour towards God and the worship which is due to him. Seeing the relationship between God and man as that between a master and a slave who is totally dependent on God in all things, Ibn Arabi describes freedom as “perfect slavery” to God.

The concept of freedom was discussed in Islam during the Middle Ages, but this did not lead to the formation of any fundamental political idea. On the other hand, the concept of freedom as limited freedom did play a role in defining the position of Jews and Christians in Islamic countries, under the institution of the *dhimma*.<sup>160</sup>

Non-Muslim believers – mainly Jews and Christians – were defined as “people of the book” and were given their own legal status within Islamic society or in an Islamic state. Such a person was required to pay a special poll tax called *jizya*, which guaranteed their personal safety, security for their property and the right to practise their religion within certain limits. In all public matters, however, they were subject to the legal system of the Islamic state. This meant, for instance, that they could not hold any public office which involved authority over Muslims. Non-believers, on the other hand, were generally not

<sup>158</sup> EI<sup>2</sup>, (French) III, 609.

<sup>159</sup> Huriyya EI<sup>2</sup> (Engl) III, 589.

<sup>160</sup> Dhimma is the legal status of the dhimmi, i.e. “persons in care”.

regarded as having personal rights and were therefore not given the right to exist within Islamic society or in an Islamic state.<sup>161</sup>

### The current situation of religious freedom in the Maghreb

Society in the three Maghreb states has been moulded by Islamic traditions and the Islamic concept of law for over a thousand years. During French colonialism Muslims came into contact with Western thinking through the educational system, administration, legal system and commerce. This influence continued after the three countries gained their independence. They became members of numerous international organisations, were integrated into the framework of international law and ratified international treaties. Today's society is an amalgam of Islamic cultural traditions, Sharia law and jurisprudence (*fiqh*) and modern democratic and pluralistic social models. The vehemence with which different political ideas are now clashing was demonstrated during the Arab Spring, when sections of society demanded the introduction of modern Western values. Traditionalists, on the other hand, responded by upholding classical Islamic values.

The strong impact of Islamic tradition even today is reflected in two publications: the Universal Islamic Declaration of Human Rights by the Islamic Council for Europe (19 September 1981)<sup>162</sup> and the Cairo Declaration on Human Rights in Islam<sup>163</sup> by the Organisation of the Islamic Conference (OIC)<sup>164</sup> in 1979. These declarations are not compatible with the United Nations Universal Declaration of Human Rights, particularly on the freedom of religion – a fact which was recognised by the Muslim signatories who declared that the human rights guaranteed in 1948 were the product of Western liberalism and secularism. The essence of human rights, they argued, had to be redefined and purged of Western cultural influences. The most important differences between Islamic human rights and those of the

<sup>161</sup> Garaudy, R., Die Menschenrechte und der Islam – Begründung, Überlieferung, Verletzung und zukünftige Perspektiven, *Concilium* 26 (1990) 2, 131.

<sup>162</sup> Universal Islamic Declaration – Politisch-Religiöse islamische Grundsatzserklärung, CIBEDO-Texte, 1980, 4.

<sup>163</sup> Forstne, M., Die allgemeine Islamische Menschenrechtserklärung – CIBEDO-Dokumentation, 1982, 15/16.

<sup>164</sup> The Organisation of the Islamic Conference (OIC) has since then been renamed Organisation of Islamic Cooperation.

UN concern an understanding of the positions of men and women, religious freedom and, in particular, the freedom to change one's religion.

## Algeria

Archbishop Dr. Ludwig Schick, Chairman of the Commission for International Church Affairs of the German Bishops' Conference, visited Algeria from 2 to 6 April 2013. He was "deeply impressed by the witness to the faith of this small church" with its ministry to migrants from West Africa and to disabled people. Moreover, the church also engages in intercultural dialogue with the academic world.<sup>165</sup>

In principle, the constitution of the country does grant religious freedom. However, articles 5 to 11 of its 2003 Administrative Regulations contain substantial restrictions on this freedom. They specify that any form of religious practice is subject to government permission. This also applies to Muslims, so that only government-appointed imams can carry out their functions at official mosques. Also, under the 2003 regulations, any solicitation to change religion constitutes a criminal act and may incur up to three years imprisonment for a lay person and up to five years for the holder of a religious office. In 2006 the regulations were tightened further, so that they now also include a ban on printing and disseminating religious literature that might be used for the purposes of conversion. Only Muslims were consulted in preparing this regulation, not Christians.<sup>166</sup>

Liturgical worship and religious gatherings may only be held on state-approved premises. The Roman Catholic Church and the Protestant Church of Algeria (EPA)<sup>167</sup> each have official legal status. However, Evangelical and Pentecostal churches regularly have their meeting rooms closed and are subject to other forms of police intervention. One reason is undoubtedly that these churches consist almost entirely of former Algerian Muslims who have converted to Christianity. Nevertheless, the number of Christian converts is still growing in Grande Kabylie.

<sup>165</sup> <http://www.dbk.de>.

<sup>166</sup> <http://www.ead.de/gebet/gebetstag-fuer-verfolgte-christen/archiv/archiv-laenderinformationen>.

<sup>167</sup> EPA = Eglise Protestante d'Algérie.

## Morocco

During the French Protectorate (1912-1956) Muslims were banned from entering churches, and non-Muslims – i.e. foreigners – were not allowed to visit mosques. In this respect the French mandate administration adopted the doctrinal position of the Islamic legal school of the Malikis, and the regulation is still in force today. Since independence Islam, as the state religion, has been part of the country's constitution, and the King is regarded as "Lord of the Faithful". He is the protector of Islam, and religious freedom is only granted to non-Muslims converting to Islam. It does not apply to Muslims wishing to leave Islam or change to another religion.

King Mohammed VI has liberalised some areas of law since he took office in 1999. The Arab Spring has also reached Morocco. Although the movement did not bring down the kingdom, King Mohammed VI was obliged to introduce a range of reforms in order to keep his position of power and maintain public peace in the country. He was forced to make concessions to the Islamic Party of Justice and Development (PJD).<sup>168</sup>

Members of the Roman Catholic, Russian Orthodox, Greek Orthodox, French Protestant and Anglican Churches are permitted to practise their faith in Morocco. Only the Catholic Church was given special legal status in a royal decree in 1983.<sup>169</sup> However, foreign churches are subject to restrictions. Bell-ringing is banned, Christian literature in Arabic and bibles must not be handed to Muslims, and "proselytism" is a punishable offence. Such action is defined in Morocco as persuading a Muslim to join a different religion through false promises or bribery.

Foreign Christians are allowed to confess their faith relatively openly, while converts must exercise restraint and can only do so in secret. The main source of such obstacles and restrictions is the Islamic fundamentalist influence of public authorities, neighbours and family members. Another element that should not be underestimated is the financial support received by certain Moroccan Islamist movements from Saudi Arabia. On the other hand, it is also worth noting that the younger generation of Moroccan Muslims and

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<sup>168</sup> Parti de la Justice et Développement.

<sup>169</sup> <http://trioimail.wordpress.com/2010/03/20/>.

Christians are prepared to stand up more for political and religious freedom.

## Tunisia

Prior to the Arab Spring in December 2010, Tunisia had been regarded as the most secular of the Maghreb states. The First President of Tunisia, Bourguiba, and his successor, Ben Ali, wanted a secular state, although religion was still not regarded as a private matter. The constitution of this independent state defines Islam as the state religion and forbids apostasy from it. Article 5 of the country's first constitution guarantees the inviolability of the human person and protects the freedom of religious practice, albeit only on condition that there is no "disruption of public order". The 2012 elections brought several Islamic movements to power, which now have an absolute majority in parliament and are drafting a new constitution. It is unlikely that there will be more openness or religious freedom; more probably even tougher restrictions will be imposed. The Nahda Party, which has the majority in the Constituent Assembly, wants to prevent the inclusion of freedom of religion and conscience as separate fundamental rights in the country's constitution. They are equally opposed to the protection of minorities. Selma Baccar, an MP of the Democratic Progressive Party, believes the last option is to submit a supplement to the two articles for the plenary debate on the constitutional draft in May 2013.<sup>170</sup>

After two visits to the Vatican by President Bourguiba<sup>171</sup>, a further visit by the Tunisian foreign secretary on 16 February 1963 paved the way for an agreement between the Tunisian state and the Roman Catholic Church, a *modus vivendi* being established between them in 1964. Places of worship were transferred to the state<sup>172</sup>, the title "Bishop of Carthage" was abolished and – in return – Tunis became a territorial prelatore. The Roman Catholic Church was permitted to worship freely yet discreetly, to work through schools and engage in charitable activities. The *modus vivendi* provided a guarantee that priests would be allowed to enter the country and obtain residence permits.

<sup>170</sup> Steinich, A., *Religion ist in Tunesien keine Privatsache*, Neue Zürcher Zeitung, 7 May 2013.

<sup>171</sup> President Bourguiba on 19 June 1959 and 23 September 1962.

<sup>172</sup> Seven churches remained under Church ownership, however.

Since the country's independence in 1956 not a single Protestant church has been given official status as a church or religious community. The former French Reformed Church in Tunisia (ERT)<sup>173</sup> is tolerated and currently has a small international, multilingual congregation. The majority of its worshippers are Christians from African countries south of the Sahara. Protestant Christians are forced into illegality and have no choice but to gather in private homes.

Muslims who have converted from Islam to Christianity encounter problems with their families and society.<sup>174</sup>

## Outlook

It is still too early to gauge the real impact of the political and social upheaval which started in Tunisia in December 2010. In Morocco and Tunisia unrest led to the drafting of a new constitution, while in Algeria it produced political reforms. As a result of the Arab Spring free elections were held, which led to Islamist parties taking over power in Morocco and Tunisia. The consequences of political change for Christian minorities are difficult to predict. However, the history of Islamic society has shown that whenever political changes have occurred within them, any "freedoms" that were once granted to religious minorities are curtailed and their social situation deteriorates.<sup>175</sup> The situation of non-Muslim minorities in the Maghreb countries remains tense and is dependent on the goodwill of the political institutions and administrative authorities.

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<sup>173</sup> ERT = Eglise Réformée de la Tunisie.

<sup>174</sup> <http://www.eann.de/tunesien-protestantische-christen-faktisch-illegal/6786/>.

<sup>175</sup> Richard L. Russell can already foresee this development in the Middle East today: <http://nationalinterest.org/commentary/the-crushing>.

# Freedom of Religion for a Church in Minority Situation

Emmanuel Asi

“You are Free  
upholding the Principles of Respect and Individual Freedom.  
The Constitution of Pakistan safeguards the freedom of religion  
as well as the rights and interests of Minorities.  
(Articles 20,22,25 and 36) Pakistan has also ratified  
the International Covenant on Civil and Political Rights (ICCPR) in 2010.

And yet  
every single day, Pakistani Citizens are being abused, attacked and killed  
on the basis of religious and ethnic differences alone.  
Their family members including their children and each one of us who is witness  
to this rampage of violence, hatred and intolerance effected.”<sup>176</sup>

## Introduction

Pakistan is certainly a very diverse society with various ethnic and religious minorities. Over the last several years, several western governments and international organizations such as the United Nations Organization (UNO) have identified Pakistan as a country of particular concern for religious freedom.

There has been a significant amount of condemnation for what is perceived as Pakistan’s lack of effort in stopping persecution of religious minorities. These reflections, though have all religious minorities at the background, and emphasize mainly, maintaining its fidelity with the theme, Christian religious minority.

This article predominantly has the tone and diction of reporting. It is important to know these basic and contextual realities in order

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<sup>176</sup> This was a full page commitment by a Civil Society Group written in The News International, Saturday, On 23rd. March 2013, Pakistan Day of Democracy }. Website: tolerantpakistan.com.

to have any reflections from a Pakistani perspective. It is important to keep this context as central to any content when considering the realities of the situation for Christian minority living in Pakistan.

These reflections are an effort to promote dignity of human person as well as dialogue between religions. The context and perspective of these reflections is Pakistan, a dominantly Islamic country which is steering towards religious fundamentalism.

### **Religious Minorities in Pakistan**

Pakistan is an Islamic country of almost 184 million people. Out of this 96.28% people are Muslim. The majority of Muslims in the country are Sunni. Almost 3.72% belong to different religious minorities mainly Christians and Hindus. The more frequently visible minority groups residing in Pakistan are Christians (1.69 %), Hindu and Schedule Caste (1.6 %) Ahmadis /Qadianis(1.42 % ), Others include Parsi, Buddhist and Bahais, Jews ...etc.

The religious minority believe that they are underrepresented in government census counts. Official and private estimates of their numbers can differ significantly.

Pakistan has a total area of 796,096 square KM. Of four political Provinces of Pakistan, Punjab is the largest province in the country. It contains almost half of the country's total population. Muslims are the majority in Punjab. More than 90 percent of the country's Christians reside in Punjab, making them the largest religious minority in the province. Approximately 60 percent of Punjab's Christians live in rural villages.

Christians and Hindus each constitute approximately one percent of the populations of Sindh and Baluchistan provinces. Ahmadis are concentrated in Punjab and Sindh. Many varieties of Hinduism are practiced, depending upon location and caste. Hindus have retained or absorbed many traditional practices of Sindh. Hindu shrines are scattered throughout the country.

The Sikh community regularly holds ceremonial gatherings at sacred places in the Punjab. Parsis, who practice the Zoroastrian religion, have no regularly scheduled congregational services.

Because religion is tied closely to a person's ethnic, social, and economic identity, religion plays an important part in daily life.

## **Ahmadis**

The 1973 constitution of Pakistan declared Ahmadis, a minor sub-sect in Islam founded in South Asia in the late 19th Century, “non-muslim”. Ahmadi Muslims occupy high level positions in the bureaucracy and the military since the establishment of the country. Pakistan’s Nobel prize winner in Physics, Abdus Salam also belonged to the Ahmadi sect.

## **Christians**

The largest religious minority in Pakistan, is Christian.. This includes Anglicans, Protestants, Catholics and Evangelical Sects. They are represented in many fields of Pakistani society and have [influence] to some degree.

## **Hindus and Sikhs**

There is also a small Hindu minority in the country. Sikhism itself was founded in the province of Punjab, from where most its adherents originate.

## **Jews**

Historically, there has been also a small contingent of Jews in Pakistan most of whom left in the 1960s. There is a small of the Jews predominantly residing in the city of Karachi.

## **Minorities and Society**

These minority groups are profoundly integrated in the society of Pakistan and it is difficult to recognize and separate minorities from their socio economic features and characteristics. Although there are some minor socio-economic and cultural differences between the majority and minorities but on the whole only the religion is a separating aspect of the life of the minorities.

For Minority religions the Pakistani government has reserved quotas in educational institutes and reserved seats in government as well represented in parliament.

## **Importance of Christians in Identity of Pakistan**

Christianity has also contributed to the formation, growth and

development of Pakistan with its mission and services of education, health, special persons, human welfare, Justice and Peace, Human Rights (bounded labor, women ), ecology, Inter-Faith dialogue and multiple variety of different Institutes.

Christian Institutes have also provided leadership to the National Assembly at large. Some of the best English medium, schools in Pakistan are those associated with the Church. Muslim families who send their children to these schools need only make alternate arrangements for their children's religious education.

Christians in Pakistan are generally portrayed as a persecuted, yet insignificant minority. Pakistan has a long way to go in protecting religious minorities, including Christians.

### **Freedom of Religion**

Pakistan is an Islamic republic; Islam is the state religion. Islam also is a core element of the country's national ideology; the country was created as a homeland for Muslims. Under the constitution, both the President and the Prime Minister must be Muslims, and all senior officials are required to swear an oath to preserve the country's "Islamic ideology."

Religious freedom is "subject to law, public order, and morality;" hence, actions or speech deemed derogatory to Islam or to its Prophet are not protected. In addition, the constitution requires that laws be consistent with Islam and imposes some elements of Quranic law on both Muslims and religious minorities.

Lack of religious freedom is the greatest problem for the religious minorities in Pakistan. They are not allowed to preach their religion properly and are always monitored by the authorities carefully. They are not given permission to build easily their religious worship places and every kind of hindrances are created to stop the construction of the religious worship places. Sometimes they are also disturbed while praying in order to take personal revenge in different forms.

### **Constitutional position**

Freedom of religion in Pakistan is guaranteed by the Constitution of Pakistan for individuals and religious sects. However this freedom is declared subject to "reasonable restrictions". The constitution of

Pakistan, signed on 12 April 1973, has several points that protect the rights of minorities. The Preamble states that “provision shall be made for minorities freely to profess and practice their religions” and that there shall be “guaranteed fundamental rights, including freedom of belief, faith, worship...” and that the legitimate interests of minorities shall be safeguarded. Part IX of the constitution, dealing with Islamic Provisions, specifically states that “Nothing in this Part shall affect the personal laws of non-Muslim citizens or their status as citizens.”

The constitution provides for freedom of religion, and states that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the government has imposed limits on freedom of religion. The constitution also provides that there is no taxation for propagation of a religion that is not one’s own; no obligation to receive instruction in a religion that is not one’s own; and no denial of admission to public schools on the basis of religion.

One of the main purposes of a country’s constitution is to protect the majority from terrorizing and discriminating against minorities. However, there are limits beyond which minorities cannot go. Apparently, the Supreme Court of Pakistan values public peace for the majority over freedom of a religious minority.

The constitution of Pakistan written by A.R. Cornelius, a Christian Catholic and Chief Justice of Pakistan, (which was suspended following the October 1999 coup) provides for freedom of religion, and states that adequate provisions are to be made for minorities to profess and practice their religions freely; however, the government imposes limits on freedom of religion.

### **Policies and Practices of Government**

The original constitution of Pakistan did not discriminate between Muslims and non-Muslims. However, the amendments made during Zia-ul-Haq’s Islamization led to the controversial Hudood Ordinance and Shariat Court. Later, Nawaz Sharif’s government tried to enforce a Shariat Bill, passed in May 1991. After the incident of 9/11, Pervez Musharraf government took steps to curtail the religious intolerance among different factions of Islam and non-Muslims.

The Pakistani government, through the efforts of the late Federal Minister for Minorities Affairs Shahbaz Bhatti has taken some positive steps regarding religious freedom and tolerance. Mr. Bhatti

successfully used the position to obtain government assistance for victims of religiously-motivated mob violence, advocate publicly for reform of the blasphemy laws, and increase public focus on religious minorities' concerns.

These efforts resulted in the government undertaking the following:

In May 2009, it announced a five-percent quota in federal employment for members of religious minority communities. It officially celebrated "Minorities' Solidarity Day". It designated August 11 as an annual federal holiday, called "Minorities' Day;" and committed to construct prayer rooms for non-Muslim inmates in all prisons. Also, the Minorities Ministry establishing a 24-hour hotline to take reports of violence against religious groups.

Minister Bhatti also established a National Interfaith Council, convened in July 2010, to promote understanding and tolerance among the different faiths. The Council was comprised of the four principal Imams of Pakistan, the heads of its principal madrassas, the leading Catholic and Protestant Bishops, and the leaders of the Ahmadis and Parsi communities.

Mr. Bhatti also established District Interfaith Harmony Committees in every district of Pakistan to promote religious tolerance through understanding. Each committee is comprised of six Muslim leaders and six members of minority faith communities.

In March 2011 after the death of Shahbaz Bhatti, Government appointed Dr. Paul Bhatti, brother of Shahbaz Bhatti, as Special Adviser to the Prime Minister on Minority Affairs.

Nevertheless, discriminatory laws promulgated in previous decades and persistently enforced have fostered an atmosphere of religious intolerance and eroded the social and legal status of members of religious minorities, including Shi'a Muslims, Ahmadis, Hindus, and Christians.

In addition, the 18th amendment specifically stipulated that the prime minister must be a Muslim and did not address the anti-Ahmadi provisions in the constitution. Government officials do not provide adequate protections from societal violence to members of religious minority communities, and perpetrators of attacks on minorities are rarely brought to justice.

Sometimes an establishment also brings forward some people as so-called representatives of the minorities in order to satisfy international community and donors and institutions.

### **Religiously-motivated Violence**

Pakistan experienced a qualitative change in religiously-linked violence due to members of the majority faith whose views contradicted those of extremists, and members of minority faith communities. Armed extremists, some with ties to violent extremist groups or the Pakistani Taliban, intensified their attacks, including bombings, against Christians and other minority religions.

There are thousands of examples of such religiously motivated violence in Pakistan. The following examples of sectarian or religiously-motivated violence are illustrative of the numerous and often fatal attacks against innocent Pakistanis by extremists who use religion to justify their crimes.

#### ***Against Christians***

Christians, for the last three decades, have also been victims of violence. Christian places of worship and religious and educational institutes (schools, hostels) have been constantly under religiously motivated violence. Few examples will suffice here.

In 1985 Holy Cross Catholic Church at Rahim Yar Khan was desecrated and destroyed. In February 1997 a cluster of Christian dwellings in 14 villages, including schools and churches were burnt to ashes in and around Shanti Nagar, near Khanewal.

In October 2001, masked gunmen opened fire at the St. Dominic Church in Bahawalpur, killing 11 persons and injuring more than a dozen worshippers. Officially, three members of an extremist group thought to be responsible for the Bahawalpur incident were killed in a "police encounter."

In March 2002, an attack on a church in Islamabad left five persons dead, including two foreign nationals. Police made no arrests in connection with past sectarian killings. Numerous such killings remain unresolved.

On Christmas day 2003 a small village community at Chian Wali

(Distt. Sialkot) was attacked by people with guns while the community was praying and celebrating Christmas.

In November 2006 in Sangla Hill, Catholic and United Presbyterian Christian churches and Priests and Pastor residence, religious Convent, St. Anthony's Girls High School and Hostel was completely burned to ashes. Even parish and school record and registers and clothes and beds of Hostel girl students and those of the parish priests were burnt. In 2008 a village near Kasur was threatened to be burnt alive.

It was during that year when a cartoonist in Denmark published some cartoons insulting Prophet Muhammad (PBUH), that the Muslim world got very furious. In Sukkar a Muslim mob burnt St. Mary's Church and few other buildings in the compound of Catholic Church and of Church of Pakistan. It was an event that created great fear and insecurity. They went through a state of life and death. They had to run away to save their lives.

In August 2009 violence in the village of Gojra, eight Christians were killed and 18 injured, and two churches and about 75 houses burned, following an accusation that Christians had desecrated the Holy Quran. However, several churches were attacked in March 2011, reportedly in response to the burning of a Holy Quran in Florida, USA by a Rev. Pastor.

In July 2010 St. Dennis High School and Hostel in Murree, a summer hill station was burnt. This was an old and historical building belonging to Church of Pakistan, Diocese of Lahore. It had served and educated many high ranking leaders in the country.

In January 2012 an old and big home of the aged, and staff houses and a Religious Sisters Convent, commonly known as "Ghosha-e-Aman" (literally, Corner of Peace) in Lahore was totally destroyed and leveled to the ground.

And recently in mid February 2013, fresh in our memories, the Joseph Colony in Lahore was burnt and destroyed. There were several individual incidents of violence against Christians accused of blasphemy.

Marginalization and poverty make the Christian community in Pakistan vulnerable, and sexual assaults against underage Christian girls by Muslim men continue to be reported. In March 2011, a

10-year-old Catholic girl was allegedly raped in Punjab province and authorities have arrested the accused perpetrator. Such a police response is not always the norm.

In another case involving the rape and murder in January 2010 of a 12-year-old Christian girl in Lahore, her Muslim employer, a prominent attorney and former Lahore Bar Association president, was acquitted in November 2010.

### ***Against Hindus and Sikhs***

Due to their minority status, Pakistan's Hindus and Sikhs are vulnerable to crime, including robbery and kidnapping for ransom. Hindu businessmen in Sindh have been increasingly subject to extortion or kidnappings for ransom. Hindus have also been targeted in the province of Sindh and Balochistan, where they are the largest religious minority and where the security situation is problematic due to a long-running ethnic insurgency.

### ***Against Ahmadis***

Ahmadi individuals and institutions long have been victims of religious violence, much of which is instigated by organized religious extremists. In recent years, scores of Ahmadis have been murdered in attacks which appear to have been religiously motivated. For instance, on May 27, 2010, three Ahmadi businessmen were killed in Faisalabad. The largest incident of anti-Ahmadi violence in recent years occurred in Lahore on May 28, 2010, when militants carried out coordinated attacks against two Ahmadi mosques, killing at least 93 people and wounding scores more.

### ***Against Shi'a Muslims***

Violent extremists also have targeted Shi'a processions and mosques. The procession of about 35,000 marchers was marking the anniversary of the death of Imam Hussain when on September 3, 2010 a suicide bomber attacked it in Quetta, killing 43 people and wounding 78. Tehrik-i-Taliban claimed responsibility for both. On January 25, 2011, a suicide bomber attacked a Shi'a procession in Lahore. Seven people were reported dead and 25 wounded.

Sectarian violence received national attention and continued to be a serious problem. Christians and other religious minorities often

are the targets of such violence. Many religious and community leaders reported that a small minority of extremists account for the vast majority of violent acts against religious minorities. However, discriminatory religious legislation has encouraged an atmosphere of religious intolerance, which has led to acts of violence directed against Christians.

### **Assassinations of Blasphemy Law Opponents**

Two prominent Pakistani officials – Punjab Governor Salman Taseer and Federal Minister for Minorities Affairs Shahbaz Bhatti – were assassinated because of their opposition to Pakistan's flawed blasphemy laws. These two represented government support for the cause of forgiveness and release of Mrs. Asia Bibi, condemned to death because she was accused of this law.

On January 4, 2011 Salman Taseer, a longtime political ally of President Zardari and an outspoken critic of the blasphemy law, was assassinated by one of his police bodyguards. After shooting Taseer multiple times, the assassin, Mumtaz Qadri, surrendered peacefully and confessed that he had killed the governor because of the latter's views on blasphemy.

While Taseer's murder was condemned by political leaders, 500 Muslim clerics, praised Qadri's actions and warned people against mourning Taseer. As a result, Taseer's family had great difficulty finding an imam to officiate at the funeral. While the Prime Minister attended the funeral, President did not. In Islamabad, lawyers showered Qadri with rose petals when he arrived in court for his arraignment.

On March 2, 2011 Shahbaz Bhatti, a longtime Christian activist for religious freedom and the first-ever Christian in Pakistan's federal cabinet, was assassinated outside his mother's home in Islamabad by members of Tehrik-i-Taliban, commonly known as the Pakistani Taliban. Bhatti had received multiple death threats because of his advocacy against the blasphemy law, including one from Tehrik-i-Taliban threatening to kill him if he was reappointed to the cabinet.

Immediately after his death, Prime Minister and Interior Minister visited the hospital and while the Prime Minister attended the funeral, but President did not.

## **Anti-Religious Discriminatory Legislation**

The judicial system of Pakistan encompasses several different court systems with overlapping and sometimes competing jurisdiction, reflecting differences in civil, criminal, and Islamic jurisprudence. The Federal Sharia Court and the Sharia bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood Ordinances, and judges and attorneys in these courts must be Muslims. The federal sharia court also may overturn any legislation judged to be inconsistent with the tenets of Islam.

Obtaining a Pakistani national identity card or passport requires the applicant to sign a religious affirmation.

Christians and other religious minorities are afforded fewer legal protections than Muslim citizens. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent Government policies do not afford equal protection to members of majority and minority faiths. For example, all citizens, regardless of their religious affiliation, are subject to certain provisions of Shari'a.

The religious minorities are dealt as second class citizens constitutionally and they cannot become head of the state or senators due to having a different religion. Besides this constitutional discrimination the minorities have to suffer social injustice and discrimination. The promises of the authorities towards the providence of social justice to the minorities are still dreams.

Discriminatory religious legislation adds to an atmosphere of religious intolerance, which contributes to acts of violence directed against Christians and others religious minorities.

## **Electoral Process for Non-Muslims**

In 1980s Zia ul-Haq introduced a system under which non-Muslims could vote for candidates of their own religion. Seats were reserved for minorities in the national and provincial assemblies. Critics argue that under this system Muslim candidates no longer had any incentive to pay attention to the minorities. Pakistan's separate electoral system for different religions has been described as 'political Apartheid'. Hindu community leader Sudham Chand protested against the system but was murdered.

Few non-Muslims are active in the country's mainstream political parties. Christian and Hindu leaders conducted a boycott to protest against the system of separate electorates during the local elections. In October 2000, a coalition of Christian non-governmental organizations sent a petition to Pakistan's President, Pervez Musharraf, requesting a dialogue between the government and minority religious leaders on the controversy. The government did not acknowledge receipt of this petition.

In January 2002, the Government eliminated the separate electorate system. Separate electorates had been a longstanding point of contention between religious minorities and human rights groups on the one side and the Government on the other.

With the elimination of the separate electorate system, political representation is to be based on geographic constituencies that represent all residents regardless of religious affiliation. Minority group leaders believe this change may help to make public officials take notice of the concerns and rights of minority groups. Because of their concentrated populations, religious minorities, especially Christians, could have significant influence as swing voting blocks in some electoral constituencies.

### **Social Injustice and Discrimination**

The Pew Forum on Religious and Public Life rated Pakistan highest 10 points scale of "social hostilities index" closely followed by India, Sri Lanka and Bangladesh. Despite the assurance for minority religious in the constitution there are elements of discrimination-such as the limiting of the Presidency and Army Chief to Muslims only. There are records of cases of violence against Christians over the last few years, most following accusation of blasphemy.

The minorities have to suffer socio-economic injustice and discrimination they are socially isolated along with having sense of insecurity. They are economically poor and educationally backward. Their income is very low and they have to suffer discrimination while finding some suitable jobs. Even during the jobs they are not given job securities and promotions due to the prejudice. They are deprived of better residence and health facilities. They are soft targets of the zealots for the socio-economic injustice, prejudice and terrorism. Christians have

to suffer discrimination because they are economically and political poor and not influential.

Social injustice and discrimination are common social norms against minorities especially against Christians. The followings are some various forms of social discrimination:

In a small town Patoki before the cafe the board of '*not allowed for the non-Muslims*' was placed. In the city of Kasur, 40 KM East of Lahore, at the border of India, few Muslim Barber shops refuse to provide their professional services to Christian Community. In some cases Christians are not allowed to drink from the same source of water from where Muslim would also drink. In some places Christians are made to pay for that cup in which they have drunk tea as this cup will not be used by Muslims any more.

Mostly Christians are considered traitors and foreigners, which is totally wrong misconception because all Christians are indigenous. They are living here from their several generations. Christians are also charged to have underhand affiliation with western and sub continental countries related to their religion. While the minorities are as loyal as the majority people to their motherland.

Although the law sometimes does not support this phenomenon of ongoing social injustice with the minorities but the authorities always act passively on the complaints of the minorities deliberately due to the socio political pressure of fundamentalists. For example in village No. 288 District Toba Tek Singh there lived fifteen Christian families. There was a well, which was the only source of drinking water. The local Muslim resident bought this land and prohibited the Christians to drink water from there. The minority people approached to the court, which decided in the favor of those poor people, but this man threw a mud in the well. The local authorities also allegedly assisted this man.

Persons who have been accused under the blasphemy laws, including those acquitted of the charges against them, often face societal discrimination.

Although there are few if any citizens who are Jewish, anti-Semitic sentiments appear to be widespread, and anti-Semitic and anti-Zionist press articles are common.

## **Discrimination in Employment**

Members of minority religions volunteer for military service in small numbers, and there are no official obstacles to their advancement. However, in practice non-Muslims do not rise above the rank of major general and are not assigned to politically sensitive positions.

Christians and Hindus also find themselves disproportionately represented in the country's most oppressed social group, bonded laborers. Illegal bonded labor is widespread. Agriculture, brick-kiln, and domestic workers often are kept virtually as slaves. According to the National Commission for Justice and Peace (NCJP), the majority of bonded labor in those sectors is non-Muslim. The faith of some, particularly of Christians, often can be ascertained from their names.

Discrimination in employment based on religion is believed to be widespread. Christians in particular have difficulty finding jobs other than those involving menial labor, although Christian activists say that the employment situation has improved somewhat in the private sector in recent years.

## **Mistreatment based on one's Belief**

Police torture and other forms of mistreatment of persons in custody are common. There have been instances in which police have used excessive force against individuals because of their religious beliefs and practices. The police also have failed to act against persons who use force against other individuals because of their religious beliefs.

Christian communities have documented instances of the use of excessive force by the police and police inaction to prevent violent and often lethal attacks on members of their communities. The blasphemy laws also are used to harass Christians; A number of cases have lingered for years.

Prison conditions, except for the "class A" facilities provided to wealthy and politically high profile prisoners, are extremely poor and constitute a threat to the life and health of prisoners. According to the National Commission for Justice and Peace (NCJP) and the Center for Legal Aid, Assistance, and Settlement (CLAAS), non-Muslim prisoners do not enjoy the same facilities as Muslim inmates.

The National Commission for Justice and Peace (NCJP) of the Pakistan Catholic Bishops' Conference, using official budget figures for expenditures in 1998, calculated that the Government actually spent \$17 (PKRs 850) on each Muslim and only \$3.20 (PKRs 160) on each religious minority citizen per month.

### **Conditioned Freedom of Speech**

According to the constitution the Pakistani government does not restrict religious publishing per se. However, it restricts the right to freedom of speech with regard to religion. Speaking in opposition to Islam and publishing an attack on Islam or its Prophets are prohibited. Pakistan's penal code mandates the death penalty for anyone defiling the name of Prophet Muhammad life imprisonment for desecrating the Holy Quran, and up to 10 years' imprisonment for insulting another's religious beliefs with intent to outrage religious feelings. But here 'religion' mostly means Islam.

Government authorities closed down a leading provincial newspaper, the Frontier Post, and placed five of its employees under protective custody in late January 2001, following the publication of a letter to the editor that contained comments that were critical of Islam. Government law enforcement officials failed to prevent a mob from setting fire to the Frontier Post printing presses on January 30, 2001.

Christian scriptures and books are available in various cities of Pakistan but only on Christian bookshops. However, in recent years, the owner of a Christian bookshop in few cities has been reported frequent questioning by local Muslim religious leaders and occasional questioning by the police. Such questioning may lead to self-censorship among Christians. In Karachi St. Paul's Communication Center (Book shop) and Pakistan Bible Society (PBS) have been harassed, attacked and damaged. The staff of former center was taken in Police station.

Few years ago a Muslim Maulvi (religious leader) put up a court case demanding that printing and promoting of Holy Bible should be legally banned in Pakistan as it contained 'porno' material in it. Thanks God this case was rejected.

Foreign books and magazines may be imported freely, but are subject to censorship for religious content. The Government restricts

the distribution and display of certain religious images on Media such as the Holy Trinity, cross and Jesus Christ.

### Religious Discriminatory Laws

An old blasphemy law, which was written in 1927 during colonial days, banned insults directed against any religion. In 1986, dictator General Zia-Ul Haq modified the law to protect only Islam. The law require a life imprisonment or a life sentence for anyone who defiled the name of Muhammad or committed other blasphemy. In 1990, a religious court ruled that the penalty for crimes under the law is execution. The law states: *“Whoever by words, either spoken or written, or by visible representation, or by imputation, innuendo, or insinuation, directly or indirectly defiles the sacred name of the Holy prophet Muhammad...shall be punished with death and shall be liable to a fine”* (Section 295-C of Pakistan’s Constitution).

The blasphemy laws refer to Sections 295, 296, 297, and 298 of the Penal Code and address offenses relating to religion.

Section 295(a), a colonial-era provision, originally stipulated a maximum 2-years sentence for insulting the religion of any class of citizens. In 1991 this sentence was increased to 10 years.

In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for “whoever willfully defiles, damages, or desecrates a copy of the Holy Quran.”

In 1986 during the martial law period, another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling “the sacred name of the Holy Prophet Muhammad.” In 1991 a court ruled invalid the option of life imprisonment for this offense.

Section 298(a), another colonial-era provision, forbids the use of derogatory remarks about holy personages.

Specific government policies that discriminate against Christian and other religious minorities include the use of the “Hudood” Ordinances, which apply different standards of evidence to Muslims and non-Muslims and to men and women for alleged violations of Islamic law.

The martial law-era Hudood Ordinances criminalize non marital

rape, extramarital sex, and various gambling, alcohol, and property offenses. For example, a non-Muslim may testify only if the victim also is non-Muslim. Likewise, the testimony of women, Muslim or non-Muslim, is not admissible in cases involving Hudood punishments. Therefore, if a Muslim man rapes a Muslim/non-Muslim woman in the presence of women or non-Muslim men, he cannot be convicted under the Hudood Ordinances.

For both Muslims and Christians, all consensual extramarital sexual relations are considered a violation of the Hudood Ordinances. If a woman cannot prove the absence of consent in a rape case, there is a risk that she may be charged with a violation of the Hudood Ordinances for fornication or adultery. The maximum punishment for this offence is public flogging or stoning.

The main victims of the Hudood Ordinances are poor women who are unable to defend themselves against slanderous charges. The laws also have been used by husbands and other male family members to punish their wives and female family members for reasons that have nothing to do with perceived sexual impropriety. Approximately one-third or more of the women in jails in Lahore, Peshawar, and Mardan in 1998 were awaiting trial for adultery under the Hudood Ordinances.

In 2003, the National Commission on the Status of Women in Pakistan reported that as many as 88 percent of the women in prison, many of them reported rape victims, were serving time for allegedly violating these decrees.

In 2006, in a positive development, the Protection of Women Act removed the crime of rape from the sphere of the Hudood Ordinances and put it under the penal code, thereby eliminating the requirement that a rape victim produce four male witnesses to prove the crime.

### **Widespread Abuse of Blasphemy Laws**

An International report, which highlights the state of religious freedom in several countries, says that some government practices in Pakistan have limited the freedom of religion, particularly in the case of religious minorities. "Abuses under the blasphemy law and other discriminatory laws continued; the government did not take adequate measures to prevent these incidents or reform the laws to prevent abuse.

Personal rivals and the authorities have used these blasphemy laws, especially Section 295(c), to threaten, punish, or intimidate Christians, other religious minorities and even orthodox Muslims. However, some persons have been sentenced to death, and religious extremists have killed persons accused under the provisions.

The Amnesty International (AI) press release stated: "Pakistan's blasphemy laws are so vaguely formulated that they encourage, and in fact invite, the persecution of religious minorities or non-conforming members of Muslim majority." Individuals are now being arrested for blasphemy, and held without bail, while their cases are being investigated. No Christian charged with this crime has every been granted bail.

The law is being used in Pakistan to discriminate against religious minorities: largely Christians. Under the present law, a Muslim may blaspheme Christianity with impunity. But a Christian doing the same against Islam can theoretically be executed.

Blasphemy allegations, which are often false, have resulted in the lengthy detention of, and occasional violence against Christians and other religious minorities. Because the laws require neither proof of intent nor evidence to be presented after allegations are made, and include no penalties for false allegations, blasphemy charges are commonly used to intimidate members of religious minorities or others with whom the accusers disagree or have business conflicts. The blasphemy laws also have been used to "settle scores" unrelated to religious activity, such as intra family or property disputes.

Militants often pack courtrooms and publicly threaten violence if there is an acquittal. Lawyers who have refused to prosecute cases of alleged blasphemy or defend those accused, as well as judges who issue acquittals, have been harassed, threatened, subjected to violence and even killed. The lack of procedural safeguards empowers accusers to use the laws to abuse religious freedom, carry out vendettas, or gain an advantage over others in land or business disputes or in other matters completely unrelated to blasphemy.

The highest-profile blasphemy involved *Asia Bibi*, a Christian farm worker and mother of five, who was sentenced to death under Article 295C in November 2010. Also in December, a major Muslim

leader, Imam Yousef Qureshi of the Mosque Mohabat Khan near Peshawar, stated he would give \$6,000 to anyone who killed Ms. Asia Bibi. The government took no action against him for this incitement to violence.

Although, no one has yet been executed by the state under the blasphemy laws, individuals accused of blasphemy have been killed, including while in police custody. For example, in March 2011 Qamar David, a Christian, was found dead in a Karachi jail. He had been sentenced in February 2010 to twenty-five years in prison for sending blasphemous text messages in 2006. In July 2010, two Christian brothers accused of blasphemy were shot and killed as they were leaving a hearing at a Faisalabad courthouse. Another young man in Lahore was accused of blasphemy, was tortured in a police station, admitted in the hospital and finally killed there on his bed in the hospital.

### **Persecutions of Minority Religions**

In present scenario of post 9.11.2001 the sense of insecurity among Christians is rising. Whenever something happens against the Muslims in any part of the world, in particular if it happens in USA, Christians are relatively linked with the certain incident and are attacked sometimes, socially discriminated and beaten by the fundamentalists even at community and official level.

Acts of sectarian and religious violence continues. A number of massacres in churches brought into question the Government's ability to prevent sectarian and religious violence. The Christian leadership have often and very strongly expressed that the blasphemy law "is a tool for religious persecution".

Roman Catholic Bishop John Joseph led a protest march on 6<sup>th</sup>. May 1998 to the courthouse where Iqbal Mashi's trial took place. He gave a speech asking for peace and unity between Muslims and Christians. He then committed suicide. The Christian community interpreted as a prophetic act and Gospel based protest and thus a death of a martyr. One day later, Raja Zafar-ul-Haq, then Minister for Religious Affairs, said that the blasphemy law does not discriminate against persons of any faith; it is not against any religion.

The government is considering appending to the blasphemy law an amendment that will provide heavy penalties in the event of

false accusations. Bishop Alexander John Malik, Church of Pakistan, Bishop of Lahore, Moderator of Church of Pakistan, commented: "I think the government is quite willing to listen to us. It is the extreme 'mullahs' who are making trouble."

### **Forced Religious Conversions**

The Constitution provides for the "freedom to manage religious institutions." In principle the Government does not restrict organized religions from establishing places of worship and training members of the clergy. However, in practice suffer from restrictions on this basic right.

Missionaries are allowed to operate in the country. Proselytizing is permitted as long as there is no preaching against Islam. However, all missionaries are required to have specific missionary visas, which have a validity of 2 to 5 years and allow only one entry into the country per year. These visas carry the annotation "missionary." Only "replacement" visas for those taking the place of departing missionaries are available, and long delays and bureaucratic problems are frequent. Proselytizing generally is considered socially inappropriate among Muslims. Missionaries face some difficulties due to this perception. At times there are issued verbal threats against missionaries in order to discourage them from working.

Religious minorities state that members of their communities, especially minors, sometimes are pressured and forced by private groups and individuals to convert to Islam.

Links with coreligionists in other countries are maintained relatively easily. The Roman Catholic Church and the Church of Pakistan report no difficulties.

Indian Hindu and Sikh leaders and groups travel regularly to the country. The Government prohibits Ahmadis from participating in the Hajj (the Muslim pilgrimage to Maccah, Saudi Arabia) and Bahai's from traveling to their spiritual center and Christians to perform pilgrimage of Holy Places in Israel.

Marriages are performed and registered according to one's religion. Upon conversion to Islam, the marriages of Christian men remain legal; however, upon conversion to Islam, the marriages of Christian women, that were performed under the rites of the previous

religion, are considered dissolved. Children born to Christian women who convert to Islam after marriage are considered illegitimate only if their husbands do not also convert, and if women in such cases do not separate from their husbands. Children of Christian men who convert are not considered illegitimate.

### **Religiously Biases Education System**

A significant minority of Pakistan's thousands of religious schools, or madrassas, reportedly continue to provide ongoing ideological training and motivation to those who take part in religiously-motivated violence the curricula, in many of these schools includes materials that promote intolerance and exhortations to violence.

Religious freedom concerns are also evident in Pakistan's public schools. Pakistani primary and secondary schools continue to use textbooks that foster prejudice and intolerance of religious minorities, especially Christians and Hindus. Christian and Hindu beliefs and practices are contrasted negatively with those of Islam. Moreover, the textbooks contain stories, biographies, and poems with an Islamic religious character.

The Constitution safeguarded "educational institutions with respect to religion." For example, no student could be forced to receive religious instruction or to participate in religious worship other than his or her own. The denial of religious instruction for students of any religious community or denomination also was prohibited,

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Although students of other faiths legally are not required to study Islam, they are not provided with parallel studies in their own religions. In practice teachers compel many Christians and other religious minorities students to complete Islamic studies.

The Constitution specifically prohibits discriminatory admission to any governmental educational institution solely on the basis of religion. However, students must declare their religion on application forms. Christians must have their religion verified by the head of their local religious community.

Many Christians reported discrimination in applying to government educational institutions due to their religious affiliation.

## Possibility of Reforms

Pakistan's blasphemy laws are problematic both in their form and their application and have been the source of much debate and harm since the 1980s. Though nothing has been done to reform the Blasphemy laws, however, the Government took some specific steps to improve the situation of religious minorities. There have been few positive developments in this regard.

The Law Minister, urged reform of the blasphemy law because several individuals had been falsely accused. There was a suspicion that the motivations of their accusers was to settle old scores or to intimidate others. In response, some extreme Fundamentalist Muslim leaders put a price of \$40,000 on his head.

On July 28, 1994, Amnesty International (AI) urged prime minister, Benazir Bhutto to change the law because it was being used to terrorize religious minorities. Benazir Bhutto attempted to change the law, but was unsuccessful. A subsequent prime minister, Nawaz Sharif won two thirds of the seats in parliament in 1997 with strong support from Muslim religious fundamentalists. His government has reversed the ruling of the former prime minister.

Before the murders of Governor Taseer and Minister Bhatti, respectively in January and March 2011 discussions were underway to reform the blasphemy law. In early 2010, Prime Minister expressed support for reviewing the blasphemy laws, saying "a committee will review the laws detrimental to religious harmony to sort out how they could be improved." In November 2010, President called for the formation of a high-level committee headed by Minister Bhatti to review the blasphemy laws and propose recommendations to prevent their misuse. Ms. Sherry Rahman, a Pakistan People's Party (ruling party) parliamentarian, tabled a bill reforming the blasphemy laws. Ms. Rahman received numerous death threats.

In December 2010, the Council of Islamic Ideology, a government-sponsored advisory board, recommended that the blasphemy law be amended to prevent its misuse against any individuals irrespective of their religion, but opposed removing the death penalty.

After the murders of Governor Taseer and Minister Bhatti, Prime Minister Gilani and other PPP officials stated that reform was no longer being considered. Since these murders, the Prime Minister

repeatedly stated that the government will not permit abuse, but that it has no plans to amend the law.

### **Ministry of Minority**

The only seemingly positive aspect of the report was that the government had taken some steps to improve religious freedom, via the creation of a Ministry of National Harmony. The Ministry of Religious Affairs, which is entrusted with safeguarding religious freedom, has on its masthead a Quranic verse: "Islam is the only religion acceptable to God." The Ministry claims that it spends 30 percent of its annual budget to assist indigent minorities, to repair minority places of worship, to set up minority-run small development schemes, and to celebrate minority festivals.

### **Recommendations**

With this background of the contextual realities of Freedom of Religion for a Church in minority situation, the followings recommendations could be framed and forwarded both for the governments at international level and government in Pakistan.

#### **International Level**

As human rights and religious freedom have not been visible priorities in the bilateral relationship of Pakistan with other Nations, to make religious freedom promotion a key element in the bilateral relationship, the government of other countries should urge Pakistan to reinforce the rule of law and align its laws, particularly those regarding blasphemy, with international human rights standards; actively prosecute those committing acts of violence against Christians and others minority religions.

To pressurize Pakistani government to amend the constitution and rescind criminal laws, which effectively criminalize the public practice of faith and violate their right to freedom of religion of minority religions guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

In order to end violation of Religious Freedom, the government should be urged to be consistent with the UN Human Rights Council's March 2011 resolution on "combating intolerance, negative stereo-

typing and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief," repeal the blasphemy laws and immediately release those detained on charges associated with these laws and unconditionally pardon all individuals convicted of blasphemy. If repeal is not possible, implement procedural changes to reduce their abuse, such as reducing the penalties, introducing the element of intent, penalizing false accusations, making blasphemy a bailable offense, and requiring that cases be heard at regional courts, rather than local sessions courts.

### **Pakistani Government**

Promoting respect for freedom of religion must be an integral part of policy and strategy of Pakistan. The forces that threaten Pakistani security interests are largely motivated by a violent extremist ideology that rejects international human rights standards, including freedom of religion. The government's response to religiously-motivated extremism remains inadequate, despite increased military operations.

The Government must promote religious freedom and religious tolerance in order to counter violent religious extremism by protecting freedom of thought, conscience, religion and expression,.

The Government should make sure the full participation of the minorities in all spheres of the social life. In routine work of the state favoritism on the basis of the religion must be finished. The Govt. must denounce religious apartheid by the programs of awareness and legislation.

Regarding blasphemy laws the Government must strongly push and earnestly support reform of blasphemy laws and unconditionally release individuals currently jailed for blasphemy and place a moratorium on use of the law until it is reformed or repealed. It should also ensure that those accused of blasphemy, their defenders, and trial judges are given adequate protection.

In order to strengthen the promotion and protection of religious freedom and tolerance by Pakistani executive, legislative, and judicial branches should also addresses religious freedom and related human rights and to promote pluralism and tolerance.

There is strong need of change in the legal system and objectionable laws, constitutional amendments must be discussed and

dealt according to the demands of the minorities on the basis of the logic. First of all they must be given:

- First of all status of an equal citizen;
- Secondly these certain discriminatory laws must be removed.

The Government must see that religious minorities are proactively recruited into government jobs, consistent with current policies, and that the representation of Christians in the parliament is increased. The quota system in jobs for the minorities should be reviewed, increased and strengthened.

Pakistani government ought to support: First the work of the Federal Ministry of Minorities Affairs to promote inter-religious respect and tolerance at the national and local levels, including by print, broadcast, and web-based media, to respond to the challenge of religious extremism and religiously-motivated or sectarian violence. Secondly the work of District Interfaith Harmony Committees and similar efforts at the local level to promote conflict resolution and more effective responses by Pakistani authorities and civil society to instances of religiously-motivated discrimination, intimidation, or violence.

Government is required to invest greater efforts to disarm violent extremist groups and provide the necessary security to Christians and other minority religious communities in their places of worship and other minority religious sites of public congregation, as well as for civil society and human rights activists and groups.

There is strong need to present the Christians positively and frequently on national media highlighting their socio economic and educational role and problems. This may be sort of awareness campaign in order to change the attitudes of the general public towards minorities.

With regard to religious biased education system government ought to review of textbook guidelines and content, curricula, and teacher-training programs in order to promote positive concepts of tolerance and respect for the rights of others and to exclude material promoting intolerance, hatred, or violence against any group of persons based on religious or other differences.

## Conclusion

Pakistan continues to be responsible for systematic and ongoing violations of freedom of religion. The religiously discriminatory legislation have created an atmosphere of violent extremism. Sectarian and religiously-motivated violence is chronic, and the government has failed to protect members of the religious minorities.

Growing religious extremism threatens the freedoms of religion and expression, as well as other human rights, for everyone in Pakistan, particularly women, members of religious minorities, It also threatens Pakistan's security and stability.

A number of Pakistan's laws abridge religious freedom. Blasphemy laws are used against members of religious minority communities and frequently result in imprisonment on account of religion and violence.

Although this article gives some glooming picture regarding the minorities but it is also true the minorities, especially Christians are doing well in order to keep pace with national and international level playing their role in the fields of education and health, human welfare, Justice and Peace, Human Rights ... etc. Many people, including Army, police and businessmen, are still interested in having their children attend Christian Schools because of the quality education and discipline.

The Christians strongly feel that they are needed as their presence is a message a message of Peace. Their conscience will not allow them to leave and still remain true to their Christian vocation. Another positive sign is that news of bombings and threats and experience of persecutions and oppression brings more people to Church.

Religious beliefs play an important role in daily life in Pakistan. Thus while there are many challenges and obstacles for the Christian community as religious minority in Pakistan, it remains a vibrant community with many opportunities in almost all aspects of life. Most importantly, Christians are an important part of the culture and identity of Pakistan.

I take this as an opportunity sincerely to thank missio Aachen, Germany and all other organizations who support the cause and struggle of minority religious communities in order to promote the basic human right of freedom of religion.

Finally I would like to finish and furnish these reflections by a quotation from the speech of Quid-e-Azam Muhammad Ali Jinnah, founder Father of Pakistani nation, delivered on 11th. August 1947. This citation provides fundamental basis for reason of being and ideology of Pakistan and its Constitution. This quotation is often cited by Minority Religions and Civil Society groups when they speak of Freedom of Religion

“You are free to go to your temples,  
You are free to go to your mosques or to any other  
place of worship in this State of Pakistan.  
You may belong to any religion or caste or creed

...

That has nothing to do with the business of the State...  
*We are starting with this fundamental principle that  
We are all citizens and equal citizens of one State...*”



# Religious Freedom from an Indigenous Perspective

Eleazar López Hernández

## Religious Freedom of the Indigenous Peoples?

Looking from afar at the surviving indigenous peoples around the world, and especially those in Latin America, one might be tempted to think that, since we have experienced cultural and religious regimes that have nothing to do with the experience of living in freedom, we are not in a position to provide constructive ideas on this subject and so help bring about a desirable future for a *united world*. The truth is that, precisely because we have fought against processes that were foisted upon us, we – the so-called “indios” of Latin America – can not only talk about what we desire and envisage, but can also throw light on the realms of freedom we have maintained or created as a more modest version of what our ancestors experienced and which we use as a source of impetus for our visions of a better future.

This indigenous wisdom is not derived from books but stems from what we have experienced and suffered in real life with regard to religious freedom. It is this wisdom that I would like to present in our sharing of different visions. By doing so I can perhaps contribute to us jointly dreaming of and building an *oikoumene* (‘large house of life’) and establishing the freedom that we deserve as human beings. I know that, when talking about religious freedom, it is difficult for me to reconcile the indigenous perspective I have inherited from my ancestors with my allegiance to the Catholic Church, whose missionary and evangelising work has massively attacked and negated the existence of a religious life among the original peoples. Of course I am aware that, ignoring our fears and trepidation, we are currently making room for dialogue within the Church so that it can re-encounter the indigenous peoples free of the ballast of the past. Evidence of this can be seen in the Latin American meetings on indigenous theology

and the symposia held by CELAM (Latin American Episcopal Council) to discuss critical aspects of it. The aim is to clarify questions and doubts and so fully incorporate this theology into the Church in future.

### Indigenous Freedom in Pre-Hispanic Times

In the prejudiced view of many missionaries in the past and of some clergymen today, the indigenous peoples were trapped in theological concepts and religious systems which, in their view, made us slaves of God and our leaders. This resulted in unnatural aberrations such as human sacrifices, the sacred anthropophagi (or cannibalism) and many other atrocious acts in negation of life and humanity. Colonial society was to free us from this slavery by means of Christian evangelisation and Western civilisation<sup>177</sup>, a task which some tackled with great tenacity, particularly in the so-called “*first evangelisation*” of the continent.

Those of us who are descendents of the indigenous peoples know that things were and are different from what the conquerors say about our history. There were, indeed, human sacrifices and sacred anthropophagi in the past, but not on the same scale or with the same meaning as our detractors would currently have us believe in order to justify the crimes against humanity they have committed against our indigenous peoples. The human sacrifices had a religious basis, which paradoxically enabled us to understand and accept Christian thinking. If God gives us life by suffering for us, when our father – the sun – is born in the morning and dies every day after struggling against darkness to maintain our lives, then we – his *macehuales*<sup>178</sup> – must also be prepared to die so that life can go on in the community and the universe. We know from various documentary sources and from

<sup>177</sup> Even the Medellín document (1968) accepted this way of looking at indigenous peoples, thus reflecting the prevalent attitude of some of the bishops: “There is, first of all, a group of individuals “detached” from culture – the illiterate, and in particular the indigenous illiterate. Sometimes they are even deprived of the benefit of communication through the use of a common language. Their ignorance is a kind of inhuman slavery. Setting them free is the responsibility of all Latin American people. They must be freed from their prejudices and superstitions, from their complexes and inhibitions, from their bigotry, from their sense of fatalism, from their fear-laden incomprehension of the world we live in, and from their distrust and passiveness”. (Med. 4, 3).

<sup>178</sup> In Nahuatl the word *macehual* signifies a human being and means ‘rewarded by the penitence of God’. This is why, before creating humankind, Quetzalcoatl went to fetch sacred bones from the underworld, where he suffered and died. After coming back to life, he ground the bones, mixed them with his blood and created our flesh.

archaeological findings that the young *calmecac* students competed with each other for the honour of being sacrificed.<sup>179</sup> There is no greater act of love or freedom than to give up our lives for the ones we love. This was confirmed once again by Jesus of Nazareth, who died for us on the cross for that reason.

### Indigenous Faith in the God of Life

In the indigenous religions of Latin America, God was not some faraway or distant person to be feared, but rather *Tloque Nahuaque*, the one who is close to and connected with us, *Ipalnemohuani*, in other words the giver of life and the one who sacrifices himself for us. He is a friend and companion on our journey. Therefore our grandparents called him *Quetzalcoatl* (*feathered snake = redemption in history*) or even *Heart of the Sky and Heart of the Earth*, since he is the driving force and reason for the life of the individual, of the people and of the universe.<sup>180</sup> In Quetzalcoatl our ancestors revered the one true god, but they had no difficulty accepting that different peoples invoked him by different names. Quetzalcoatl was the god with four hundred names, i.e. all those that could be attributed to him. He was unique but there were many theologies associated with him. Thus, images of God found their way into temples and sacred sites even in the regions furthest away from the centre.

Quetzalcoatl had such a great impact on the indigenous soul that even today Mexicans use the word *coate* to express their most profound human relationship. Rooted in the name given to God, it means much more than friend, brother or companion. For us *coate* is the name we give to a person who identifies with us, just as Quetzalcoatl did, who was God and became human. He was a priest and ruled Tula in order to make our hearts divine by putting us on a par with him as *coates*.

Our indigenous ancestors undoubtedly felt a very strong tension between the innate desire to be with God in the *Xochitlalpan*, the

<sup>179</sup> Bernardino, S., *Historia de las Cosas de la Nueva España*, Porrúa, Mexico 1999.

<sup>180</sup> According to the indigenous texts, the Mesoamerican people have worshipped Quetzalcoatl since ancient times: "They looked after God's things; they only had one god, he was their sole god and they called upon and prayed to him; his name was Quetzalcoatl." (Informantes de Sahagún, *Códice Matritense de la Real Academia de Historia*, 176; cited by León-Portilla, M. in the book *Los Antiguos Mexicanos*, Editorial Fondo de Cultura Económica, Mexico, 1961, 30).

place of the real flowers, home to whole and eternal realities, and the feeling of having been abandoned by God on this earth, thus seeing only the fragile flowers of ephemeral realities. One of the theologians of the pre-Hispanic era, *Netzahualcoyotl*, expressed this in dramatic fashion, affirming that the *Giver of Life* drives us insane here on Earth by letting us smell his real flowers without us ever being able to possess them. We might, therefore, be tempted to turn our backs on this world and leave it in the hope of finding this *Xochitlalpan* outside space and time. Netzahualcoyotl himself came up with the answer saying that we can grasp those real and perennial flowers through poetry, art and, above all, service to the people: “*Your heart and your word, oh Father, are like the most beautiful things on this planet. You take pity on mankind which is only with you on this planet for the briefest of moments... With your pity and your grace, Oh Giver of all Life, it is possible to live on this earth. It is here that your glory manifests itself; it is here that you fly and spread your wings like a shining bird. This is therefore my place, my home and my dwelling*”.<sup>181</sup>

The theological view of Quetzalcoatl profoundly shaped the spirit of the Latin American peoples for thousands of years. For this reason, even after the disappearance of the historical cities and persons that best reflected the ideal of personal, communal and cosmic harmony, waiting for the return of Quetzalcoatl was the spiritual force which kept life in Mesoamerica in a state of expectancy, hoping for a rebirth of the world and humanity which, as a result of the corruption and failures of the countries’ leaders, had moved far away from the Quetzalcoatl ideal. It was this hope that motivated the leaders of Anahuac to welcome the conqueror, Hernán Cortés, who claimed that he was Quetzalcoatl returned. But the facts soon spoke for themselves and disenchantment set in among our forefathers.

### In the colonial era

Speaking in Aparecida in 2007, Pope Benedict XVI said that during the first evangelisation “*the proclamation of Jesus and of his Gospel did not at any point involve an alienation of the pre-Columbian cultures, nor was it the imposition of a foreign culture.*”<sup>182</sup> However,

<sup>181</sup> Martínez, J. L., Netzahualcóyotl, Vida y obra, Fondo de Cultura Económica, Mexico 1972.

<sup>182</sup> Aparecida Document, inaugural speech by Pope Benedict XVI.

the historical facts show that this contact between the Church and the indigenous peoples came about “as part of a dramatic and unequal encounter of peoples and cultures.”<sup>183</sup> In other words it was a violent clash which virtually eradicated the indigenous religions and eliminated the remaining rights of the original peoples in the name of the Christian God.

While not overlooking this context, which has little or nothing to do with the Gospel, it is also clear that, as the Pope himself indicated, “*The wisdom of the indigenous peoples fortunately led them to form a synthesis between their culture and the Christian faith which the missionaries were offering them. Hence the rich and profound popular religiosity, in which we see the soul of the Latin American peoples*”.<sup>184</sup>

The indigenous peoples of Latin America did not completely succumb to the violence inflicted on them from 1492 onwards, even though, as various peoples now confirm, “*they cut our branches and burned our trunk, but our roots remained intact.*” From these roots new seeds of life and hope emerged, which we now share with those who open their hearts and minds to us. This is the essence of the current theology of the indigenous peoples of Latin America.

The blows of history have taught us how to survive and remain free despite the completely adverse conditions imposed upon us. By defending ourselves and interacting creatively with society around us we kept a certain degree of autonomy in economic areas (maintaining our bartering trade and the *tianguis*<sup>185</sup> trade) as well as in the field of politics (preserving our system of communal charges), cultural life (continuing to speak our indigenous languages and preserving our ancient traditions) and religion (thanks to the so-called “popular religion”, which enabled us remain in the Catholic Church while merging Christian beliefs with ancient beliefs). We can give testimony in this manner of exercising religious freedom to anyone who wishes to know more.

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<sup>183</sup> Aparecida Document, 4.

<sup>184</sup> Aparecida Document, inaugural speech by Pope Benedict XVI.

<sup>185</sup> A popular street market.

## Guadalupan Acculturation

Undoubtedly the most successful example of acculturation between the Christian faith and the expression of indigenous religious freedom is the Guadalupan project<sup>186</sup>, which blends together the indigenous and Christian beliefs that became firmly established in the soul of Latin American people after the conquest and the period of colonialism. Thanks to *Tonantzín Guadalupe*, it was possible to reconcile the Mesoamerican *Teotl* and the Christian God because they do not differ from one another, being an expression of the same true God for Whom One Lives, *In Huel Nelli Téotl, Ipalmohuani*. This theological reconciliation opens up numerous opportunities for the victors and the vanquished to meet and jointly build a *teocatzin* or “respectable house of God”, where all men and women from near and far can live together as brothers and sisters, enjoying the peace of God and putting an end to the injustices and ailments of the dominant societies.

Even today the people of Mexico see the Virgin of Guadalupe as an expression of religious freedom in their encounters with the civil authorities and sometimes the intolerant features of Church institutions.

## The Emergence of Indigenous Culture in More Recent Times

In the period after the conquest, popular religion was a source of religious freedom for the indigenous peoples and the *mestizos* or people of mixed blood. It preserved the essence of the indigenous, ancestral religions, while at the same time being freely linked and united with Christian concepts in a very creative manner.

The theological reasoning which guided the religious leaders of the indigenous peoples in their difficult relations with representatives of the Christian religion was the certainty that the God of the indigenous ancestors was the same God as that of Jesus Christ. This was something the missionaries could not accept. Their position was quite simply that they had won the war and so our peoples, who had been vanquished, had forfeited the right to run their economic, political, cultural and religious affairs themselves. No arguments, ethical scruples or the Gospel of Christ were needed any more. The

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<sup>186</sup> This was confirmed by Pope John Paul II in Santo Domingo (1992): “Latin America, and particularly Santa María de Guadalupe, offers an excellent example of perfectly acculturated evangelisation”. (Inaugural speech at Santo Domingo, 24).

sword ensured the imposition of the cross. This method was pursued with impunity for centuries.

Proceeding from our experience of God, present-day indigenous theology has set itself the task of examining the project of the peoples, which He has sown in the hearts of our cultures. This indigenous faith is to be used to justify the fight to recover our lost rights and to address the acculturation processes undertaken by indigenous communities of believers in the midst of incomprehension, tension and contradictions.

### Some Conclusions

In summary, we can say that for the indigenous peoples of today it is not possible to consider religious freedom, which is universally accepted as an individual right, in theoretical terms. For the past 500 years this has never been a tangible and acknowledged reality for our sector of the population. Nor can we view religious freedom from the perspective of the dominant religions and churches among us, which use it to convey their dogma, morals and cults while at the same time systematically denying such freedom to the poor and the different.

In the long history of the indigenous peoples religious freedom has been an indispensable means of finding God. He made us free and He expects us to voluntarily commit ourselves to Him and His project. In the myths of creation, for instance the creation of the Fifth Sun, God needed and called for volunteers to sacrifice themselves. But He did not impose His decision on anyone, always requesting voluntary compliance by anyone wishing to participate in His work.<sup>187</sup>

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<sup>187</sup> This is how the ancients described the creation of the Fifth Sun: "In the year 13 of the Aztec calendar, at the holy site of Teotihuacan, all the gods convened, fasted and made sacrifices to initiate the birth of the sun. Then the gods asked: "Who will take charge of illuminating the world?" To this the god Tecuciztecatl responded: "I shall take charge of illuminating the world." The gods consulted one more time and asked themselves who would be the other one to illuminate the world, but nobody came forward. Finally, they chose a god nobody had taken notice of, who didn't speak but simply listened and whose body was full of tumours and sores. They said to him: "It will be you who lights up the world, Nanahuatzin." And the wounded and humble god called Nanahuatzin gladly obliged.

Then both gods began to do penance and offer up sacrifices for four days. Everything that Tecuciztecatl offered in sacrifice was precious. Instead of branches he provided beautiful feathers from the quetzal bird and golden balls instead of balls of hay. Instead of maguey thorns he offered thorns made from precious stones and instead of bloody thorns he gave thorns of colourful corals, and very good natural resin. Nanahuatzin, by contrast, provided green canes, balls of hay and maguey thorns covered with his own blood; instead of natural resin he offered the scabs of his wounds.

In traditional Christian theology and other religious movements, human freedom is essential for God to bring about redemption. In the early period of Christianity Saint Augustine of Hippo said: “He who created you without you, will not save you without you” (Sermon 169, 14, PL 38, 923).

Paraphrasing the prophetic and optimistic missionaries of the colonial era – Bartolomé de las Casas, in particular – we can now say that, if we are to evangelise as Christ instructed his disciples to do, we as a Church must give back to the original peoples of the continent not just their *res publica*, that is to say their economic, political and cultural freedom, but, above all, their religious freedom. Only as free individuals before God and before the institutions representing him can members of these populations freely opt or re-opt in favour of Jesus Christ who died for mankind to set us free, as Saint Paul says: “Christ set us free, so that we should remain free.” (Galatians 5:1). Together with examples from the indigenous peoples’ experience we should also follow Jesus’ example if, as children of God, we wish to enjoy the freedom we deserve today.

The recent nomination of a humble Pope who sympathises with the poor lets us dream that the Catholic Church and the other religions can regain their religious freedom by helping all communities, including the indigenous, to rescue this religious freedom for our own good, for the good of the Church and for the good of all mankind. History teaches us that if religion politicises and politics wears a religious cloak they will both end up not only denying people their religious freedom but also their very purpose as servants of mankind.

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At midnight on the day chosen to create the new sun, the gods convened again around the big fire they had kept burning for four days into which Tecuziztecatl and Nanahuatzin were to leap in order to transform themselves into shining stars. Standing in front of the fire, they said to Tecuziztecatl: “You leap into the fire first!” He tried to do so, but the fire was so big and burned so fiercely that he became fearful and stepped back. Tecuziztecatl tried four times to throw himself into the fire but was forced to give up four times.

Finally the gods said to Nanahuatzin: “You try!” He immediately closed his eyes and threw himself into the fire and started to burn. Seeing this, Tecuziztecatl plucked up courage and also threw himself into the fire.

When both had fallen and gone up in flames, Nanahuatzin turned into the sun and appeared in the East; Tecuziztecatl appeared later as the moon. (Florescano, E., *Memoria Mexicana*, Fondo de Cultura Económica, 1995, 117-121).

# Religious Freedom for a Minority Church



# Religious Freedom for a Minority Church: Impressions from Malaysia

Christoph Marcinkowski

## Malaysia: Foundations of a Multi-cultural Country in South-East Asia

The author of this article – not a theologian but an expert in Islamic studies and a specialist in Asian affairs – lived from 1995 to 2012 in Malaysia, where he worked at different universities and research institutions.<sup>188</sup> His experiences there certainly rank among the best of his life so far, although they were also very sobering in part. During his stay he came to understand what it can mean to live in a country that officially designates itself a multi-ethnic and multi-religious state. Such a status is a source of fascination but it also entails a number of problems.

The diverse “identities” and varied ways of life that exist in Malaysia<sup>189</sup> are apparent from a brief look at the following facts. Malaysia is a federal state in South-East Asia and a constitutional monarchy modelled on the British parliamentary system. The legal system is based on English common law, although some aspects of Islamic law apply to Muslims. The head of state is the king who is elected every five years in rotation from among the sultans of the states in the federation – a situation unique to Malaysia. However, real power in the country, as in Great Britain, rests with the prime minister.<sup>190</sup>

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<sup>188</sup> One outcome of his work there is Marcinkowski, C. (ed.), *Malaysia and the European Union: Perspectives for the Twenty-First Century* (Freiburg Studies in Social Anthropology), Zurich, 2011.

<sup>189</sup> For a more recent interpretation see Daniels, T. P., *Building Cultural Nationalism in Malaysia: Identity, Representation and Citizenship* (East Asia: History, Politics, Sociology and Culture), London, 2012.

<sup>190</sup> For a good survey of the political structures in Malaysia see Grover, V., *Malaysia: Government and Politics*, New Delhi 2002.

The federation consists of thirteen federal states and three federal territories and is divided by the South Chinese Sea into two parts, the Malayan Peninsula and Malaysian Borneo. It has land borders with Thailand, Indonesia and Brunei and sea borders with Singapore (which is connected with Malaysia by a causeway), Vietnam and the Philippines. Although Kuala Lumpur is still the official capital, Putrajaya – built a few years ago as a drawing board city like the Brazilian capital, Brasilia, – is the seat of the federal government. In 2010 Malaysia had roughly 28.5 million inhabitants, of whom approximately 22.6 million live on the Malayan peninsula.<sup>191</sup>

Present-day Malaysia has its origins in the different Malayan principalities in the region, some of which were to all intents and purposes dependent colonies, firstly of the Portuguese and Dutch and then, from the 18th century onwards, of the British. The territories of the Malayan Peninsula were merged by the British into the Malayan Union in 1946. Malaya was finally restructured into the Federation of Malaya in 1948 and given its independence on 31 August 1957. Shortly afterwards Malaya united with the former British colonies of Sabah and Sarawak (on Borneo) and (for a while) with Singapore and thus took up its new name of Malaysia. The current international significance of Malaysia, an up-and-coming threshold country with a booming economy, has to do with its status as a leading member of the Commonwealth, the Non-Aligned Movement and APEC (Asia-Pacific Economic Cooperation).

In addition, Malaysia is included among the Next Eleven (N-11) – the eleven countries that could experience an economic upswing similar to that at the moment in the BRIC states, Brazil, Russia, India and China – and was ranked in Germany in the 1980s and 1990s as one of the “tiger cub economies”. Since it gained independence from Britain, Malaysia has had one of the best economic track records in Asia with a GDP of 6.5 per cent on average.<sup>192</sup> This has traditionally been based on its natural resources (palm oil and crude oil). In the meantime science and research along with tourism (especially medical tourism) and trade have come to the fore. In 2011 Malaysia

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<sup>191</sup> Department of Statistics, Malaysia 2011, [http://www.statistics.gov.my/portal/download\\_Population/files/census2010/Taburan\\_Penduduk\\_dan\\_Ciri-ciri\\_Asas\\_Demografi.pdf](http://www.statistics.gov.my/portal/download_Population/files/census2010/Taburan_Penduduk_dan_Ciri-ciri_Asas_Demografi.pdf), accessed on 12 August 2013.

<sup>192</sup> For this and the following business information see [http://en.wikipedia.org/wiki/Economy\\_of\\_Malaysia](http://en.wikipedia.org/wiki/Economy_of_Malaysia), accessed on 12 August 2013.

was the third largest economy in ASEAN and in 29th place worldwide. In 2013 Malaysia was among the top ten tourist countries in the world – together with countries such as Italy, France, Germany and Great Britain. This boom is largely due to the fact that Malaysia has a relatively open and industrialised market economy.<sup>193</sup> As in many former colonies the state still plays a role in the form of macro-economic planning, but that has dwindled in significance in the meantime. A systematic battle against poverty among the lower classes has meant that slums are now a thing of the past in Malaysia.

### Religion in Malaysia – Caught Between Politics and Ethnicity

The Malaysian constitution<sup>194</sup> declares Islam to be the state religion, although the exercise of other religions is permitted.<sup>195</sup> Many religious holidays are also officially recognised by the state as national holidays for *all* Malaysians. They include *Hari Raya Puasa* (the end of the Muslim fasting month of Ramadan), *Hari Raya Haji* (the Muslim festival of sacrifice), the birthday of the prophet Muhammad, *Wesak* (Buddhist), *Deepavali* (Hindu), *Thaipusam* (Hindu), Christmas and, in the states of Sabah and Sarawak on Borneo, Good Friday.

The latest population and housing census<sup>196</sup> conducted in 2010 reveals a close correlation between religion and ethnicity among the respondents. This would appear to have held up genuine nation-building in the country since independence from Great Britain in 1957. 60.4 per cent (the overwhelming majority of Malays plus a few Indians) described themselves as Muslims, 19.2 per cent as Buddhists (Chinese), 9.1 per cent as Christians (mostly Chinese and Indians), 6.3 per cent as Hindus (Indians) and 2.6 per cent as adherents of traditional Chinese religions. The rest cited other religions, for example animism and “folk religion” (Borneo) as well as Sikhism, etc. The most important Christian denominations are Anglicans, Methodists and Catholics. Most Christians live in Borneo, where Good Friday is a

<sup>193</sup> See the study by Ormond, M., *Neoliberal Governance and International Medical Travel in Malaysia* (Routledge Pacific Rim Geographies), London 2013.

<sup>194</sup> Federal Constitution, <http://www.jac.gov.my/images/stories/akta/federalconstitution.pdf>, accessed on 12 August 2013. For a more recent interpretation of the Malaysian constitution see also Harding, A., *The Constitution of Malaysia: A Contextual Analysis* (Constitutional Systems of the World), Oxford, 2012.

<sup>195</sup> On the religions practised in Malaysia cf. Chew, M. K. C., *The Journey of the Catholic Church in Malaysia, 1511-1996*, Kuala Lumpur 2000, 7f.

<sup>196</sup> Department of Statistics, Malaysia, 2011, loc. cit.

public holiday. Christmas is a holiday in the *whole* country, but Easter is not.

Malays in Malaysia still enjoy the privileged legal status of indigenous people (*bumiputera*), which ensures them preferential treatment when applying for jobs in the public sector, for instance, or borrowing money from banks (the economy is still largely in the hands of the Chinese minority). On the other hand, Muslims wishing to convert from Islam encounter harassment from the state authorities, because the Malayan constitution automatically considers *all* Malays to be Muslims. The profession of faith in Islam is a mandatory legal requirement for recognition as a Malay within the meaning of the constitution. In constitutional terms a profession of faith in Islam is one of four conditions for legal recognition as a Malay.<sup>197</sup> The rationale for this would appear to be that Islam is seen as a key component of Malayan ethnic identity.

The 2010 census also showed that 83.6 per cent of ethnic Chinese in Malaysia consider themselves Buddhists, to which must be added 3.4 per cent Taoists and 11.1 per cent Christians. 86.2 per cent of the Indians are Hindus, to which must be added 6 per cent Christians and 4.1 per cent Muslims. Moreover, 46.5 per cent of the indigenous, non-Malay *bumiputeras* in Borneo profess to Christianity, which makes it the dominant religion there (40.1 per cent are Muslims).<sup>198</sup>

Malaysia's Muslims are duty bound to comply with the rulings of the Islamic courts in religious matters and in some cases also in family matters.<sup>199</sup> The Islamic judges must be members of the Sunni-Shafi school of law, which is the leading school in Malaysia. The jurisdiction

<sup>197</sup> Article 160, second sentence of the Malaysian constitution says that "Malay" means a person who professes the religion of Islam, habitually speaks the Malay language, conforms to Malay custom and a) was before Merdeka Day born in the Federation or in Singapore or born of parents one of whom was born in the Federation or in Singapore, or is on that day domiciled in the Federation or in Singapore; or (b) is the issue of such a person [Singapore belonged to Malaysia until 1965]. In accordance with this ethno-religious identity there cannot be any non-Muslim Malays. Non-Islamic Malays or Malays who have renounced Islam are not officially regarded as Malays but as non-Malayan nationals of Malaysia. Ketuanan Melayu (Malayan pre-eminence) is considered to be a racist / nationalist belief in Malaysia. It relates primarily to descent, but also to religion and is supported in part by the ruling party UMNO.

<sup>198</sup> Department of Statistics, Malaysia, 2011, loc. cit.

<sup>199</sup> On the combination of Islam and ethnicity in Malaysia see Peletz, M. G. and Piscatori, J., *Islamic Modern: Religious Courts and Cultural Politics in Malaysia* (Princeton Studies in Muslim Politics), Princeton, 2002 as well as Goh, D. P. S., *Race and Multiculturalism in Malaysia and Singapore* (Routledge Malaysian Studies Series), London 2012.

of Islamic courts is restricted to Muslims in such matters as apostasy, marriage, inheritance, divorce, conversion to Islam and custody, etc. Criminal law matters do not fall within the jurisdiction of these courts, which have a hierarchy similar to that of the secular courts. On the other hand, although the highest secular courts are the supreme courts in the country, they do not concern themselves with matters specifically related to Islam. Furthermore, Muslim children are obliged to attend Islamic religious instruction in state schools (based on a state-recognised curriculum). In recent years the Islamist opposition has increasingly made itself heard because it considers the Malaysian government's "Islamisation course" to be too feeble.<sup>200</sup>

### Christians in Malaysia: The Historical Legacy

Christians from the Middle East – probably Nestorian traders from Armenia in the Persian Sasanian Empire – reached the territory of what is now Malaysia as early as the seventh century<sup>201</sup> (at the same time as the first Muslims, incidentally). Catholics arrived in 1511 after the Sultanate of Malacca had been conquered by the Portuguese.<sup>202</sup> St. Francis Xavier used Malacca as a stopover on his way to Japan and China. After the fall of Malacca to the Calvinist Dutch (who were not too keen on missionary work) in 1641 Catholicism went into decline, its adherents being subjected to persecution in some places.

The arrival of the tolerant British in the late 18th century gave the Catholics a second chance. Under British rule Catholicism spread to Borneo in the 19th century. Catholic missionary work at this time concentrated initially on the so-called Straits Settlements, the colonies of Penang, Malacca and Singapore, which were directly governed by the British. When Catholic and other Christian missionaries ventured into the rest of the Malayan Peninsula, they encountered resistance

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<sup>200</sup> On this development see, in particular, Yong Liow, J. C., *Piety and Politics: Islamism in Contemporary Malaysia (Religion and Global Politics)*, Oxford, 2009, and Lee, J. C. H., *Islamization and Activism in Malaysia*, Singapore 2010.

<sup>201</sup> Colless, B E., "The Traders of the Pearl. The Mercantile and Missionary Activities of Persian and Armenian Christians in South East-Asia", *Abr-Nahrain IX* (1969-70), 102-121; see also Koschorke, K., "'Ob er nun unter den Indern weilt oder unter den Chinesen ...': Die ostsyrisch-nestorianische "Kirche des Ostens als kontinentales Netzwerk im Asien der Vormoderne", [http://www.kg1.evtheol.uni-muenchen.de/forschung/projekte/weitere\\_projekte/koschorke\\_nest.pdf](http://www.kg1.evtheol.uni-muenchen.de/forschung/projekte/weitere_projekte/koschorke_nest.pdf), accessed on 12 August 2013.

<sup>202</sup> On the history of the Catholic Church in the area of what is now Malaysia see Chew, M. K. C., loc. cit., 49f.

from the Muslim Malays. They therefore concentrated their efforts on the Chinese and Indians who had been brought into the country as cheap labour.

Catholic priests from Thailand founded the Major Seminary in Penang in 1810. The London Missionary Society (LMS), a Christian, non-denominational mission society, set up its headquarters in Malacca and Penang in 1815, but most of the Protestant missions dissolved after 1842 when it became possible to do missionary work in China. The Catholic mission suffered from a split between the French and the Portuguese participants. The Methodists were active in Malaya as of 1885. The Presbyterians grew, in particular, through the Chinese churches in Johor and the expatriate congregations in Penang, Ipoh and the up-and-coming city of Kuala Lumpur. Missionary work among the indigenous Senois in Malaya began in 1932. Pentecostal churches gained influence in the 1970s, their American missionaries having been in the country since 1935.

The influence of the Spanish missionaries from the nearby Philippines enabled Catholicism to gain a foothold among the indigenous Kadazans in Sabah (Borneo). Migration across colonial borders was another important factor. Catholics, Lutherans, Anglicans and Methodists were among the Tamil immigrants who had been brought to the country by the British from India. After the crushing of the so-called Boxer Uprising in China, there was an increase in Chinese immigration to Borneo, where the Methodists still have a strong presence today. Immigration from the Kerala coast of India in the 1930s led to the establishment of Mar Thoma and Syrian Orthodox communities.

From 1847 the Anglicans in Sarawak (Borneo) were given special support under the rule of the legendary White Rajah, Sir James Brooke.<sup>203</sup> The Catholic mission was approved a little later. In 1928 the Australian Borneo Evangelical Mission began its work, as a consequence of which the Sidang Injil Borneo (Borneo Evangelical Church) is still the largest indigenous church in Malaysia today. The Second World War and the period of Japanese occupation meant inter alia that for the first time the ex-pats were driven out of the leading positions in the churches, which led to the emergence of genuinely

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<sup>203</sup> For more on this figure and the private "principality" he established on Borneo see Barley, N., *White Rajah: A Biography of Sir James Brooke*, London 2002.

indigenous structures – a positive outcome of what has otherwise come to be regarded as the darkest period in Malaysian history.

After the end of the war the Malayan Christian Council (MCC), founded in 1948, coordinated the return of the British as well as missionary work in Malaya, especially during the Malayan Emergency<sup>204</sup> (the battle against the communists). Chinese who had been forcibly resettled since they were considered to be “under threat” from communism were given medical care by the local missionaries. After independence in 1957, however, many churches were once again dependent on foreign missionaries and financial support from abroad. The present increase in the number of independent churches can therefore be seen as a sign of the emergence of an independent Malaysian Christian identity.

Since 1983 the National Evangelical Christian Fellowship (NECF) has served as a platform for Protestant and independent organisations. The Christian Federation of Malaysia (CFM), to which the Christian Council of Malaysia (formerly MCC), the Catholics and the NECF belong, was founded in 1986. In Borneo the Sabah Council of Churches and the Association of Churches of Sarawak perform similar ecumenical tasks.

### **Christians in Malaysia Today: Trapped Between Conflict and Consensus**

Modern Malaysia must be seen in a multi-religious context in which current Western theological debates do not always appear to be of any relevance. The lay movement is very active in most churches and is often their real backbone. While there are all manner of challenges to be faced at the moment, especially in light of the changing political and economic circumstances, the churches – like Malaysia itself – are beginning to understand that they must make a contribution for the benefit of the whole country and all its citizens.

The commitment of the churches and Christian communities to education for *all* Malaysians, irrespective of their religion or ethnicity, has traditionally been very strong among the Catholic, Anglican and Methodist schools and educational establishments, the high quality of which compared to state facilities is held in general esteem – including

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<sup>204</sup> One of the few works accessible to a broader readership on this key period in the genesis of Malaya is by Barber, N., *War of the Running Dogs: Malaya, 1948-1960*, London 2007.

by Muslims, who also attend such institutions. Social awareness is likewise manifest in the medical sector and in organisations such as Malaysian CARE, the Salvation Army and YMCA/YWCA, all of which make important contributions for the whole country.

As was pointed out earlier, there are two virtually parallel legal systems in Malaysia: the secular system, which rests on laws passed by the federal parliament, and the Islamic Sharia courts, which only have jurisdiction over people who profess Islam. This means that non-Muslims have no legal status before such courts. Should rulings by the Islamic court affect non-Muslims, they can turn to the secular courts.

The Sharia courts are, in theory at least, under the control of the sultans in the states. In the past the sultans had absolute power in the country. Shortly before independence, however, they gave some state powers to the federal government in Kuala Lumpur. But even today they are still the supreme authority in Islamic law in their respective states. In this respect, therefore, there have been no changes as compared to the practice under British protectorate rule. Moreover, the federal government generally supports the Islamic establishment and it is official government policy to establish “Islamic values” in the country’s administrative organisations. In this connection it should not be forgotten either that the prime ministers of Malaysia since independence have all been Muslims.

In view of the government’s de facto “Islamisation policy” in recent years – which has led inter alia to a strengthening of the non-Islamic opposition<sup>205</sup> – Christians in Malaysia have had to contend with various restrictions. There have been difficulties, for example, in the granting of building permission for new churches. In the city of Shah Alam, the capital of the Sultanate of Selangor, which includes the federal capital of Kuala Lumpur, no building permission has been granted at all for churches. Christians are forbidden by law in Malaysia from attempting to convert Muslims (there have been arrests in the past for this reason) and Christian literature must be labelled “For Non-Muslims Only”. Muslims were forbidden to watch the (somewhat controversial) feature film *The Passion of the Christ*, for instance. The restrictions on the distribution of Christian literature

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<sup>205</sup> Dealt with in depth in Hilley, J., *Malaysia: Mahathirism, Hegemony and the New Opposition (Politics in Contemporary Asia)*, London 2001.

are handled much less strictly in the states of Sabah and Sarawak on Borneo. It must be conceded, however, that Christian literature is freely available to everyone in international bookshops such as *Borders* or *Kinokuniya*.

The controversy over the use of the word *Allah* for “God” by non-Muslim Malaysians, especially Christians, was recently built up by the country’s Islamic establishment into a major conflict, which still threatens to poison the climate in Malaysia.<sup>206</sup> Bibles in the Malayan language were banned if they included the word *Allah*. It was argued that use of the term contravened the constitution, because bibles could thus be used to spread religions other than Islam. The controversy also split public opinion in the country. Some cabinet ministers could see no problem in the use of the word *Allah* by Christians, because the national language – Malay – can be used for all purposes. It was argued that Arab Christians, e.g. those in Lebanon, have used this word for centuries (which is also true of the Christians in Malta incidentally). Nevertheless, no problem was seen in respect of the use of the term in the indigenous Iban language on Borneo because it has no other word for “God”.

On the other hand, Sunday – traditionally a *Christian* holiday – is also an official weekend day in both federal territories and in ten out of thirteen states in Malaysia. The country thus deviates from the practice in the vast majority of countries in the Middle East. (The exceptions here are the states of Kedah, Kelantan and Terengganu which have traditionally been governed by the Islamist PAS party and are characterised by Malay Muslim practices. Here the weekend is Friday and Saturday). Most Muslims in Malaysia seem to accept this, although some have voiced their disapproval, because the holiest time in the week for a Muslim is the period between Thursday evening and Friday afternoon when Friday prayers are said. The recognition of Sunday as a weekend holiday – a practice which the British brought into the country as non-Muslim immigrants in the colonial period – thus constitutes a move away from traditional Islamic practice.

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<sup>206</sup> Wikipedia article “Titular Roman Catholic Archbishop of Kuala Lumpur v. Menteri Dalam Negeri”, [http://en.wikipedia.org/wiki/Titular\\_Roman\\_Catholic\\_Archbishop\\_of\\_Kuala\\_Lumpur\\_v.\\_Menteri\\_Dalam\\_Negeri](http://en.wikipedia.org/wiki/Titular_Roman_Catholic_Archbishop_of_Kuala_Lumpur_v._Menteri_Dalam_Negeri), accessed on 12 August 2013.

## Malaysia and religious freedom

In compliance with the federal constitution the Malaysian government generally respects freedom of *worship*.<sup>207</sup> In practice, however, the state governments exercise very strict control over the building of non-Muslim places of worship and the allocation of land for non-Muslim cemeteries. It often takes a long time for permission to be granted. The customary interpretation of the term “religious freedom” in the manner stipulated in the federal constitution tends to mean that a person has the right to freely exercise his religion, which essentially corresponds to what people in the West understand by “freedom of worship”, whereas the term “freedom of religion” is more wide-ranging.

So in practice there are diverging interpretations of what religious freedom means in Malaysia. For example, a Muslim wishing to renounce Islam and convert to a different religion requires express “permission” to do so from a Sharia court. Such permission is very rarely granted, unless a person has already practised a different religion for the whole of his adult life and therefore merely wishes to have his identity documents changed so that the fact is made official. The interpretation of the Malayan Islamic establishment, by contrast, is that only a Sharia court – not the person concerned – can decide on who is a Muslim and who is not.

A debate over this interpretation came about as a result of the case of Lina Joy, a Malayan ex-Muslim who had converted to Christianity.<sup>208</sup> Her case came before the Malaysian Federal Court in 2007. However, she lost it and was not allowed to have her Christian identity entered on her identity card. This clarified the situation in respect of overlapping responsibilities between secular and Islamic courts in Malaysia. In 1999 the High Court had ruled that secular courts have no jurisdiction in cases concerning Muslims wishing to

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<sup>207</sup> Gerald, J., Malaysia (missio national reports on religious freedom), Aachen 2013/14 (in preparation).

<sup>208</sup> Lina Joy was born in 1964 in Malaysia as Azlina Jailani, the child of Muslim parents of Javanese origin. She converted at the age of 26. In 1998 she was baptised and applied to Malaysian courts for official recognition of her change of religion. Although the change in her name was recognised in 1999 and the corresponding alteration made in her identity documents, no account was taken of her change of religion because she had no confirmation of it from a Sharia court. In 2006 she therefore appealed to the (secular) Federal Court, thereby obviating Islamic jurisdiction. Since that time she has lived out of the public eye because of the media interest in her “case”.

change their religion.<sup>209</sup> In the view of the court a change of religion by Muslims lay exclusively within the jurisdiction of the Sharia courts.

Muslims wishing to convert therefore have a number of difficulties to overcome, as the legal process is ambiguous. Apostasy from Islam thus remains a sensitive issue in Malaysia. In 1998, following a similarly controversial case of an “attempted conversion” from Islam, the government declared that apostates would not be subject to criminal prosecution as long as they did not slander Islam. What remained unclear, however, was whether the act of apostasy from Islam as such constituted an “insult to Islam”.<sup>210</sup>

In the past the government has imposed sanctions on certain Islamic groups it officially described as “deviant” and therefore a risk to internal security. For the most part, however, they have been inflicted on the relatively small but steadily growing community of Shiites in the country, mostly former Sunnites. Government bodies are currently still monitoring the activities of the Shiites.<sup>211</sup>

In April 2000 the state of Perlis passed a Sharia law threatening Islamic “deviants” and apostates from Islam with a year’s “re-education”. Leading members of the Islamist opposition party PAS even called for the death penalty for apostates – if they had been given a year to “think things over” and had still not “regretted” their decision. In view of such fierce intimidation and threats many ex-Muslims have decided to live a “double life” and hide their new faith from their family and friends.

Since Malaysia is a federation, certain matters such as religion are decided by the individual states. Hence there is often a considerable disparity between the states in the way they treat apostates from Islam. Negeri Sembilan, for example, seems to have the highest

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<sup>209</sup> On this aspect and, in particular, on the two often diverging legal systems in Malaysia see the excellent study by Chevallier-Govers, C., *Shari’ah and Legal Pluralism in Malaysia* (IAIS Monograph Series), Kuala Lumpur, 2010.

<sup>210</sup> In 2005 the case of the so-called Sky Kingdom sect attracted international media attention. Its founder, a Malay by the name of Ayah Pin, claimed to be God. The members of the sect – mostly Malays – were charged with “religious deviation” and accused of slandering Islam. In May 2001 the government decided not to register the Falun Gong as a legal entity. However, observers saw a connection between this decision and the fact that Kuala Lumpur wished to have good relations with China, where the sect is banned. Be that as it may, the Falun Gong adherents in Malaysia have been able to pursue their activities unhindered.

<sup>211</sup> Marcinkowski, C., *Shi’ite Identities: Community and Culture in Changing Social Contexts* (Freiburg Studies in Social Anthropology), Zurich 2010, 182-198.

number of apostates because it is the only state that officially permits apostasy.

“Missionary work” carried out by members of other religious communities with a view to converting Muslims is not banned by federal law. As we have just seen, however, it is the individual states which are responsible for Islamic matters. Ten of the 13 states (with the exception of Penang, Sabah and the three federal territories) threaten proselytes with long terms of imprisonment and beatings with a rotan stick. Muslim missionary activities are not subject to any restrictions, however, and are even encouraged by the state.

On the other hand, it must be said that in the past few years there have been far fewer problems than in the past with the issuing of visas to foreign clerics (Christian *and* Muslim). In March 2000, representatives of non-Muslim organisations were invited by the responsible authorities to take part in sessions of the Immigration Committee which decides on visa applications. So there is a certain degree of progress here.

Another source of conflict is the blatantly unfair treatment concerning grants to Muslim and non-Muslim charitable organisations. In Malaysia there is a “rebate” on income tax for money paid by Muslims to the government in the form of *zakat* (the obligatory religious “poor tax”). Donations made for other purposes or in the name of other religions and under similar circumstances only receive a “rebate” with the approval of the Malaysian government, although that very seldom occurs. Should approval be granted, however, the money donated is only offset against taxable income, whereas *zakat* is deducted from the tax to be paid. The former is merely a “tax credit” whereas the latter is a genuine tax reduction.

The aforementioned “Allah controversy” and the contentious court ruling that accompanied it also led to attacks on non-Muslim places of worship in January 2010. A total of ten churches and several mosques were attacked. In the capital Kuala Lumpur alone three churches were set on fire. One of them was severely damaged by a petrol bomb. Despite the highly charged atmosphere worse damage was prevented and there were no 1960s-style “race riots” with what would probably have been hundreds of casualties. The government and religious leaders sharply condemned the attacks and urged the public to be prudent and wary. The police and security services

carried out investigations which were followed by several arrests and charges.<sup>212</sup>

## The Future

The events of July 2013 can be seen as the latest scandal concerning religious freedom in Malaysia and as a challenge and test case of the credibility of the Malaysian government in respect of its international obligations. That month an alliance of Malayan Islamic organisations called upon the Malaysian government to “kick” the Vatican ambassador, Nuncio Archbishop Joseph Marino,<sup>213</sup> “out of the country”.<sup>214</sup> Marino, they alleged, had interfered in Islamic affairs in the form of his statement on the use of the word “Allah” by local Christians. If the state did not intervene, an increase in Christian influence could be expected, “including support for a movement to Christianise Muslims in the country”, their declaration said. Failure by the government to take action against the nuncio could lead to tensions and legal initiatives by “angry Muslims” – an unconcealed threat of violence against the accredited ambassador of a sovereign member state of the United Nations. The organisation announced that it would be sending a letter straight to Pope Francis. In an interview Marino had defended the Christian practice in Malaysia of referring to God as “Allah”, the customary designation in the national language.

In view of such a scenario the future progress of inter-ethnic and inter-religious relations – and thus the fate of religious freedom and, in particular, of Christians in Malaysia – remains uncertain. True, there have been positive signs in recent years of a heightened social and political awareness across ethnic and religious boundaries and, despite all the present shortcomings, the country can point to the progress it has made.

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<sup>212</sup> Wikipedia article “2010 Attacks against Places of Worship in Malaysia”, [http://en.wikipedia.org/wiki/Attacks\\_against\\_churches\\_in\\_Malaysia\\_\(2010\)](http://en.wikipedia.org/wiki/Attacks_against_churches_in_Malaysia_(2010)), accessed on 12 August 2013.

<sup>213</sup> In January 2013 Pope Benedict XVI had appointed Marino the Holy See’s first ambassador to Malaysia. Malaysia and the Vatican had only agreed the assumption of full diplomatic relations in July 2011.

<sup>214</sup> Radio Vatikan, “Vatikan/Malaysia: Nuntius bestreitet Einmischung”, [http://de.radiovaticana.va/news/2013/07/16/vatikan\\_malaysia:\\_nuntius\\_bestreitet\\_einmischung/te-710838](http://de.radiovaticana.va/news/2013/07/16/vatikan_malaysia:_nuntius_bestreitet_einmischung/te-710838), accessed on 12 August 2013; “Malaysia: Islamische Organisation macht Stimmung gegen Vatikanbotschafter”, [http://de.radiovaticana.va/news/2013/07/12/malaysia:\\_islamische\\_organisation\\_macht\\_stimmung\\_gegen/te-709942](http://de.radiovaticana.va/news/2013/07/12/malaysia:_islamische_organisation_macht_stimmung_gegen/te-709942), accessed on 12 August 2013.

However, there can be no overlooking the fact that, over fifty years after independence, Malaysia has still not set about genuine “nation building”. The country is now at the crossroads. It is to be hoped that in future there will be greater cooperation and more trust among Malaysians.

# Christian Witness and Religious Freedom in Algeria

Henri Teissier

## Religious freedom

The observations made in this article should be seen in the context of the special situation we face in Algeria, a society in which virtually all the native inhabitants are Muslims. Since Algerian independence in 1962 and the subsequent exodus of the European population the only Christians left in the country are foreigners – with the exception of the few thousand converts to Christianity, most of whom are Evangelicals. Expatriate Christians of many different nationalities are to be found in Algeria but they mostly only stay for a short while. They include two to three thousand Christian students from sub-Saharan Africa as well as sub-Saharan migrants on their way to Europe, a destination most of them will never reach. Leaving aside the several hundred Algerian Catholics who have converted from Islam, the nucleus of the Catholic Church consists of clergy – priests, monks, nuns and lay missionaries from many countries who have come to Algeria to bear Christian witness in this Muslim society and to do the mission work of the Church.<sup>215</sup>

It is against this very specific backdrop that we address the issue of religious freedom, which operates at different levels. There is the religious freedom of foreign Christians, the religious freedom of Algerian Christians from Muslim families and, finally, the religious freedom of the Muslims themselves, both in their own community and in their relations with Christians. On the one hand, therefore, we must take a close look at the attitude of Muslims to religious freedom and, on the other, at the position taken by the Christians and how it is translated into practice. In particular, we need to bear in mind the

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<sup>215</sup> For the Apostolic context of this witness see Teissier, H., *Eglise en islam, méditation sur l'existence chrétienne en Algérie*, Paris, Centurion, 1984, 216. or Ray, M. Ch., *Le Cardinal Duval*, 1984, Centurion, 242.

difference between Islamic law and legislation passed by the Algerian state, depending on whether the religious freedom of a person born into a Christian family is at issue or the religious freedom of a person born into a Muslim family who wishes to become a Christian. So when talking about religious freedom we have to be mindful of the fact that, as mentioned above, it operates on different planes.

### **Religious Freedom in Islamic Law**

First of all we need to examine the basic attitude of Muslim societies to their non-Muslim members. According to Islamic tradition, it is possible for Christian and Jewish minorities to live in a Muslim society. For Islam, Christians and Jews are “peoples of the Book” who are entitled by Islamic law to live in a Muslim society. Some verses of the Koran and numerous *hadith* (handed down by the prophet of Islam) confirm that the identity of Christians and Jews living in a Muslim society must be respected.

On the other hand, classical Islamic law does not allow anyone born into a Muslim family to exchange his traditional belief for another. Any such change results in the convert’s social exclusion. At the same time, his conversion discredits the Christian believer or the church community which encouraged him to convert and accepted him into its ranks. The Koran principle of “no compulsion in religion” is applicable to “non-Muslims” and is designed to protect them from forced conversion. In the case of converts of Muslim origin, however, a different principle comes into play. Such persons are regarded as “apostates”, to whom other social judgements and laws / verses of the Koran apply, which in theory can entail the death sentence.

### **Religious Freedom in Algerian Society**

Classical Islamic law is one thing, its application in different countries quite another. At the time Algeria became independent in 1962 the country’s Muslims were not guided by the tenets of classical Islamic law. Their attitude towards non-Muslims (Christians, Jews and others) who came to help rebuild the country was basically one of sympathy and thus of respect for their religious identity or lack of any religious conviction. What mattered at that time was the participation of non-Muslims in the work of building a new Algerian society. Algerians were friendly to all foreigners who wished to work in Algeria

for the public good, regardless of whether they were Christians, Jews or agnostics. Fifty years after independence, things have changed as a result of the stronger focus on religion and the spread of religious views imported into Algerian society from the Middle East. In considering the present-day approach to religious freedom in Muslim society in Algeria three things need to be borne in mind.

- *The religious freedom of foreign Christians living in Algeria* is largely respected by the state and Algerian society, provided the Christians concerned do not engage in proselytism and they conduct their church services discreetly, either in buildings reserved for Christians or in family homes (except in certain poorer districts where there is less tolerance). Basically, they have no means of drawing public attention to their prayers (by the ringing of bells, processions, sermons for Muslims, etc.).
- *The religious freedom of Algerian Christians who have converted from Islam* is very often threatened in the form of harassment by the authorities and daily pressure exerted by their families and Muslim society, which can be more or less severe depending on the social environment and the family situation. As Algerian Catholics they are obliged to live a life of discretion – with a few exceptions, notably in the Kabyle region. These exceptions primarily apply to those Algerians – and there are a few – who were born as Christians because their families converted to Christianity one or two generations earlier. They can live their faith freely because it was not they themselves who renounced Islam to become Christians but their forebears.
- *The religious freedom of Muslims in Algerian society*, as it presents itself today, does not mean that Muslims are free to behave in public in a manner which contravenes Islamic law, e.g. drink alcohol (apart from at home or in private), eat pork, not wear a veil outside the home if they are women, especially in small towns and suburban areas, work during Friday prayers (between 12.30 and 13.00 hours), eat or drink in public during Ramadan, enter a Christian church apart from on special occasions such as a wedding or a funeral, and, of course, renounce their Muslim identity in order to embrace

a different belief. This is not so much a legal ban as a form of social pressure, which makes it well nigh impossible for normal Muslims to do anything in public that runs counter to Islamic tradition. Moreover, it is virtually out of the question for a Muslim to acquire a bible or Christian publications. These are not generally available and can only be found on Christian premises. Anyone caught in possession of such publications is in contravention of the law and can be charged with proselytism. Algerian Muslims avoid going into churches for fear of social ostracism. There are only a few exceptions (the basilicas of Notre Dame d'Afrique in Algiers, St. Augustine in Hippo and Assekrem in the Hoggar Mountains). On the other hand, many Muslims take part in social, cultural and educational activities organised by Christians and churches, provided these are not for the purposes of "proselytism".

In summary, the religious freedom of Christians (and Jews) born into their respective traditions is recognised. Muslims must remain in their community of origin, however. At least that was the case up to the recent past.

### **Recognition of the Muslim groups who have converted to the Evangelicals**

Over the past twenty years or so there has been a significant development in Algeria which, to the best of my knowledge, has not found legal acceptance in other Arab Muslim countries. The past three decades have witnessed the gradual formation of communities of Algerian Christians who have converted from Islam to the Evangelicals, most of whom live in the Kabyle region. Their conversion has been the result of evangelisation based on foreign radio programmes and then, later on, television broadcasts. For some twenty years these conversions have generated very lively debates in the French and Arabic press in Algeria. Most of the articles have condemned this proselytism and the resulting conversions. But some newspapers, particularly those in French, have stressed that religious decisions are free by their very nature, which means that everyone is free to choose their religion.<sup>216</sup>

<sup>216</sup> See the petition initiated by the newspaper *El Watan* on 18 March 2008, which was signed by more than 2,000 intellectuals in protest against the arrest of a young Algerian woman for transporting bibles in her car.

## **The law of 28 February 2006 and the colloquium of February 2010**

In view of the increasing proselytism by Evangelical movements the Algerian state published a decree in the official gazette stating that organised proselytism would be punishable by imprisonment and heavy fines. Nonetheless, the preamble of this decree reiterated the state's respect for freedom of conscience and the freedom of religions other than Islam.

In February 2010, the Minister of Religious Affairs organised a colloquium on the subject of proselytism, to which all the leaders of the churches recognised by the state were invited, including the leaders of the Evangelicals who had converted from Islam. The conclusions of the colloquium can be summarised as follows. The Algerian Constitution recognises Islam as the state religion (Article 2). Algeria therefore has to protect Islam and consequently cannot accept organised proselytism. On the other hand, the same Constitution guarantees freedom of conscience (Article 36).<sup>217</sup> This means that both the state and society must respect the individual's choice of faith.

### **A Church "for" the Muslims**

Algeria became independent on 5 July 1962. The Catholic Church in independent Algeria was founded at the time of the Second Vatican Council in 1962. In October 1962, at the beginning of the pastoral year 1962/63, the Bishop of Algiers, Mgr. Duval, who was soon to be made a cardinal (1964), travelled with the other bishops from Algeria to attend the Council, where they took part in all the sessions held in the autumn of the years 1962, 1963, 1964 and 1965. These were the years in which we built up the new Church of Algeria in an independent country. The Council debates were, therefore, immediately of great importance for the Catholic community in Algeria.

At the time of independence in 1962 virtually all the members of the little group of Algerian Christians (numbering several thousand) left the country along with the 900,000 European Christians who had lived in the country for one or more generations. At this time several thousand fellow Christians joined us in building the new Catholic Church of Algeria together with its permanent members (priests,

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<sup>217</sup> The French version speaks of "freedom of conscience" whereas the Arab version speaks of freedom of "religion" (mo'taqad).

religious, lay missionaries) and a number of older people and wives from mixed marriages. For this small community the question of religious freedom immediately arose, especially that of the Christians of Algerian origin, particularly since the long war of liberation had been waged largely with the Muslim identity of the population in mind. In addition there was the question of respect for the religious freedom of the Algerians who, from that time on, were welcomed in our institutions. What religious education was to be given to the Muslim children in our schools and the young people in our hostels, all of whom came from Muslim families? These and others were among the issues that concerned us.

From that point on it was clear that our task was to build a Church for the Muslim society of Algeria together with the new lay people who had arrived and the permanent members of the clergy, most of whom were engaged in missionary work. Initially this meant that all our service institutions, which no longer had any European Christians to cater for, needed to focus on the requirements of Algerian Muslims. This is exactly what happened in our schools, kindergartens, Caritas services, sewing rooms, charity associations, youth movements, clinics, hospitals, student hostels and old people's homes. Community rooms in which the catechism had previously been taught were now open to Muslims for literacy courses, educational support facilities, educational training centres, etc.

In view of this development we needed to find out what the mission of our Church was to be in our relations with the Algerian Muslims. The children, adolescents, young people, adult men and women and old people who came to us considered our Church as a family. Were we to welcome them without reservation as Muslims or was our task to use the services we offered as a means of converting them to Christianity? The documents of the Second Vatican Council offered alternative prospects.

### **The Council opened up new prospects for our witness which respect the religious freedom of our partners**

The question of religious freedom in respect of the non-Christians with whom we had developed close ties was one we each had to address at the time in our own specific context. The Church deliberations at the Council on this issue, which were passed on by Cardinal

Duval and the other Algerian bishops present and explained by the priests entrusted with this task in the dioceses and communities, provided us with new, extremely valuable theological insights. All the important Council documents gave us answers to the question of the Church's respect for the religious freedom of its partners. Indeed, they called upon us to bear witness to our Christian faith while at the same time respecting the religious convictions of our Muslim partners, above all those of the children and young people who enjoyed the services provided by our Christian institutions. Thus it was that we welcomed or visited hundreds of thousands of Muslim children, adolescents and young people, both boys and girls, with whom we came into contact through the facilities we offered. We respected their religious convictions while at the same time nourishing their human and spiritual stability through the witness we bore to the Gospel.

The Council offered a new interpretation of the relationship between the Church and adherents of other religious traditions. The Dogmatic Constitution *Lumen Gentium*, in particular, presented the Church to us as the sacrament (efficacious sign) of God's gift in the world, as the people of God on a historical pilgrimage with members of other religious traditions in the conviction that their communities are "related in various ways" to the Church and the Kingdom (*Lumen Gentium* 16). This changed the nature of interaction between Christians and believers in other religious traditions, which for us in Algeria meant encounters with men and women of the Islamic faith. "*Finally, those who have not yet received the Gospel are related in various ways to the people of God*", among whom "*are the Mohammedans, who, professing to hold the faith of Abraham, along with us adore the one and merciful God, who on the last day will judge mankind.*" (*Lumen Gentium*, 16)

True, the Decree on the Mission Activity of the Church *Ad Gentes* described the ultimate objective of missionary work as the construction of independent churches in each country (with their own clergy, seminaries, parishes, religious and monastic congregations, lay people, etc.). However, this perspective, which did not accord with our situation in a Muslim country, was now no longer the sole guideline for the missionary work to be undertaken by local churches. The Council encouraged us to meet and serve all our brothers with humanity, even if they were not in a position to be baptised, and to accompany them on their journey through life in accordance with

the biblical view of man – without necessarily taking them into our community of believers, at least not in our generation. *Ad Gentes* says in this respect: “*Closely united with men in their life and work, Christ’s disciples hope to render to others true witness of Christ, and to work for their salvation, even where they are not able to announce Christ fully.*” (*Ad Gentes*, 12)

Hence, this new missionary approach did not rest solely on the appeal for dialogue addressed to us in the declaration *Nostra Aetate* on the “Relation of the Church to Non-Christian Religions”. The other important Council documents also revealed the outlines of a new horizon. *Lumen Gentium*, as we said earlier, invited us to regard Muslims as ‘related’ to the Kingdom of God and its values. The document also stated: “*Those also can attain to salvation who through no fault of their own do not know the Gospel of Christ or His Church, yet sincerely seek God and moved by grace strive by their deeds to do His will as it is known to them through the dictates of conscience.*” (*Lumen Gentium*, 16) In *Gaudium et Spes* the Council set out its thoughts on “human vocation”, which gave Christians and their non-Christian partners a common goal: to grow together in humanity in accordance with the same human calling. *Gaudium et Spes* says: “*This community realizes that it is truly linked with mankind and its history by the deepest of bonds ... This sacred synod, proclaiming the noble destiny of man ... offers to mankind the honest assistance of the Church in fostering that brotherhood of all men which corresponds to this destiny of theirs. ... For the human person deserves to be preserved; human society deserves to be renewed.*” (*Gaudium et Spes*, 1, 2, 3)

Thus our presence alongside our Muslim partners obliged us to work together for the benefit of mankind, for each and every individual regardless of whether they were Christians or not, the aim being to put this human “calling” into practice – a calling we Christians find in the Gospel and in the teachings of the Church, in this case those of the Second Vatican Council. The Regional Episcopal Conference of North Africa built on this perspective and formulated it in numerous documents.<sup>218</sup>

*Gaudium et Spes* gave every human person the opportunity to embark on a paschal journey. Having spoken of the unification

<sup>218</sup> Cf. C.E.R.N.A. “Le sens de nos rencontres”, Docum. cath. No. 1775, (1979), 1038f.

of Christians during the Easter Mystery, the document went on to talk of the paschal dynamic, saying: *“All this holds true not only for Christians, but for all men of good will in whose hearts grace works in an unseen way. For, since Christ died for all men, and since the ultimate vocation of man is in fact one, and divine, we ought to believe that the Holy Spirit in a manner known only to God offers to every man the possibility of being associated with this paschal mystery.”* (*Gaudium et Spes*, 22, 4 and 5) (cf. also *Lumen Gentium*, 16)

In this context the issue of respect for the religious freedom of our Muslim partners initially arose as an apostolic necessity, which also determined a potential relationship of trust with the Muslims. Algerian Muslim society held on tenaciously to its religious traditions, which is not surprising in the light of a seven-year war of liberation and 130 years of colonialism. In this Algerian society we were accepted as Christians and in demand as partners for the reconstruction of the country, but only on condition that we respect the religious beliefs of the population. At the same time, however, this respect for the religious freedom of our Muslim partners was also founded on the new approach of the Catholic Church to its relations with men and women of other religious traditions, particularly of the Muslim tradition.

So the Council's declaration on religious freedom proved extremely useful, especially in statements such as the following: *“The Church recognizes and gives support to the principle of religious freedom as befitting the dignity of man and as being in accord with divine revelation. ... there has at times appeared a way of acting that was hardly in accord with the spirit of the Gospel ... Nevertheless, the doctrine of the Church that nobody is to be coerced into faith has always stood firm.”* (*Dignitatis Humanae*, 12)

### **A Christian witness which respects the religious freedom of non-Christian partners**

Since independence some fifty years ago in 1962 we have borne witness to our Christian faith freely at the side of our Muslim partners without seeing their conversion to our belief as a necessary target, yet inspired by the wish to work together in advancing mankind and society, which is also the work of God's Kingdom. In this way we hoped to respond to the “divine calling” of all men whilst respecting the inner freedom of every individual, i.e. the freedom of those who

remained Muslims, but wished to cooperate with us all the same, as well as the freedom of those – far fewer in number – who asked us to share the Gospel and life with them as baptised persons.

In acting thus, we were confident of accomplishing the work of the Kingdom of God, in whose service we stand together, through respect for what each human person is or wishes to be and yet bearing witness before all of what we are and wish to be as disciples of Jesus and his Gospel.

A text formulated by a group of Christians from the diocese of Constantine expresses very well what has guided us all these years: *“In the years after independence we succeeded in finding a different path, by means of which – in the limited and modest framework of our relations – it proved possible to express and put into practice God’s Kingdom, which we believe surrounds us everywhere in the form of fraternal friendship: pure, humble, disinterested friendship. Not communion or meeting in the ritualised sacrament, but nonetheless a sign and the perceptibility of God’s favour, a sacrament that belongs to us together in bearing each other’s burdens, helping us to understand each other and transform ourselves, to serve, to be faithful.”*<sup>219</sup>

Thus we were strengthened in our conviction that a people which holds on to its religious beliefs with all its strength, but accepts that we Christians can work and live together with them, deserves to be offered our Christian willingness to serve and our witness to the Gospel out of respect for their convictions and practices. Our work at the side of our Algerian Muslim brothers was not a means of surreptitiously winning them over to Christianity. Rather it was a witness of our common commitment of working to educate people in accordance with their true calling and to lead them into the Kingdom. Pope John Paul II set forth similar prospects in the encyclical *Redemptoris Missio* in which he offers us, as it were, a definition of the Kingdom of God: *“The kingdom is the concern of everyone: individuals, society, and the world.”* And a little later: *“The kingdom ... grows gradually as people slowly learn to love, forgive and serve one another.”* That is precisely what we have attempted to do with our Muslim Algerian partners.

<sup>219</sup> Teissier, H., *Eglise en islam, méditation sur l’existence chrétienne en Algérie*, Paris, le Centurion, 1984, 216.

The popes themselves thus encouraged us to embrace this form of Christian witness, which respects the religious freedom of our Muslim partners while working with them to build the Kingdom. This, for example, is what John Paul II wrote to me in 1994: *I should like to express my profound gratitude to you once again for the work you are doing in Algeria in the footsteps of your predecessors with the cooperation of the priests, monks, nuns and lay missionaries from the secular institutes who continue to steadfastly dedicate their lives to the witness of their faith and love, irrespective of the risks incurred. In order to open the eyes of your Algerian brothers and sisters to the mystery of salvation and the gifts of God you have shared with them a life in North Africa, a life in the movement through which Christ, by his incarnation, joined the human society of his time ... In this way you are contributing in a hidden and productive way to the arrival of God's Kingdom, as did an eminent figure from your region, Father Charles de Foucauld.*" (John Paul II, 24 November 1994)

## Conclusion

The new prospects opened up by the Second Vatican Council not only broadened our view of religious freedom, but also gave new momentum to the witness borne by Christians in their relations with partners from other religious traditions. A Muslima from Algeria wrote after the assassination of Pierre Claverie, the Bishop of Oran: *"There is a "Muslim Church" in Algeria. It consists of all those men and women who find their beliefs reflected in the message of all-encompassing love and commitment to a pluralist and brotherly society. It has more members than one might think ... The man of tomorrow is gradually taking shape and we are here for that purpose ... Thanks be to the Church for having kept its doors open. It is discovering the new man, and together we will discover God. For God is not a private possession."*

Respect for the religious freedom of non-Christian partners engenders mutual trust, and trust forms the foundation for a joint commitment to peace and justice, which for us Christians are works of the Kingdom of God and the paschal passage in the discipleship of Christ. Whoever bases his life on the firm foundations of fraternal love and respect for others by doing the works of the Gospel follows the call which God sends out to every human being, even though they might not know who issued the call: *"When did we see you a*

*stranger and make you welcome, lacking clothes and clothe you?... In truth I tell you, in so far as you did this to one of the least of these brothers of mine, you did it to me.”* (Matthew 25:38-40). And one might add: “Every time you show respect for the religious freedom of your brothers you show respect for me.”

# Freedom of Religion in a Minority Situation

Felix Machado

Samuel Huntington's<sup>220</sup> thesis is popularly known: he argued that after the 'shock of nationalities' in XIXth century, the XXth century had been characterised by the 'shock of ideologies'. His conclusion is that the XXIst century will be marked by a 'shock of civilizations'. Consequently, Huntington concludes that the wars will now be fought over religious conflicts. While I accept that the analysis of Samuel Huntington may sound brilliant, I do not agree with his negative and pessimistic conclusions. Huntington continues to accuse religions to be part of the problems in our world today. I submit that religions may be projected, by some of their adherents and the media, to be instigating hatred, wars and violence. However, deeper reflection reveals that the actual causes of conflict are not always religious but often economic, political, ethnic, linguistic and historical.

Contradicting the thesis of Samuel Huntington, experience shows that religion remains human life's predominant driving motive for majority of people in most parts of the world. Religion is ordered toward that peace which reflects the divine harmony. I concede that there are people who have been misled by superstitious beliefs and instigated by religious fundamentalism; some have been an easy prey to exploitation at the hands of manipulative leaders in the name of religion; others have succumbed haplessly to the oppression by the powerful who abuse religion for their vested interests.

Yet, the fact remains that religion, in general, continues to guide, animate and give meaning to the lives of millions of people. In professing his religion, a person expresses his deepest aspirations and develops what is most profoundly his own: his interiority, the sanctuary of his being upon which no one can encroach. It is therefore indispensable that each person should be able to follow

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<sup>220</sup> Samuel Huntington was Political scientist at Harvard University in 1990.

his conscience in all circumstances and that no one may force him to act against it. In spite of the widely observed danger of religious fanaticism around us, religions do lend themselves to openness and dialogue; this has enabled believers of different religions to engage in fruitful dialogue across religious boundaries; in recent years efforts to promote dialogue have been made by a growing number of people of all religions. It is evident that dialogue is deeply desired by believers of all religions and their respective leaders; and, at many levels constructive interreligious dialogue has been increasingly taking place. An evidence of this is the growing network of friendship in daily life across religious boundaries, deep exchange of ideas during organized interfaith colloquia, collaboration among people of various religions for common good on local, national and international levels and mutual respect for religious practices among believers of different religions. World's great religions need to work together to eliminate the social and cultural causes of terrorism. They can do this by teaching the greatness and dignity of the human person and by spreading a clearer sense of the oneness of the human family. The longing for peace is deeply rooted in human nature and is found in the different religions.

Based on my experience as a Christian who is deeply involved in interreligious dialogue over many years, I would like to insist that 1) the practice of religion must and will continue and, 2) such a practice ought to be done in mutual respect through on-going dialogue among adherents of various religions. I wish to elaborate these two points in this essay on "Freedom of Religion in a Minority Situation", mainly from the point of view of religious scenario in India today.

### **The Practice of Religion Must and Will Continue**

Any definition of religion must include in it the innate free nature of the human being. Believing is a free act. Dignity of the human person is "a transcendent value, always recognized as such by those who sincerely search for the truth". Failure to respect this dignity leads to the various and often tragic forms of discrimination, exploitation, social unrest and national and international conflicts with which we are unfortunately so familiar in recent times. Without the element of freedom, any definition of religion risks of being dangerously restricted and weak. Respect for human dignity finds one of its expressions in religious freedom. "Religious freedom, if it means the right freely to choose one's beliefs about the meaning and purpose of life, is

a fundamental freedom, arguably the most important human right of all” (Editorial in *The Tablet*, 29 June 2013). The ‘*homo religiosus*’ must find his/her legitimate place in secular society. The State must guarantee that every lawful citizen enjoys all her/his rights, especially the fundamental right to Freedom of Religion; it is the duty of the State to safeguard, protect and defend all the rights whenever and wherever they are trampled upon and consequently, the “*homo religiosus*” is discriminated against<sup>221</sup>. “Freedom of religion and conscience are fundamental rights of every human being, with which every nation in the world has a duty to comply”<sup>222</sup>. The Catholic Church is very attached to safeguarding this freedom which must always be able to find a place within the framework of a country’s legislation and practice. Freedom of Religion is also a condition for minority religious groups to consider themselves full citizens of the State and it encourages them to take a full part in the development of the nation.

This will happen when believers of all religions will commit themselves to live in harmony and mutual respect. I wish to submit that while this is happening today, there are also strong forces which are trying to separate religion from freedom. We are sadly aware that religious freedom in many parts of the world is in great peril<sup>223</sup>.

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<sup>221</sup> A case in question in India is that of the Christians and Muslims from the scheduled caste who have been discriminated against. The Constitutional schedule caste order in India 1950 was signed on 10<sup>th</sup> August (1950) by the then President of India which reads: “No person who professes a religion other than Hinduism shall be deemed to be a member of the Scheduled Caste”; this was later amended to include Sikhs (1956) and Buddhists ((1990) in the Scheduled caste order. The Muslims and, especially Christians, have made every effort for the last several years to demand their constitutional rights from the Governments in power, so that the order is amended and they are included in the Scheduled caste order; they hope that they will also, like all other Dalits, may benefit and have equal opportunity to improve their lot (The word, Dalit means “crushed underfoot”; Dalits are those who are looked down upon in society as outcasts and therefore, unjustly treated, exploited, oppressed and deprived of benefits due to their social status). The case is pending in the Honourable Supreme Court of India for several years (Civil Writ petition 180/2004) and Christians and Muslims are left to suffer as victims of discrimination because their fundamental right to Freedom of Religion is denied to them. I wish to caution the reader that Christianity and Islam, in the case of Dalits, are not promoting in any way the oppressive ‘caste system’ in demanding their rights. In fact, in India Christians are loathed by Hindu extremists for opposing the caste system. Sometimes Christians in India are disliked as well as admired for their enormously influential work in education, health care and social field.

<sup>222</sup> Mgr. Leopoldo Girelli, a non-resident Papal Representative, made this comment on the European Union Guidelines during his visit to Viet Nam on August 10-12, 2013.

<sup>223</sup> Cf. the criticism by the “All Party Parliamentary Group on International Religious Freedom of the United Nations’ poor performance in defense of religious freedom. The group’s report points out that, although Article 18 of the UN Declaration of Human Rights protects religious freedom, it is treated as a “residual” right that only comes into play if it does not obstruct other

Unless believers of each religion, whether in majority or minority population, defend religious freedom robustly, no religion will escape the grave plight that all religious believers face around the world. Assassinations, bombings of sacred places, torching of religious institutions, all these because systematic denials of basic human rights are found in the laws of several countries, and sadly in the acts of persecution<sup>224</sup> by adherents of other faiths. One common threat, spanning both the international and domestic arenas, is the tendency to reduce the freedom of religion to the mere freedom of worship. Therefore, it is the task of the adherents of each religion to practise and strengthen the freedom of religion (by promoting dialogue among all religions) so that they are able to defend more rigorously the right to religious freedom also for other religions. One must not forget that when religion is taken out and judged in isolation, it suffers from unfair and unjust treatment. Opposition to religious freedom can also come from adherents of other religions (majority population) who choose to separate themselves from other religious communities (minority population); this happens because they tend to interpret their religious truth in isolation from the Truth which all must seek and are obliged to follow once found.

The Reuters News Agency reported that Christianity, the religion which champions the cause of mutual respect and interreligious dialogue, has recorded cases of about 100 million persecuted Christians throughout the world<sup>225</sup>. The conditions are said to be worsening for Christians in Syria and Ethiopia, according to an annual report by a group supporting oppressed Christians worldwide. Open Doors, a non-denominational Christian group based in U.S.A., listed

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goals. A current example is provided by the civil war in Syria. Some of the most effective fighters against the Government have been anti-Western jihadists associated with al-Qaeda. Organizations such as CAFOD (British Catholic Relief Agency) have urged the West not to supply arms to the rebels precisely because of the growing signs of the intolerance towards minorities, especially Christians. This was emphasized recently by the murder of a Syrian monk during a rebel raid on a religious house in a predominantly Christian village near Turkish border. But the case for arming the rebels has been discussed by Western governments with scant reference to human rights violations by either side. Realpolitik prevails: an amoral world where nation states do not have values, only interests" (The Tablet, Editorial, London, 29 June 2013).

<sup>224</sup> Persecution is a strong word and loaded with deep theological meaning, especially for Christians; in this essay, I use the word, persecution, to mean "those who are victims of unprovoked violence".

<sup>225</sup> According to The World Evangelical Alliance, the problem worsened dramatically since the turn of the millennium: about 200 million Christians are now under threat.

North Korea, Saudi Arabia and Afghanistan as the three toughest countries for Christians last year (2012). They topped the 50-country ranking for 2011 as well. There are over 65 countries where Christians are persecuted, said the report.

Freedom is essential prerequisite for the practice of religion. Religious Freedom is the basis of all others, since it enables people to fulfil the moral obligation to search for and adhere to the truth, especially religious truth. That obligation stems from the very nature of the human person, endowed by the Creator with intelligence and free will. Consequently, we must hope that all States will juridically guarantee the freedom of every individual and group to profess their religious convictions. The right to religious freedom can be said to be the measure of a society's respect for other fundamental rights. Repression of the right to Freedom of Religion is to be deplored as an affront to the dignity of the persons involved. We should together uphold Religious Freedom for all. To prevent others from freely professing their religion is tantamount to jeopardizing our own. This freedom of religion is not only about our ability to practice religion in the private sphere but it is also about whether we can make our contribution to the common good of all people in society. Without religious freedom properly understood, all religious believers suffer, deprived of the essential contribution in education, health care, feeding the hungry, giving voice to the voiceless in society, that, for example, Christians are making every day in India<sup>226</sup>.

But it is sad to note that the U.S. Commission on International Religious Freedom (USCIRF) has placed India among the countries where violations of freedom of religion and persecution are growing. The USCIRF has added India to level 2 of its ranking among the countries where violations of religious freedom are growing and are of serious concern. The President of the Catholic Bishops' Conference of India (CBCI) made the following comment concerning this news: "To discriminate against religious beliefs, will eventually destabilize society and is detrimental to the progress of our beloved country...I am unhappy that investigations have found India's religious freedom

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<sup>226</sup> India is the birth place of four major religions: Hinduism, Jainism, Buddhism and Sikhism. Today, the majority of the population, what can be generally termed, is Hindu (cir. 80%). Islam is the largest minority in the country (the third largest Muslim community in the world) and Christians number more than 25 million. The Constitution of India guarantees freedom of religion as a fundamental right of every citizen.

endangered...Freedom of religion and respect for freedom of conscience is arguably the right most intimately connected to human dignity. No government, no group can enter into sacred conscience of a person and try to impose and dominate it...A guarantee of religious freedom supports other fundamental rights necessary to all human beings; because it is grounded in the universal dignity of the human person; religious freedom encourages other related rights"<sup>227</sup>. In India, among other minorities which are more or less absorbed within the majority population religion (Hindu), there are two minorities which are treated as such: Muslims (circa 11%) and Christians (circa 2.5%). However, of the two it is evident that Christians remain more vulnerable to discrimination than 120 million Muslim population. Moreover, one must not forget that Christians in Europe and America do not become 'radicalised', and persecuted Christians in countries like India tend 'not to respond' with terrorist violence. Explaining the plight of persecuted Christians Rupert Shortt writes: "Parts of the media have been influenced by the logical error that equates criticism of Muslims with racism, and therefore as wrong by definition. This has further distracted attention away from the hounding of Christians, helping to cement the surprisingly widespread idea that Christianity is a 'Western' faith"<sup>228</sup>.

The Hindu nationalist ideology that has arisen over the past century in India begins with a conception that India is a Hindu nation, in which Hinduism is the default way of life for Indians. This model entails a distinction between conversions *away* from Hinduism, which are seen as a threat to the national integrity of India and key contributor to the alleged decline of Hinduism, and conversions *to* Hinduism, which are described by the term *ghar vapsi*, translated as 'homecoming', or 'reconversion'.

The issue of Religious Freedom has become extremely complex in India in recent years. Already several Indian states have passed the law of anti-conversion bill<sup>229</sup>: In Orissa (1967), in Madhya Pradesh

<sup>227</sup> Catholic Bishops' Conference of India (CBCI Centre), New Delhi, Cardinal Oswald Gracias, Archbishop of Bombay and President of CBCI (Published by Global Council of Indian Christians, June 2013).

<sup>228</sup> Shortt, R., *Christianophobia*, London, Rider Books, 2012

<sup>229</sup> It is an irony that the state-level anti-conversion laws are formally known as Freedom of Religion Acts! Although these pieces of legislation are strongly endorsed by the Bharatiya Janata Party (BJP), it was the Indian National Congress-appointed 'Niyogi Committee Report on Christian Missionary Activities in Madhya Pradesh' in 1956 which paved the way for the

(1968), in Chhatisgarh (1968), in Gujarat (2003), and in Himachal Pradesh (2006) the law is in force; while in Arunachal Pradesh the anti-conversion bill was introduced in 1978 but it was not implemented; Rajasthan's was introduced thirty years later, but has not yet been brought into force. In the report of her 2008 visit to India, the UN Special Rapporteur on freedom of religion or belief wrote that she was 'deeply concerned that laws and bills on religious conversion in several Indian states are being used to vilify Christians and Muslims'. She added that these 'should be reconsidered since they raise serious human rights concerns'<sup>230</sup>.

Instrumentalisation of religion by politicians is at the root of the grave concern for Religious Freedom in India. More precisely, it is a movement for nationalism appealing to religious sentiment; it is a refusal on the part of higher castes to accept plurality of religions; it is a violent reaction which is sparked off by fear to 'Indian secularism'. So, religion is instrumentalised for the vested interests of a few (high caste) to retain power and to continue to rule over others (lower or out castes). One should not neglect the economic aspect touching the issue, namely, the widening gap between the rich and the poor as India's global industrial power develops. Political leaders are (ab) using religion to fight for a greater share of the wealth. The poor are being used as pawns, but the benefits go to the powerful. Ram (popular Hindu deity), for example, for whom the destruction of the Babri Masjid in Ayodhya was carried out in 1991, is presented not as a religious figure but as a national hero.

In the process of politization and instrumentalisation of religion, Hinduism as religion is replaced by an ideology, popularly called '*Hindutva*'<sup>231</sup>. The concept of *Hindutva* is still claimed to be inspired

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earliest anti-conversion laws; and the Orissa, Madhya Pradesh, and Himachal Pradesh laws were passed by non-BJP governments. The Niyogi Committee Report alleges that 'Evangelization in India appears to be part of the uniform world policy to revive Christianity for re-establishing Western supremacy', and that 'Conversions are mostly brought about by undue influence, misrepresentation, etc., or in other words not by conviction but by various inducements offered for proselytisation in various forms' (Christian Solidarity Worldwide India Report, "Communalism, Anti-Conversion and Religious Freedom", June 2011, available online [www.csw.org.uk](http://www.csw.org.uk)).

<sup>230</sup> Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir. Addendum: Mission to India, 26 January 2009, para. 70.

<sup>231</sup> Cf. V.D. Savarkar, *Hindutva*, Pune: S.R. Date, 1942 (First edition in 1922), 9: In this influential work, V.D. Savarkar contends by saying that Hindus were the original indigenous race of India and they constituted one single nation (*rashtra*). Hindus constitute not only a

by *Sanatana dharma* or ancient *Vedic* tradition, popularly called today as Hinduism. On the basis of this ideology the desire is to build a '*Hindu rastra*' (Hindu nation). 'Rashtriya Swayamsevak Sangh' (RSS) initiated and now nurtures *hindutva* ideal; although created in 1925<sup>232</sup> the seeds of this movement (RSS) were planted by V.D. Savarkar (1883-1966). The members of this movement project themselves as 'Association of Volunteers to the Service of the Nation'. It is important to know the genesis of this powerful movement. Its roots go back to the colonial period, especially the British Raj. Threatened by the colonial powers a discussion began about Modern Hindu Nationalism. According to V.D. Savarkar the fundamental elements of Hinduism are territory, race and religion. On the basis of this he propounded a theory that Buddhists or Sikhs could be considered Hindus but not Muslims or Christians. In fact, the RSS movement came into existence to defend the aggression of Muslims (associated with seven hundred years of invasion of India by Moguls) and the British Raj (identified with Christianity) because these two religions are thought to be the causes of decline of Hinduism. Moreover, the RSS advocates that holding firm to the popular idea that *Bharat* (ancient name for India) *Rashtra* (Hindu Nation) had a glorious past, all must work to revive that idea by promoting Hindu unity against the alleged enemy, namely, Muslims and Christians. Interestingly, the RSS movement had a slow but steady growth in the course of the years since its inception. In 1948, after the assassination of Mahatma Gandhi by Nathuram Godse, who was an active member of RSS, the Government of India officially banned the movement altogether as illegal. Carrying out their activities under

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nation, but also a race (*jati*) with a common origin and blood. Savarkar defined Hindus as those who consider India not only their holy land (*punyabhumi*) but also the land of their ancestors (*matrubhumi/pitrubhumi*). One of the important distinctions made by Savarkar is that between Hinduism and *Hindutva* (*hinduity*). In his understanding Hinduism refers only to religious beliefs and practices. It comprises only a small part of the totality of *Hindutva*, which refers to the historical, racial and cultural factors constituting the Hindu nation. It is the unifying socio-cultural background of all Hindus. In Savarkar's view, Sikhs, Jains and South Asian Buddhists are Hindus. By defining a Hindu as one who regards India as both fatherland and holyland, Savarkar excludes East Asian Buddhists, Western converts to Hinduism and, most importantly, Indian Muslims and Christians. For Savarkar Muslims and Christians were essentially alien communities in India.

<sup>232</sup> The roots of the RSS are said to be traced back to Nazism. Golwalkar, a RSS leader in the early 1940 had said, "Germany has also shown how well nigh impossible it is for races and cultures, having different goings to the root, to be assimilated into one united people, a good lesson for us Hindustan to learn and profit by... The non-Hindu people must cease to be foreigners or stay in the country wholly subordinated to the Hindu nation, claiming nothing, deserving no privileges, far less any preferential treatment, not even citizen rights" (Khaki Shorts, Saffron Flags).

the banner of cultural association the RSS made efforts to unite all hindu organisations. For example, different activities were promoted by RSS during its prohibited period: a political wing (founded as Jana Sangh in 1951, today turned into Bharatiya Janata Party (BJP) which sits in opposition in the Parliament)<sup>233</sup>, Vishwa Hindu Parishad (World Assembly of Hindus)<sup>234</sup> and Bajrang Dal (youth wing of RSS). All these groups are clubbed together and popularly known as one family (*Sangh parivar*).

In the present context of the debate on Religious Freedom in India, "communalism" is a striking expression; by communalism is meant 'the fomenting of interreligious tension out of a sense that the interests of one religious community are unavoidably in conflict with those of another'. When one religious community's interests do not coincide with that of the other, when one religious community is seen to enjoy privileges which the other community feels deprived of there arises conflict between the two and in India that is named 'communalism'. In other words, it is a situation in which different communities live in one town, city or country, not only in ghetto, but also countering the interests of one against the other.

Freedom of religion does not mean excluding or ignoring a religion or a creed from society, nor does it mean promotion of any particular faith. John Dickinson, Chairman of the Committee for the Declaration of Independence of USA, said in 1776: "Our liberties do not come

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<sup>233</sup> When Bharatiya Janata Party (BJP) contested general elections in 1984, it barely won two Parliamentary Seats (there are total 528 seats in Parliament). In the general elections in 1989 BJP captured 86 seats. It was able to form a government on national level by entering into coalition in the 90s. Today it rules several Indian states. The most worrying aspect is that violent riots break in India and the victims are often the minorities, especially Christians in different parts of India. The ambivalent attitude of the politicians is to be deplored. When violence is leashed all politicians condemn it but no one does anything practical to protect the victims or stop attacks when they take place; neither anything is done to prevent attacks from happening them again. A foreigner's observation is interesting: "such inaction (of the government) has more to do with electoral realpolitik than inertia (although inertia is always an important factor in Indian politics). On previous occasions communal violence has actually helped the government. The Congress Party is the traditional protector of the minorities and tends to get the largest number of votes in times of crisis: when strong government is needed there is rush under the Congress Umbrella for shelter. According to the proponent of this theory all the government has to do is to sit back, let the riots take their course and the elections will be a pushover" (Dalrymple, W., "Hindu Fundamentalism", in *The Tablet*, London, 25 November 1989).

<sup>234</sup> This was created as a reactionary group because some Hindus felt threatened by the success of the XXXVIII International Eucharistic Congress which was held in Mumbai in 1964.

from charters; for these are only the declaration of pre-existing rights. They do not depend on parchments or seals; but come from the God (King of Kings and the Lord of all the earth)<sup>235</sup>. A just peace must enshrine a guaranteed respect for the legitimate rights of everyone, independently of ethnic origin, political conviction or religious creed. It means creating an environment that favours the development of democratic, peaceful and pluralistic societies in which individuals can think, search, doubt and believe in a free manner. It is where everyone can express their deepest convictions alone or together with others.

It must be emphatically said that freedom of conscience and of religion does not mean relativisation of objective truth which every human being is morally obliged to seek. The State has no competence, direct or indirect, over a person's religious convictions. It cannot arrogate to itself the right to impose or to impede it<sup>236</sup>. The rights of the human conscience are bound only to truth, both natural and revealed. No authentic progress is possible without respect for the natural and fundamental right to know the truth and live according to that truth. The guarantee and the promotion of religious freedom constitutes a 'test' of respect for the rights of others and is realized through the forecast of an adequate juridical discipline by the different religious confessions, as a guarantee of their respective identities and of their freedom. The State may not impose religion, yet it must guarantee religious freedom and harmony between the followers of different religions which are part of the fabric of society.

I would like to give an example of how a religious precept can be appropriated in order to justify even killing in the name of religion. Obviously, none of this example should imply even for a moment that, like in any other religion, all Buddhists speak with one voice. The concept of *shunyata* (emptiness) is central, especially to Zen Buddhism. But some have tried to link it with a sword to literally kill others where other religious groups live in minority situation, by giving

<sup>235</sup> Cf. Pritchét, C. Herman, *The American Constitution*, New York: McGraw-Hill 1977, 2.

<sup>236</sup> As already mentioned, in India (a Federal Union of India) seven states have anti-conversion laws which prohibit conversions from one religion to another: Orissa, Madhya Pradesh, Chhattisgarh, Arunachal Pradesh, Gujarat, Rajasthan, Himachal Pradesh; in these states all conversions are a-priori alleged to be "forced, coercion, fraud" and therefore allow the state government to apply the law. But in reality they are applied only in cases of Hindus who change to another religion. The irony is that the Union Government of India respects religious freedom in law and deed, while the same is not true in the states which have anti-conversion laws in force.

the following interpretation: "The uplifted sword has no will of its own, it is all of emptiness. It is like a flash of lightning. The man who is about to be struck down is also emptiness, and so is the one who wields the sword. None of them is possessed of a mind that has any substantiality. As each of them is of emptiness and has no 'mind', the striking man is not a man, the sword in his hands is not a sword and the 'I' who is about to be struck down is like the splitting of the spring breeze in a flash of lighting"<sup>237</sup>.

Selfishness and egocentrism continue to rule our post-modern societies. The "other" therefore becomes cause of fear or envy; this leads to obsession for security because selfishness and egocentrism cause distrust and suspicion which, in turn, give rise to prejudices which then ends in hatred, violence and killing<sup>238</sup>. How far can the desire of the States that the religions contribute to the social peace and harmony be justified? The motives for which the States often encourage interreligious dialogue are often their preoccupations for security or to attract electoral vote-bank, the first motive being instrumentalized in view of the second. Religions, on the other hand, because they are founded on the principle of being distant critique and being prophetic of the society, do not do what the States expect of them. History teaches us the dangers related to reciprocate attempts of instrumentalization of religion by the State or vice versa. It is the task of religions not to abandon God to "the Caesars". For example, the State attempts to control society rather than serving it; in its care for the material welfare of the community the State is superior to any individual but in its service to the spiritual welfare the State has limits set by the transcendence of the person. Religions cannot afford to lose their prophetic character of denouncing evil and opposing injustice. Religions must remember that what they gain by power they lose to authority. Justice must remain both the aim and the intrinsic criterion of all politics. Politics is more than a mere mechanism for defining the rules of public life: its origin and its goal are found in justice, which by

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<sup>237</sup> Wharton, K., review of Buddhist Warfare in the TLS, 1 October 2010.

<sup>238</sup> One can look at the example of Saudi Arabia: "Saudi Arabia denies religious freedom to the thousands of its immigrant workers, many of whom are Christians. The West needs to keep Saudi Arabia on side not least because it is one of the world's major oil suppliers and offers a huge market for British, French and American armaments, as well as being a valuable source of counter-terrorist intelligence. The idea that Britain might refuse to sell Typhoon jets to Saudi Arabia because it fails to respect religious freedom is unrealistic in the present climate" (The Tablet, Editorial, London: 29 June 2013).

its very nature has to do with ethics. The Church, for example in Latin America, “is being persecuted because it defends the life of the poor, denounces the unjust destruction of life and promotes the practice of justice”<sup>239</sup>.

Those engaged in dialogue do not change God or religion they represent. They may change their understanding of God who transforms them and thus clarifies their understanding about God and religion. The principle of religious freedom is the corner-stone of human rights. Thus freedom for an individual as well as for the community to profess and practise their religion forms an essential element of a peaceful and harmonious society. Respect for the innate dignity and freedom of the human person, who is already always religiously oriented, engenders peace and harmony in society. The Catholic Church explains its position in the following way: “The human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that in matters religious no one is to be forced to act in a manner contrary to his own beliefs. Nor is anyone to be restrained from acting in accordance with his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits...Freedom is the most noble prerogative of the human person and one of the principal demands of freedom is the free exercise of religion in society” (Second Vatican Council: *Dignitatis Humanae*, n. 3). Leaders of all religious traditions need to accept the principle of religious freedom; it is their bounden duty to communicate it to their respective communities. For example, “the leading champion of religious freedom and human rights in the last quarter of the twentieth century is the Pope, the spiritual leader of the Roman Catholic Church”. Based on the principle of religious freedom utmost care should be taken not to exploit situations of poverty and need in any outreach programmes. Not only Christians but followers of all religions should denounce and refrain from offering all forms of allurements, including financial incentives and rewards, in their acts of service. Believers of all religions must fully respect human dignity as central part of the practice of their religious tradition.

There are Hindus in India who willingly accept what the Catholic Church teaches with regard to Freedom of Religion in conciliar

<sup>239</sup> Sobrino, J., *The True Church and the Poor*, New York, Orbis Books, Maryknoll 1981, 173.

document, *Dignitatis Humanae*. However, according to some honest and moderate Hindus although “Freedom of Religion is a fundamental, inviolable and non-negotiable right of every human being in every country in the world and even if it connotes the freedom, without any obstruction, to practice one’s own faith, freedom to propagate the teachings of one’s faith to people of one’s own and other faiths, allowing people to embrace another faith out of one’s own free choice, it should not be exercised by violating other’s rights and religious sensibilities... all should work to heal themselves from obsession of converting others<sup>240</sup>”; failing to understand why people are really attracted to the Christian faith, Hindus further ask that “although freedom of faith is inviolable, is there any justification for a campaign for conversion, especially through coercion or inducement, or in the guise of humanitarian service? Why do proselytisers in India target mostly poor tribals, *dalits* and other oppressed sections of the Hindu society? Experience has shown that religious conversion of these people does not in any significant way change their life-condition”. Without making indiscriminate distinction between one group of Christians from another, they pointedly keep on questioning: “Why is there aggressive evangelism so rampant in India? Why do certain missionaries continue to indulge in denigration and vilification of other religions in their effort to preach the Gospel to non-Christians?”<sup>241</sup>

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<sup>240</sup> Many Hindus seem uncritically convinced that “Any conversion is necessarily forced; therefore, it is morally wrong; therefore, it should be banned”. In the light of the Christian faith, conversion is a sacred word; it is God who converts; therefore, it is an act in freedom par excellence. On the one hand, it is the method of some Christian groups to propagate Jesus’ Gospel, which is often questioned; on the other hand, Hindus fail to distinguish between conversion (Divine action) and proselytism (human action). It is Mahatma Gandhi who influenced much of the Hindu thinking on conversion/proselytism. He wrote: “I disbelieve in the conversion of one person by another. My effort should never be to undermine another’s faith. This implies belief in the truth of all religions and, therefore, respect for them. It implies true humility” (Young India: 23 April 1931); “It is impossible for me to reconcile myself to the idea of conversion after the style that goes on in India and elsewhere today. It is an error which is perhaps the greatest impediment to the world’s progress towards peace. Why should a Christian want to convert a Hindu to Christianity? Why should he not be satisfied if the Hindu is a good or godly man?” (Harijan: 30 January 1937); “I hold that proselytization under the cloak of humanitarian work is unhealthy to say the least. It is most resented by people here. Religion after all is a deeply personal thing. It touches the heart... Why should I change my religion because the doctor who professes Christianity as his religion has cured me of some disease, or why should the doctor expect me to change whilst I am under his influence?” (Young India: 23 April 1931); “If I had the power and could legislate, I should stop all proselytizing. In Hindu households the advent of a missionary has meant the disruption of the family coming in the wake of change of dress, manners, language, food and drink” (Harijan: 5 November 1935).

<sup>241</sup> Kulkarni, S., Chairman of Observer Research Foundation Mumbai, Centre for the Study of Indian Knowledge Traditions, contributed to the “Interreligious Reflection on Conversion

It is not the place here to open a debate and argue on the above questions. Some of the questions continue to ignore the constitutive character of the Christian faith (for example, “why conversion”, “why does the Church believe working for the poor and the oppressed”... etc.). The difficulty arises from a lack of understanding of the “other” as he/she believes according to the integrity of his/her belief. There is often projection of one’s own belief which is imposed on the other’s belief and that conditioning of the belief of one religion by the other causes misunderstanding and prevents freedom for the other, especially that of the others who live in a minority situation to practice and propagate their religious faith. In their dialogue partners of various religions must make every effort to grasp deeper implications of one another’s religions. For this, believers should readily listen to their neighbours of other religions in order to learn about and understand others’ beliefs and practices, and mutually acknowledge and appreciate what is true and good in them.

Generally most Hindus understand conversion negatively, i.e. something wrongly imposed on someone. For them every conversion is a serious violation of Freedom of Religion. The following uncritical assumption on the part of Hindus will help us understand their position better. Hindus make distinction between *dharma-parivartan* (self transcendence) and *dharma-antar* (change from one religious tradition to another) when they think of conversion. Hindus vehemently oppose all *dharma-antar* and avoid any further attempt to understand the Christian understanding of *metanoia*<sup>242</sup>. Obviously, the fear of losing adepts, whereby the number of Hindus is thought to be diminishing, is also part of why they oppose conversion tooth and nail. Because,

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– Assessing the Reality” which was organized by the Pontifical Council for Interreligious Dialogue, Vatican, and the World Council of Churches, Geneva, at Velletri, Italy from 12-16 May 2006.

<sup>242</sup> Cf. Machado, F., “Mission Today: Toward Total Liberation” in *Church: Her Mission to Peoples and Nations*, *Studia Missionalia*, Vol. 55-2006, Pontifical Gregorian University Press, Rome, 335. “The proclamation of the Word of God has Christian conversion as its aim: a complete and sincere adherence to Christ and his Gospel through faith (metanoia). Conversion is a gift of God, a work of the Blessed Trinity. It is the Spirit who opens hearts so that they can believe in Christ and ‘confess’ him (1 Corinthians 12:3); of those who draw near to him through faith Jesus says: ‘No one can come to me unless the Father who sent me draws him’ (John 6:44). In the Christian mission theology it is not enough to mention conversion as a movement of turning to God. According to the Faith of the Church turning to God also means converting to Christ at the same time, through the sacrament of Baptism. The Church teaches that one converts to God, who has finally and completely revealed Himself in Jesus Christ and who cannot be separated from the Church because she is his Spouse”.

strangely, Hindus, in general, are happy when they learn about people who get attracted to Hinduism in any part of the world, especially in the Western countries, through gurus and their multi-million dollar temple and ashram set up!

I wish to submit that the spirit of the Catholic Church's teaching on Religious Freedom should become norm, at least for every Christian of every denomination. In unequivocal terms, the Church distinguishes the double meaning of freedom from coercion: that no one is to be forced to act contrary to his convictions; and that no one is to be restrained from acting in accordance with his convictions. *Dignitatis humanae* warns the followers of all religions, in no uncertain terms: "...in spreading religious faith and in introducing religious practices, everyone ought at all times to refrain from any manner of action which might seem to carry a hint of coercion or of a kind of persuasion that would be dishonourable or unworthy, especially when dealing with poor or uneducated people. Such a manner of action would have to be considered an abuse of one's own right and a violation of the right of others". The Second Vatican Council does not speak merely of religious individuals. Freedom of Religion is a right of the individual human person as well as that of every religious community. Religious communities should, "not be prevented from publicly teaching and bearing witness to their beliefs by the spoken or written word" (Second Vatican Council, *Dignitatis Humanae*, n. 4).

Unfortunately, it cannot simply be denied that with mushrooming of Christian sects indiscriminately all over, an aggressive propaganda, denigration and vilification of neighbours' religions, competition to gather as many adherents as possible, winning adepts by inducement, attracting members by allurements, etc., in today's world do pose threat to Freedom of Religion; as a result, efforts to promote peace and harmony certainly receive setback because the cause of Religious Freedom is placed in jeopardy.

However, it must be acknowledged that concerted efforts have been made on the part of the Church to redress the situation. The Pontifical Council for Interreligious Dialogue in the Vatican and the World Council of Churches in Geneva undertook a common project to address the question of how every Christian should witness to his/her faith in a multi-religious world. In the course of the realisation of this project the World Evangelical Alliance joined them. Eventually,

various small and big groups of Pentecostals also owned the project and most readily collaborated to make it that of the entire Christian world. An open and challenging call has been launched to anyone who wishes to witness to the Gospel of Jesus Christ by adhering to some basic guidelines which are articulated in a five-page document<sup>243</sup>. If implemented this brief document will serve a great deal to diffuse the present tension created by many conflicts in the world due to negligence of the principle of Religious Freedom.

The issue of Freedom of Religion also becomes complicated when essentially ethnic tensions are transposed into a religious sphere. The brutal attacks on Christians in Kandhamal, Orissa, in August 2008 is a clear example of this. Obviously, any situation of violence is a result of many factors involved therein. However, historically Kandhamal is populated by mainly two tribal groups, the Kandhs and the Panas. The Kandhs have tended to predominate the region. In the 19<sup>th</sup> century many Panas became Christians. But the Kandhs could not be said to be Hindus as they are Tribals. After Independence the Kandhs were classified by civil authorities as Scheduled Tribes (ST), and the Panas as Scheduled Castes (SC); Kandhamal was designated a 'Scheduled Area' and thus social benefits were apportioned to the Scheduled Tribes but not to the Panas, who are Scheduled Caste, but chose to become Christians. This included land ownership, so historic power relations between the two groups were reinforced. As observers have noted, Pana efforts to improve themselves tended to be seen as a threat by the Kandhs. Some untowardly occasion was awaited to spark the flame of violence. This happened when "*Sangh Parivar*" used their strategy to designate a cluster of beliefs as a form of Hinduism to those who had remained Tribals or to Dalits; then the "*Sangh Parivar*" charged this process with political significance by portraying Christianity as a destabilizing foreign force<sup>244</sup>. Projecting thus tension in the area, between August and October 2008, the eastern state of Orissa in India saw the worst outbreak of brutality against Christians since Independence.

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<sup>243</sup> World Council of Churches, Pontifical Council for Interreligious Dialogue, World Evangelical Alliance: Christian Witness in a Multi-Religious World, Recommendation for Conduct (2011). This short document, perhaps first ever endorsed by a majority of Christians throughout the world, gives basis for Christian witness, establishes some principles to be observed by every Christian in bearing witness to the Christ's commission for evangelization (Matthew 28:19-20) and finally makes recommendations in a spirit of ecumenical cooperation.

<sup>244</sup> Cf. Schortt, R., *Christianophobia*, London: Rider Books, 2012, 158-164.

The issue of Freedom of Religion is not only about curtailing or withholding of the right to freedom to practise one's religion. In most cases the dire consequences are the persecutions which have been systematically inflicted on believers, especially of the minority population who wish to follow their conscience. Benedict Rogers<sup>245</sup> records a comment of Johann Candelin that applies to religious oppression which is taking place in many parts of the world. "Persecution seems to pass through three phases: The first is disinformation. Disinformation begins more often than not in the media. Through printed articles, radio, television, and other means, believers are robbed of their good reputation and their right to answer accusations made against them. Without trial, they are found guilty of all kinds of misdemeanours... The next stage is discrimination. Discrimination relegates the faithful to a second-class citizenship with poorest legal, social, political, and economic standing than the majority in the country. The third stage is persecution, which, once the first two steps have been crossed, can be practised with impunity without normal protective measures taking place. Persecution can arise from the state, the police or military, extreme organisation, mobs, paramilitary groups, or representatives of other religions".

The role of religion in contributing to peace and harmony in modern society cannot be underestimated. That is why religion cannot relegate itself to the background in society. Jonathan Sacks, a Jewish leader, describes religion as "part of the ecology of freedom because it supports families, communities, charities, voluntary associations, active citizenship and concern for the common good. It is a key contributor to civil society, which is what holds us together without the coercive power of law. Without religion we will depend entirely on the State, and when that happens we risk what J.L. Talmon called a totalitarian democracy, which is what revolutionary France eventually became"<sup>246</sup>.

The question needs to be asked again: Is religion part of the problem or is it part of the solution to the problem in our post-modern society? Religion must come to grips with the realities of the human

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<sup>245</sup> Cf. Rogers, B., "Carrying the Cross: The military regime's campaign of restriction, discrimination and persecution against Christians in Burma (Myanmar)", 10 (available on website of Christian Solidarity Worldwide Report).

<sup>246</sup> Sacks, J., "the Pope is right about the threat to freedom", in *The Times*, London 3 February 2010.

condition on earth. Religion must meet challenges of alienation and reconciliation, of hurt and healing, of war and peace lest it becomes marginal to life. The promotion of hatred, violence and war is the opposite of what true religion is all about. Religion which claims to operate in the name of God, the Symbol of life, cannot at the same time be on the side of death. I would like to take examples of Christians in a majority Muslim populated countries as perhaps the most oppressed religious minorities. The number of Christians in several countries in the Middle East and sub-sahara are shrinking. In Egypt, for example, Coptic women have been kidnapped and forced to become Muslims, while converts from Islam to Christianity have been arrested and sometimes tortured<sup>247</sup>.

The core of all religions teaches promotion of interreligious harmony; there is in every religion a golden rule which favours Freedom of Religion: “This is the sum of duty – do not do to others what would cause you pain if done to you” (Hinduism, *Mahabharata*, 5.15.17); “Hurt not others in ways that you would find hurtful” (Buddhism, *Udanvarga*, 5:18); “It is the maxim of loving kindness (jin) – Do not unto others what you would not have them do unto you” (Confucianism, *Anaclepts – Rongo* – 15:23); “What is hateful to you, do not do to your fellow man. That is the entire Law; all the rest is a commentary” (Judaism, *Talmud, Shabbat* 312); “Always treat others as you would like them to treat you; that is the meaning of the Law and the Prophets” (Christianity, *Matthew* 7:12); “No one of you is a believer until he loves for his brother that which he loves for himself” (Islam, *The Forty-Two Traditions of An-Nawawi*); “What you give (or do) to others, these will give (or do) to you in return” (*Rwandan Proverb*).

Religion, by its very nature, cannot be but an instrument of peace. Religion cannot become a pretext for conflict, particularly when religious, cultural and ethnic identities coincide. “No one can consider himself faithful to the great and merciful God who in the name of the same God dares to kill his brother”. The conviction that “only religion worthy of the name is the religion that leads to peace and that true religion is mocked when it is tied to conflict and violence” is manifest since ancient times. For example, Ashoka of the Maurya Empire (circa 200 years B.C.), who converted to nascent Buddhism, left his views in the following rock edict: “(King Ashoka) honours members of

<sup>247</sup> Marshall, P. A. (ed.), *Religious Freedom in the World*, Rowman and Littlefield, 2008, 159.

all religious sects, whether ascetics or lay, by gifts and honours. But more important than gifts and honours is his support of the essential message of all sects. The essential message varies from sect to sect... (so) one should keep in check praising one's own sect and criticizing another's sect... By doing so, one strengthens one's own sect and helps others too. By doing otherwise, one harms one's own sect, and does disservice to the others. Whoever honours his own sect and disparages another's, whether from blind loyalty or intending to show his sect in a more favourable light, does the greatest harm to his own sect. Concord is best, where each person listens to and respects the teachings of others... The result is the progress of one's own sect, and the illumination of the Dharma"<sup>248</sup>.

While affirming its indispensable and unchanging role in society religion must address new questions which have been raised by science and technology in the modern society. Today, for example, as medical science is making giant strides in the area of health care, some bio-ethical questions need urgent answers. Despite the great advances made in science and technology, each day we see how much suffering there is in the world on account of different kinds of poverty, both material and spiritual. Scientific and technological progress, especially medical, needs to be praised. But one should not forget that this progress has to be judged always by the criterion of it being the service in promotion of life and never its rejection, degradation or destruction. Subjectivism, a mistaken notion of freedom which exalts the isolated individual in an absolute way is to be questioned. Ethical relativism, fallout of subjectivism, is precisely this that people think everything is negotiable, everything is open to bargaining, even the first of the fundamental rights, the right to life. The task of accepting and serving life involves everyone; and this task must be fulfilled above all towards life when it is at its weakest. "Every crime against life is an attack on peace, especially if it strikes at the moral conduct of people... But where human rights are truly professed and publicly recognised and defended, peace becomes the joyful and operative climate of life in society" (Paul VI, 1976).

While the need is increasingly being felt by people of different religious traditions to promote respectful, friendly and harmonious

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<sup>248</sup> The Twelfth Rock Edict, in Mitchell, D. W., *Buddhism, Introducing the Buddhist Experience*, New York: Oxford University Press, 2002, 73.

interreligious relations in our war-torn, conflict-ridden and violent world the Catholic Church has always thought it necessary to emphasize the principle of religious freedom which brings credibility to genuine religiosity and which promotes peace in society. The principle of religious freedom is considered the corner stone of human rights. Thus freedom for an individual as well as for the community to profess and practice their religion forms an essential element of a peaceful and harmonious society. The Canon Law of the Catholic Church also stipulates: "It is never lawful to induce men by force to embrace the Catholic faith against their conscience" (Canon 748 §2).

Pope John Paul II carefully notes that in our efforts to promote peace in the world, freedom of conscience and of religion does not mean relativising the objective truth which every human being is morally obliged to seek. In applying the teachings of the Catholic Church to daily life of human beings in our society the Pope renews his appeal stating that no State has any competence, direct or indirect, over a person's religious convictions. He praises the efforts of various private or public, national or international organizations which have, in recent years, defended those who have been victims of discrimination and persecution for their religious convictions. The Pope, in his Encyclical Letter, *Centesimus Annus*, (Vatican: 1 May 1991, n. 29), writes about the rights of the human conscience, which are bound only to truth, both natural and revealed. In that document he reaffirms that (cf. 'c') "because in some countries new forms of religious fundamentalism are emerging which covertly, or even openly, deny citizens of faiths other than that of the majority the full exercise of their civil and religious rights, preventing them from taking part in the cultural process, and restricting both the Church's right to preach the Gospel and the rights of those who hear this preaching to accept it and to be converted to Christ. No authentic progress is possible without respect for the natural and fundamental right to know the truth and live according to that truth".

The principle of religious freedom undoubtedly brings credibility to believers of all religions. Speaking to the Ministers for the Interior of the European Union Pope John Paul II reminded them: "The guarantee and the promotion of religious freedom constitutes a 'test' of respect for the rights of others and is realized through the forecast of an adequate juridical discipline by the different religious confessions, as a guarantee of their respective identities and of their freedom". And

again, in his address on 12 January 2004 to the Diplomatic Corps accredited to the Holy See, the Pope made the following observation: "In recent times, we have witnessed in some European countries an attitude that could endanger the effective respect for religious freedom. Everyone may agree to respect the religious sentiment of individuals but the same cannot be said of the 'religious factor', that is the social dimension of religions; here the engagement made in the context of what was formerly known as the 'Conference on Security and Cooperation in Europe' have been forgotten. People often invoke the principle of secularity, legitimate in itself if it is understood as the distinction between the political community and religions (cf. Second Vatican Council, *Gaudium et Spes*, n. 76). But distinction does not mean ignorance! Secularity is not secularism! Secularity is nothing other than respect for all beliefs on the part of the State that assures the free exercise of ritual, spiritual, cultural and charitable activities by communities of believers".

The religious dimension, rooted in the human conscience, has a specific impact on the subject of peace, and every attempt to impede or to coerce its free expression inevitably has grave negative effects upon the possibility of a peaceful society. Religious freedom also contributes decisively to producing citizens who are genuinely free; it also makes them to take up their duties with greater responsibility. An essential condition for peace is people's strong moral integrity and religious freedom. The Pope also suggests some specific responsibilities for all believers in the context of religious freedom: "The State's duties regarding the exercise of the right of religious freedom are matched by the precise and grave responsibilities of men and women for both their individual religious profession and the organization and life of the communities to which they belong. In the first place, the leaders of religious bodies are obliged to present their teaching without allowing themselves to be conditioned by personal, political or social interests, and in ways that conform to the requirements of peaceful coexistence and respect for the freedom of each individual".

In his message, on the occasion of the World Day of Peace in 1988 Pope John Paul II invited the followers of different religions to contribute to world peace and harmony through their commitment to respecting the right to religious freedom. He wrote: "The followers of the various religions should, individually and collectively, express their convictions and organize their worship and all other specific activities

with respect for the rights of those who do not belong to that religion or do not profess any creed.

With regard to peace, mankind's supreme aspiration, every religious community and every individual believer can test the genuineness of their commitment to solidarity with their brothers and sisters. Today as perhaps never before, the world looks expectantly to the various religions, precisely in matters concerning peace"<sup>249</sup>.

The same Pope John Paul II, on the occasion of the 50<sup>th</sup> anniversary of the adoption of the Universal Declaration of Human Rights in 1998 declared: "Religious freedom therefore constitutes the very heart of human rights. Its inviolability is such that individuals must be recognized as having the right even to change their religion, if their conscience so demands. People are obliged to follow their conscience in all circumstances and cannot be forced to act against it"<sup>250</sup>.

In certain countries legislation has been introduced, or proposed, forbidding "unethical conversions". If what is banned is proselytism, i.e. the use of undue means to bring about conversion to a particular religion, then such legislation may be considered justified. If, however, any passage from one religion to another is forbidden, then there is a radical contradiction of a fundamental aspect of the principle of religious freedom.

In several countries today, religion of the majority population, in connivance with the State, oppresses those religious communities which live in minority situations. Examples could be given of Muslims in Egypt, Pakistan, Malaysia, Indonesia and Bangladesh, Buddhists in Sri Lanka and Myanmar, Hindus in India. All these countries have the glowing past of interreligious harmony and peaceful cohabitation. But today, influenced by ideologies (*Salafist Wahhabi* in Egypt, *Hindutva* in India and *Jathika Hela Urumaya* (JHU), the party of Buddhist monks founded in 2003 in Sri Lanka, cause hatred, violence and killings of minorities. The majority religious groups in these countries, using political clout, get themselves declared "State Religions" or get the Constitutions of their countries redefined to include their religions as having a "special status" in the State. They do not menace the State directly but they do manage to persecute the minorities for political,

<sup>249</sup> John Paul II, "Message for the World Day of Peace", Vatican, 1<sup>st</sup> January 1988, n. 4.

<sup>250</sup> John Paul II, "Message for the World Day of Peace", Vatican, 1<sup>st</sup> January 1999, n. 5.

economic, ethnic or religious motives. Citizens who belong to the minority religion are even treated as second class. In an attempt to spread hatred against minorities, religions of majority population spread blatant lies about the others. Examples of falsification of history (regarding the minority religions) in educational text books are not rare today<sup>251</sup>.

Especially in Muslim majority countries certain laws, particularly the anti-blasphemy law, are imposed on all citizens, the laws that become oppressive to minority religious groups, such as Hindus, Sikhs, Shia Muslims and Christians. Atrocities against countless Christians in Pakistan, for example, and their total helplessness is the tragic case in question. Many innocent Christians, including Shabaz Bhatti, Pakistan's Minister for Minorities and a Catholic, have lost their lives because of the anti-blasphemy law. A small group of civil society movement had been campaigning seeking a repeal of the blasphemy legislation. Most, if not all of the accusations concerning anti-blasphemy law are either made up or false and, therefore, an abuse of the law. The blasphemy laws underlie a huge proportion of intercommunal strife in Pakistan. For example, Mr Ayub Masih was accused falsely for blasphemy when actually it was a land dispute between the defendant and his Muslim neighbours. The fallout of this has been Bishop John Joseph's shooting of himself in protest at the death sentence handed down to Mr Ayub Masih (Cf. *The Tablet*, London: May 1998).

"The legal position on religious freedom in Pakistan is straightforward. Article 18 of the 1948 Universal Declaration of Human Rights states: 'Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.' When the declaration was being drafted, the Pakistani representative stated explicitly – contradicting the position of Saudi Arabia – that freedom of religion was consistent with Islam, a view echoing that of Pakistan's founding leader, Muhammad Ali Jinnah. Pakistan ratified the 1966 International Covenant on Civil and Political Rights (ICCPR) in 2010. Article 8 of this document

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<sup>251</sup> A well documented material about this is found in Shortt, R., *Christianophobia*, London: Rider Books, 2012.

guarantees that 'everyone shall have the right to freedom of thought, conscience and religion'. In a sign of changed circumstances, though, the Pakistani authorities expressed an ominous caveat: 'The Islamic Republic of Pakistan declares that the provisions of Article 8... shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the *Sharia* laws.' This reservation and others have thus given the government the option of taking away with one hand what it has given with the other. An allied ambiguity is evident in Pakistan's constitution, Article 19 of which guarantees freedom of speech"<sup>252</sup>.

It must be sadly noted that not only the oppression of minorities but oppression also in cases of majority, for example apostasy (Muslims leaving the Islamic religion) and the treatment of Ahmadi Muslims is also of great concern in the context of religious freedom due to the allied ambiguity in Pakistani constitution.

In some countries the colonial past is considered the cause for rejection of religious liberty. In Indonesia, for example, the Dutch are especially associated with manipulating Christian mission to sidelining Islam. The same is said of the British Raj in India in the context of Hindu majority situation. Based more on speculation than facts the present day Christians are held responsible for the colonial past which is often interpreted only negatively and used against Christians; in fact, the track record notes how many Christians have played an active and decisive role in the struggle for independence from the Dutch (in the case of Indonesia) or from the British (in the case of India). Christians in Indonesia or in India are key partners with Muslims and Hindus in boosting education, health service and general development of the respective countries. In spite of this, violence has increased in the recent past against Christians who live as religious minority. During the first nine months of 2011, for example in Indonesia, at least thirty churches were attacked around the country. Attacks on Christians have persisted at a steady rate in India since 1999. The Delhi-based United Christian Forum for Human Rights recorded more than 120 attacks against Christians in India, including the torching of 30 churches in Gujarat.

There is also the question of "reciprocity", the equal treatment of religious minorities throughout the world. This concerns first of all the

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<sup>252</sup> Shortt, R., *Christianophobia*, London: Rider Books, 2012, 74-75.

possibility of having places of worship, or even more minimally, the possibility of gathering for worship without being harassed by security forces. It is also not sufficient for the civil authorities to say that people can pray at home. Religion has a communitarian aspect which has a right to find expression in common worship. Religious communities should also have the right to freedom of expression, the possibility to publish materials for the education of their members, and also to import such materials. Furthermore these communities should have the right to propagate their views to others. There does need to be a respect for public order, so it is understandable that the authorities would ban any form of preaching or publication which is disrespectful of the religion of the majority, or indeed of any religious community. It is nevertheless a violation of the right to religious freedom if the communities are condemned to a clandestine existence.

Secularism is a dominant movement embedded within the fabric of contemporary society; as such religion and secular are interrelated and not opposed to each other; secularity and religion can both contribute to the true progress of the same human being in every society. In fact, sane religion needs healthy secularity because it saves religion from becoming fanatical. However, in recent years secular and religion do not enjoy mutually healthy relationship. The tide of secularism in post modern society has marginalised religion; consequently, freedom of religion is restricted, if not altogether prohibited. The essential difference between secularism and religious belief is that secularism conceives that the world in which we live may be understood entirely on its own terms; there is no need to refer to any other point beyond 'history', 'society' or 'the state' in order to understand their meaning and their value. It is thought that one can understand one's own purpose and function within it and derive the values which will enable us to fulfil one's proper role in the universe. Secularism has not been forced to see itself through any eyes other than its own. Religious belief, on the other hand, insists that the true meaning and value of life in this world, indeed of the universe as a whole, can be discerned only by reference to some reality which is transcendent to the whole of the universe. It is this element of transcendence which unites all forms of religious beliefs, theistic, non-theistic, in distinction from secularist world-view<sup>253</sup>.

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<sup>253</sup> Cf. Breiner, B. F., "Secularism and Religion", in Religion, Law and Society, Ed. Mitri, T., WCC Publications, Geneva, 92-99.

One must also point out to the grave dangers which threaten our society, namely, the tendency among the proponents of secularism to relativise the eternal truth, particularly through recourse to historical investigation, falling into error of 'nihilism' which ultimately ends up in a sort of 'totalitarianism' of the ideological world. Complete absolutization of the act of reason, when brought to its apex and applied to political and religious ideas, brings not concord and peace but gives rise to atheism, i.e. positive denial of the Transcendent. In the wake of becoming adult in reason, God is described as a 'conceptual idol' and done away with; therefore, religion is thought to be a ridiculous idea and it is presented as an enemy of society. Secularism, when pushed to its extreme, can be equated with rootless relativism.

Let me conclude this section by quoting a report of a regional consultation organised in India, in the Fall of 2003, by the Network of Interfaith Concerns in the Anglican Christian Communion: "We believe that it is crucially important that Christian interfaith work should embrace advocacy for the Church in places where it is under persecution, or where its freedom to propagate the Gospel, to engage in mission and ministry, and to welcome new members is denied. More widely, we recognise an obligation to be in solidarity with all religious minorities where their fundamental rights are under attack... In divided societies and a divided world where religious difference is often used or perceived as a cause of conflict and destruction, we affirm that working for reconciliation between different faith communities is a responsibility laid upon us by God, and that as Christians we must do this in partnership with members of other faith communities, with secular organisations, and with all people of good will. Our vocation to share in God's work of reconciliation requires us to strive to build up open, trusting and honest relationships with our neighbours of other religions, even in situations where this is very difficult. We see such interreligious reconciliation as an integral part of the mission of God in which we share" (Pontifical Council for Interreligious Dialogue, *Pro Dialogo*, 115 (2004/1), 93-94).

### **The Practice of Religion ought to be done in mutual respect and on-going dialogue**

Religious plurality in today's society is an accepted fact. In the world of today this reality is becoming strikingly noticeable. There seems to be in general a growing desire among the followers of

different religions to come together across religious boundaries in modern society which has become a 'global village'. One cannot fail to notice that in tragic circumstances, such as a disaster like "tsunami", this desire is clearly manifest. Although belonging to different religious traditions, believers have been increasingly becoming aware of the fact that what they have in common is more important than what divides them. Accepting fundamental differences and making every effort to transcend them, believers of all religions desire to dialogue in order to understand one another's religious traditions. As a result of this, there is a far better mutual knowledge of religions today than ever. The fact of religious plurality also provides an opportunity for each religion to examine its lived-out experience in the light of its true nature and genuine tradition. Interreligious dialogue is a response to religious plurality.

Interreligious dialogue is also postulated by the authentic spirit of religion. Amidst troubled and uncertain times in India, Jayaprakash Narayan, popular leader who was imbued with Gandhian principles, stood as a ray of light; without occupying any parliamentary office, like Mahatma Gandhi, he guided the nation from a stormy ocean to a peaceful shore by his sheer moral impact. Surrounded by politicians who instrumentalized religion for their vested interests which aggravated the problem, he cried out: "I cannot think of a greater blasphemy than those crimes that degrade man with the sanction of *dharma* (religion). Whatever of *dharma* is left in the present atmosphere of creeping materialism, benumbed ethical sensibility, pseudo-science, and indigested vulgar modernization would surely bleed to death if brother continues to knife brother only because he worships God differently" (From a vernacular pamphlet).

In the context of religious plurality, dialogue means 'all positive and constructive interreligious relations with individuals and communities of other faiths which are directed at mutual understanding and enrichment', in obedience to truth and respect for freedom"<sup>254</sup>. As often thought by some people, interreligious dialogue is not primarily formal meetings and learned discussions. It takes place in everyday life. Therefore, it is important to build on good relations which exist among believers of different religions in a concretely given place; we

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<sup>254</sup> Pontifical Council for Interreligious Dialogue, Vatican: Dialogue and Proclamation, 1991, n.9.

should not wait to act until problems, difficulties, conflicts arrive at our doorstep, because interreligious dialogue is not a fire engine which we can call to put off fire when the house is already burning. In other words, amicable relationships need to be cultivated without waiting for crisis to arrive. The goal of dialogue is first 'mutual understanding', to try to understand others as they want to be understood.

It is important to try to understand the essence of every religion, by respecting their followers' integrity, and without reducing any religion to a mere skeleton or by considering any religion to be merely some form of human wisdom. Religious systems have a clearly soterio-logical character. They claim salvation/liberation for their adherents. E.g. In its understanding of Jesus Christ as the sole Mediator and Saviour of all, the Catholic Church does acknowledge 'the seeds of the Word', the presence of the Holy Spirit, in other religions<sup>255</sup>. Of course, the Catholic Church approaches each religion distinctly without putting them all in one indiscriminate and confused block. In other words, what must be taken into account seriously is that no religion, as it is practised throughout the world, is a monolithic block. Rather, every religion is a diversified and complex reality. There is another question we need to ask: Is religion of a person to be considered a 'private affair' of that individual? Is it not also a 'public reality'? What is necessary for a modern society is to guarantee that there is freedom to believe while at the same time society should give encouragement, but also demand from the followers of all religions that their followers live together in peace and harmony together with their neighbours of different religions; to achieve this, legislation may not be the solution; how can the state regulate the public expressions of religions? Religions do not owe their origin to the State. However, this should not be interpreted as if the followers of different religions are not accountable to any one for whatever they choose to do. Let me give an example of the State which undertook to draw rules for the 'French Council of Muslim Worship'. Can religion be reduced only to a way of worshipping? Phenomenology of Religion informs us that every religious tradition is much more than just cult. Creed and conduct are also intrinsic part of every religion. Religions also have ethical and social dimensions. The state must favour for followers of different religions the art of

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<sup>255</sup> John Paul II, "Seeds of Truth in Other Religions", General Audience in the Vatican on 9 September 1998.

living together. Adherents of different religions must be careful as not to confuse themselves with God who alone is absolute. As such are religions not the means to the goal, a sign which points out to the reality?

At the historic meeting in Assisi, Italy, on 27 October 1986 John Paul II warned the believers of all religions: "Either we learn to walk together in peace and harmony, or we drift apart and ruin ourselves and others. We hope that the pilgrimage to Assisi has taught us anew to be aware of the common origin and common destiny of humankind. Let us see in it an anticipation of what God would like the developing history of humanity to be: a fraternal journey in which we accompany one another toward the transcendent goal which he sets for us"<sup>256</sup>.

It is very difficult to engage in promoting interreligious relations if one does not enjoy the freedom to practice one's own religion openly. Even limited freedom breeds fear, which creates defensive attitude on the part of the believers and tensions keep building in society. Such situations invite 'sudden' explosions, resulting in hurt and killing innocent people.

The path of dialogue is never an easy one. It is important that believers have an open mind and a welcoming spirit. This means that two extremes should be avoided: on the one hand a certain ingenuousness which accepts everything without further questioning, and on the other hand a hypercritical attitude which leads to suspicion. If one is willing to solve a particular problem, then with impartial attitude nothing will prevent one from finding a solution to any problem. Being open-minded does not imply being without personal convictions. On the contrary, rootedness in one's own convictions will allow for greater openness, for it takes away the fear of losing one's identity. While on the one hand, openness without rootedness almost always ends in relativism, on the other hand, rootedness without openness leads to fundamentalism.

The Catholic Church has made interreligious dialogue an obligatory path for its followers. "Dialogue is fundamental for the Church...No local Church is exempt from this duty...All Christians are called to dialogue...Dialogue finds its place within the Church's

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<sup>256</sup> John Paul II, "Concluding Address (in the Lower Square of St Francis) at the Day of Prayer for Peace" in Assisi 1986, Vatican: Pontifical Commission 'Iustitia et Pax', 1987, 95.

salvific mission”<sup>257</sup>. However, in essence interreligious dialogue is not about followers of different religions coming together just to exchange their opinions. Every genuine dialogue takes place when dialoguing partners remain firmly anchored in truth and charity. It is also important to remember that truth cannot be separated from freedom. The purpose of dialogue is not to change or compromise the basic tenets of our respective religions<sup>258</sup>, but to arrive at a better and fair understanding of one another’s religions. Freedom of conscience and of religion does not mean relativisation of the objective truth which every human being is morally obliged to seek. In the name of freedom one cannot simply neglect the search for truth and refuse to adhere to it once found. The rights of the human conscience are bound only to truth, both natural and revealed. It is the Holy Spirit, who acts in the depth of people’s consciousness and accompanies them on the secret path of hearts towards the truth and who works even outside the visible confines of the Church, who is the principal guide in all dialogue because He anticipates the path of the Church.

Once the fact of religious plurality is accepted, the path of dialogue becomes obligatory. In this dialogue, openness to others is not separated from the fidelity to Christ. Being open to dialogue means being absolutely consistent with one’s own religious tradition<sup>259</sup>. Unity of the human family is a priority for the Church. The aim of dialogue is to live God’s love for all people. The Church believes that all religious traditions contain “elements which are true and holy”; they are “rays of the truth which illumine all mankind” and in them God has sown the “seeds of the Word” (Cf. Second Vatican Council, *Nostra Aetate*, n. 2).

<sup>257</sup> Secretariat for Non-Christian Religions (Pontifical Council for Interreligious Dialogue since 1988), Vatican: The Attitude of the Church Towards the Followers of Other Religions, Reflections and Orientations on Dialogue and Mission, 1984, Address of the Pope at the Conclusion of the Plenary Assembly of the Secretariat, nn.2 and 3.

<sup>258</sup> John Paul II, “Opening Address at the World Day of Prayer for Peace” (in the Basilica of St Mary of the Angels, Assisi) 1986; Vatican: Pontifical Commission *Iustitia et Pax* (today Pontifical Council for Justice and Peace) 1987, 87. The Pope said: “The fact that we have come here does not imply any intention of seeking a religious consensus among ourselves or negotiating our faith convictions. Neither does it mean that religions can be reconciled at the level of a common commitment in an earthly project which would surpass them all. Nor is it a concession to relativism in religious beliefs, because every human being must sincerely follow his or her upright conscience with the intention of seeking and obeying the truth”.

<sup>259</sup> John Paul II, To the Participants in the “Study and Reflection Days” on the occasion of the Tenth anniversary of the death of H.E. Mgr Piero Rossano, in *Pro Dialogo*, 108 (2001/3), Vatican, nn. 2 and 3.

Promotion of dialogue among different religions for the Catholic Church is not a private undertaking in isolation. The Church exhorts Christians that not only should they solicit collaboration of others for the common good of society but when called to do so by others, they should readily and willingly collaborate with everyone. "Let the (Christian) faithful take part in the strivings of those peoples who are waging war on famine, ignorance, and disease and thereby struggling to better their way of life and to secure peace in the world. In this activity, the faithful should be eager to offer their prudent aid to projects sponsored by public and private organisations, by governments, and even by non-Christian religions"<sup>260</sup>.

Not only through spoken words but also by committing to concrete actions the Catholic Church makes every effort to establish peace in the world by promoting dialogue among religions. Several international meetings with leaders of different religions have taken place in Assisi and the Popes themselves have been the generous and inspiring hosts of these meetings. On 27 October 1986 John Paul II said to the religious leaders and through them to the whole world: "The coming together of so many religious leaders to pray is in itself an invitation today to the whole world to become aware that there exists another dimension of peace and another way of promoting it, which is not a result of negotiations, political compromises or economic bargaining. It is the result of prayer, which, in the diversity of religions, expresses a relationship with a supreme power that surpasses our human capacities alone"<sup>261</sup>.

Unless dialogue among religions today in our society becomes a "culture", Freedom of Religion will remain only a utopia. By journeying together the religious leaders can play a vital role in nurturing that hope of justice and peace without which there will be no future worthy of humanity. In Jubilee Year 2000 John Paul II addressed the religious leaders in strong words: "As religious people, it is our duty to demonstrate that (...) any use of religion to support violence is an abuse of religion. Religion is not, and must not become a pretext for conflict, particularly when religious, cultural and ethnic identities coincide. Religion and peace go together. To wage war in the name

<sup>260</sup> Second Vatican Council, *Ad gentes*, n.12.

<sup>261</sup> John Paul II, "Opening Address at the World Day of Prayer for Peace", Assisi, 1986 (in the Basilica of St Mary of the Angels); Vatican: Pontifical Commission *Iustitia et Pax* (today Pontifical Council for Justice and Peace) 1987, 87.

of religion is a blatant contradiction (cf. Address to the Participants in the VI Plenary Assembly of the Religions for Peace, 3)...The task before us therefore is to promote a culture of dialogue. Individually and together, we must show how religious belief inspires peace, encourages solidarity, promotes justice and upholds liberty"<sup>262</sup>.

## Conclusion

Right to Religious Freedom has its foundation in the dignity of the person; God has regard for the dignity of every human person and that dignity consists in his responsible use of freedom. No state can ever claim its total authority over this fundamental right, for it has its root in God who alone gives life to every human being. However, the right to Religious Freedom clarifies, without any ambiguity, the relationship between the duties of the state and free exercise of religion in society by followers of different religions. The state cannot direct or inhibit acts that are religious. It must also be declared that the Freedom of Religion is different in kind from toleration because the question is not political but religious; the Freedom of Religion derives from a certain understanding of the nature of true faith; that is why the Freedom of Religion demands respect to the conscience. The battle in Freedom of Religion is not for liberty but truth.

Social nature of man itself requires that he should give external expression to his internal acts of religion. In other words, he needs to profess his religion in community as the fact shows that human beings today want to be able freely to profess their religion in private and in public. The state must safeguard, on the one hand, free exercise of religion, and demand respect for the just requirement of public order from all its citizens. Moreover, government is also to help create conditions favourable to the fostering of religious life. It is heartening to know that the Religious Freedom has been declared to be civil right in most constitutions, and is solemnly recognized in international documents. The letter of the law needs to be translated into concrete deeds as this does not yet happen in all the countries; life still remains difficult and dangerous for many religious communities throughout the world, especially for those followers of religions who find themselves in a minority situation.

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<sup>262</sup> John Paul II, Vatican: Pontifical Council for Interreligious Dialogue: Towards a Culture of Dialogue, 13-14.

The government must also see to it that equality of citizens before the law, whether in majority or in minority, is never violated for religious reasons. In other words, there should never exist discrimination among citizens. Obviously, since religion is practised in society, the government is obliged to apply certain regulatory norms. It is incumbent on followers of all religions, whether they are in majority or in minority, to deal with their fellows in justice and civility. The Catholic Church teaches that society has the right to defend itself against possible abuses committed on pretext of freedom of religion. Unfortunately, it has to be repeatedly said that the government must ensure effective safeguard of the rights of all citizens; freedom of every human person must be respected at all times and curtailed only when and in so far as necessary. Obviously, it goes without saying that the followers of different religions also must learn to act in greater responsibility in the practice of freedom which they enjoy.

I would like to conclude this essay by quoting the words of John Paul II addressed to the Ambassador of the Federal Republic of Germany to the Holy See. He said: "The Holy See pays homage to the constant work of the Federal Republic of Germany in promoting respect for human rights in all the regions of the globe, so that wherever German aid for development arrives, human beings can live in dignity and freedom" (John Paul II, Rome, September 13, 2002).



# Religious Freedom as a Right to Mysticism: From Pluralism to a Shift in Perspective

Lucas Cerviño

*"For the first time in history, mankind is living in a sort of spiritual wilderness."  
(Octavio Paz)*

## By Way of an Introduction

Facing the complex and ambiguous phenomenon of religious freedom, it is necessary to be critical, but it is of crucial importance to be self-critical. Otherwise, defending the right to religious freedom might smack of proselytisation, exclusivism or fundamentalism even. Recent history reminds us of this. Indeed, *Dignitatis Humanae* (DH) "demonstrates the movement which has taken place within the Catholic Church: from a negative perception of religious freedom (in which it was merely tolerated) to a positive perception (in which religious freedom is recognised as an inalienable right for everyone)."<sup>263</sup> Hence the Vatican II doctrine represented a point of arrival just as much as it did a point of departure. That is particularly true as regards freedom of religion, since the Catholic Church's willingness to accept "that the right to religious freedom has its foundation in the very dignity of the human person" came about neither swiftly nor spontaneously (DH 2).

Against this background it is worth thinking about a new point of departure: emphasising religious freedom as a right to mysticism. This gives priority, in respect of the freedom of conscience, to exercising criticism of oneself, but also of a group or institution, with a view to nurturing the inner self<sup>264</sup> in a time of *spiritual wilderness*.

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<sup>263</sup> Del Cura Elena, S.: "Religious freedom, healthy secularism and positive secularism are interwoven in the theological perspective," in: *Laicidad, laicismo y libertad religiosa*, Burgos 2010, 205.

<sup>264</sup> "In recent years, the concept of the inner self has described an irreplaceable and indomitable human dimension which civilization has cultivated over the millennia, basically within

Such an exercise is essential in order to avoid the ideological shadows of a system, be it religious or political. There is a need for self-criticism which questions the degree of freedom that exists in religions themselves as well as in ideologies such as secularity. This search for *spiritual freedom* can only germinate in the soil of mysticism: by starting from this mythical non-location, in which religions are displaced by the Mysterious, and constantly moving on towards the land of everyone and no one, where the “true religious experience causes us to boldly take steps that enable us to become immersed in an unfamiliar context that frees us from the reference to ourselves.”<sup>265</sup> It is this experience that allows us to live radically and freely under an open sky, without protection or doubts, rising above closed spaces and overcoming false securities. “This rising above ourselves allows us to drink from greater and deeper sources than those of our own tradition – from inter-religious and inter-denominational sources.”<sup>266</sup> The inner self draws succour from this ultimate Source, Presence, Reality, Emptiness or whatever each tradition chooses to call it.

Hence, this article seeks to show that in our times there is a need for a *shift* in the way we see religious freedom. Vatican II moved from tolerating other religions to accepting and recognising religious diversity as a human right. Today, in view of the urgent nature of the *metamorphosis of the sacred* that has taken place in recent decades, the civil right to mysticism must perhaps be emphasised – mysticism of both a religious and a secular kind <sup>267</sup> which nourishes and exercises the inner self.

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the scope of religion, and which our culture, having deciphered it, is rediscovering outside the context of religious traditions.” (Xavier Melloni, “El qué y el cómo de la interioridad”, in: EIDES, 2013, No. 69, 12).

<sup>265</sup> Melloni, J., *Hacia un tiempo de síntesis*, Barcelona 2011, 33.

<sup>266</sup> *Ibid.*

<sup>267</sup> “There are non-religious people who give their lives a meaning. This is exemplified by forms of spirituality that are not religious, which allow many of our contemporaries to live their lives in the pursuit of values such as justice, peace and solidarity, all of which provide a meaning in life. Through these and other human experiences, by virtue of a life rooted in honesty, detachment and generosity, it is possible for many people to recognise what lies beyond themselves and their experiences, to listen to its unconditional demands and to consider themselves initiated into a form of life in its fullest, although this does not assume any religious form. This is what is called “secular spirituality”, spirituality without God or, put simply, spirituality as a form of existence, an alternative to religious existence.” (Velasco, J. M., *Mística y humanismo*, Madrid, 2007, 227).

Taking a deeper look at this intuition, we must start by specifying how the current religious context seeks to cultivate the inner self in order to then define what it is understood by the right to mysticism and, finally, to list a few of its implications. This will be done using a comparative theological approach.

### **The Era of Pluralism that Calls for the Right to Mysticism**

It is undeniable that the current socio-religious and cultural context is quite different from the time when the Second Vatican Council fomented the debate on religious freedom. A wide range of expressions are used to describe the present state of the world and there can be no doubt that we are in the throes of a paradigm change of considerable proportions. In the religious sphere there are essentially two sociological schools of thought that offer an interpretation of the *metamorphosis of the sacred*: post-secularism and religious pluralism. Post-secularism shatters or seriously weakens the maxim of secularism (the more modernisation, the more secularisation) by limiting it to the role of a key element in an analysis of certain geographical regions, predominantly in Europe. Post-secular analysis resumes the debate on the public presence of religions within secular states. Religious pluralism underlines the ever closer coexistence of diverse religions in one space. It is a coexistence that could be described as more or less harmonious, in which the role of the state is to enable and facilitate manifestations of different religions in the public space.

According to José Casanova,<sup>268</sup> the current religious phenomenon can be broken down into three distinctive elements: a) an enormous diversity of subjects, practices, beliefs, institutions and religious experiences, with the resulting difficulty of defining a global regulating body to determine the validity or otherwise of these religious phenomena; b) the enormous creative yet also destructive force present in religion and c) the urgent need to recognise this eruption of the spiritual and generate a dialogue at all levels in order to foster global coexistence.

Reference could also be made to other movements and authors, but it is quite clear that globalisation is reconfiguring the religious phenomenon. A very intriguing symbol in this respect is what is called

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<sup>268</sup> See his most recent publication in Spanish: Casanova, J. V., *Genealogías de la secularización*, Barcelona, 2013.

*spiritual wilderness*. It reveals a longing for direct contact, under an open sky, with the ineffable Mystery that radiates incessantly. It calls to mind the crisis of the intermediaries and the growing personal realisation of self-determination in the search for the Absolute, irrespective of whether it is understood as something transcendent or immanent, religious or secular.<sup>269</sup>

Another characteristic is the fact that we live in a context of plurality, not only *de facto*, i.e. in view of the circumstances that apply, but also *de jure*, as a constitutive feature of reality itself. This confronts the faithful with a major challenge: the need to develop a new way of looking at the phenomenon of religion. Pluralism will inevitably reconfigure religions. This reconfiguration will definitely not lead to their disappearance, since it is tantamount rather to a transformation which will also include institutions. It will encompass the human right to mysticism that enables a religious reconfiguration to be seen as a sign of the times: as an opportune moment for a new and improved knowledge of God, for a renewed cultivation of the inner self that encourages a greater personal and social transformation as well as clearer ways of grasping and distinguishing the ever-ambiguous phenomenon of religion.

One aspect of this sign of the times is the need to encourage and enable every human being to “advance their own spiritual search” (T. Merton) free of any difficulties associated with political, national or other religious confessions or their own religious traditions even. Therefore, in the knowledge that the “individualisation of religion has moved the centre of gravity for religion away from tradition, the norm and the institution and more towards the individual and his experience,”<sup>270</sup> the conditions must be created which nourish a religiousness of freedom. To this end it is necessary to appreciate and recognise that we live in “a grown-up world” (D. Bonhoeffer), in which the faithful, too, are adults. In other words, can it be that, within a believer’s own religious traditions, conditions are such that he can consciously advance his spiritual search free from any form of

<sup>269</sup> “There is a vision of the secular world that is just as sacred as any other vision strictly considered to be “religious”. This secularity sees the saeculum, the century, the reality of matter and thus space-time as the ultimate and definitive reality – and for that reason as mysterious, infinite, i.e. sacred, and, I would add, religious, as religious institutions do not have a monopoly on religion.” (Panikkar, R., *De la mística. Experiencia plena de la Vida*, Barcelona, 2005, 234-235).

<sup>270</sup> Velasco, J. M., *El fenómeno místico. Estudio comparado*, Madrid 1999, 479.

coercion or psychological pressure (cf. DH 2)? It is difficult to answer this question, as our experiences may point in different directions. However, the phenomena described here speak in favour of greater autonomy in the cultivation of the inner self, rooted in an awareness of the depth and ultimate consistency of all things.

This sign of the times also involves cultivating an attitude of “sincere acceptance of the fact that the diversity of religions and beliefs opens up a host of new perspectives on life, understanding of the human being and the Absolute. It involves switching from a paradigm of isolationism and expansionism to one of reciprocity.”<sup>271</sup> It should also be noted that, even if religious diversity is treated with respect, a certain defence of religious freedom is still to be found within the expansionist paradigm: competing for its growth and influence while subtly introducing its own religion. Pluralism is undeniably reconfiguring religions and, in doing so, blurring the boundaries. Within the paradigm of reciprocity, the faithful of a range of confessions as well as persons without any specific confession allow themselves to be called into question in order to enrich their faith. They would rather share plenitudes than compete among totalities.

Mysticism is needed to nurture an experience of the inner self that is truly liberating and enhances the humanising potential of the human being. Priority must be given to the dissemination and defence of this right by religious and political authorities at all levels. For “a religion such as mysticism, which focuses on experience of the Mystery, puts those who encounter it in the best possible position to value religious life, irrespective of where it flourishes. At the same time it overcomes any absolutist or exclusivist temptation as well as the danger of indifference.”<sup>272</sup>

### **Deepening an understanding of the right to mysticism**

Drawing on his wide-ranging and varied human experience, R. Panikkar offers a definition of mysticism that is rather synthetic, thought-provoking and comprehensive: “the full experience of Life”.<sup>273</sup> That is to say: the experience of feeling it, thinking it and contem-

<sup>271</sup> Melloni, J., *Hacia un tiempo de síntesis*, Barcelona 2011, 29.

<sup>272</sup> Velasco, J. M., *El fenómeno místico. Estudio comparado*, Madrid 1999, 472.

<sup>273</sup> For more on his ideas, see: Panikkar, R., *De la mística. Experiencia plena de la Vida*, Barcelona 2005, 19-30.

plating it. It is not the experience of my life, but rather of Life, of the Real, the Mystery, the Presence or the Unfathomable Depth... that which we perceive as *something higher*. It is an experience that is received as a gift, but one which requires a little cultivation if it is to bear fruit. For, to put it in Christian terms, "grace is free but not arbitrary." It is an *holistic experience* because it integrates the diverse dimensions of the human being based on a tripartite anthropology of the corporal, the intellectual and the spiritual. Every human being is a latent mystic, since mysticism is a human phenomenon and therefore universal. The mystical experience is fundamental; it is the immediate and direct experience of contact and union with the Mystery, with God, with the Absolute or however each tradition describes it.

It is assumed that mysticism "is a phenomenon to be found at all times and in all places; it represents a 'human constant', although it is not a 'universal culture', as each culture interprets the invariant in its own way."<sup>274</sup> In other words, mysticism is not limited to just a few people; it is a dimension fundamental to every person. It is an anthropological dimension which, if valued and nurtured, draws on the wealth of religious traditions, the various religious institutions and the secular to transform and to humanise. Seen from this perspective, paraphrasing K. Rahner, it is possible to assert that people in the 21st century will either be mystical or they will not be, in the sense that mysticism, or the mystical experience, is an encounter with the Mystery which leads to the incorporation not just of the whole person, but of the whole person in his or her overall context. "Therefore, there is no contradiction between ethics and mysticism. On the contrary, the mystical experience develops in those who go through it an ethical sense which is indispensable in enabling our contemporaries to find an answer to the dangers of dehumanisation that threaten them."<sup>275</sup> Therefore, the mystical experience also re-establishes the harmony between the private and the public, while emphasising that every transformation is simultaneously individual and communal.

Based on this understanding of mysticism, we can argue for the need to recognise it as a right, a human right to mystical experience. Equally there is a need to defend the exercise of this right, which allows us to live life to the full in this new era of humanity, the era of

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<sup>274</sup> Idem, 37.

<sup>275</sup> Velasco, J. M., *Mística y humanismo*, Madrid 2007, 200.

mysticism, “in which a new approach to reality emerges: myth (the exaltation of emotion and sensitivity) no longer holds sway, nor does the absolutism of reason or the mind. Rather, this new era engenders an inner view and perception born of the ability to remain silent and listen to reality.”<sup>276</sup> This inner view and perception must be taught, shaped, encouraged and cultivated so that every human being can grow.

Thus, in addition to recognising the diversity of paths, both religious and secular, the right to mysticism enables us to defend freedom of conscience *within and between* these paths. It is not sufficient to merely tolerate mysticism or, to be more precise, the mystics of today. Rather it is necessary to recognise the value of mysticism and encourage the notion that this human dimension can flourish in every individual, born of the freedom *within* our traditions but also of a freedom of dialogue and cross-fertilisation *between* traditions. However this calls, amongst other things, for the practitioner, as the model of the believer who is rooted not so much in Christianity but in the majority of religions, to move on to the mystic or learned man as the model of the believer. It is known that “the archetype of the learned man does not recognise denominational boundaries. On the contrary, he is able to discover the validity of the various faiths at the very moment he moves freely – and not arbitrarily – between the various codes. The difference between freedom and radical arbitrariness lies in not being guided by self-centredness and the changing appetite of the ego, but rather by the perception of what should be done at any given moment to open and surrender oneself to a greater reality.”<sup>277</sup>

Herein resides one of the challenges of accepting mysticism as a human right, one that is just as essential and fundamental as the right to religious freedom. It is from this perspective that we must understand Panikkar’s succinct remark that “the future of religion exists primarily in personal religiousness and not a uniform religious profession,” by which he means a personal religiousness that is in no way to be confused with religious abandon, spiritual hedonism or postmodern relativism even. The practice of this type of religiousness entails the requisite depth in one’s own most authentic tradition, a receptiveness to the wealth of other traditions and an ongoing openness towards the

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<sup>276</sup> Melloni, J., *Hacia un tiempo de síntesis*, Barcelona 2011, 241-242.

<sup>277</sup> *Idem*, 244.

Mystery in order to avoid any habituation.<sup>278</sup> Three main characteristics enable us to ascertain the quality of a spiritual experience.

These are closely bound up with the mystical experience and lead “to the dedication of the self to a greater Whole, irrespective of whether this is conceived of as being personalised or not. This progressive decentralisation of the self testifies to the fact that work on the inner self really has taken place, because we must pass through difficult terrain in the darkness and, without shrinking back, emerge transformed.”<sup>279</sup> The shape of the mountains and the points of access may differ, but the snow that falls is always the same. Every human being is called upon to revel in this snow and has the right to be accompanied, taught and qualified to enter his inner self, enjoy life and live it to the fullest.

### Implications of the Right to Mysticism

So far an explanation has been given of the reasons behind the *shift* in perspective that leads to proposing religious freedom as a right to mysticism. But what will this *shift* really achieve? In what fields could this proposed right be applied? There follows a short list of some implications and possible applications.

### Implications

- *Partaking of fullness* and eschewing *competition between totalities* is an axiom of religious and secular pluralism.
- Fostering and promoting diversity and *freedom of the spirit* within the same religious traditions and communities in order to avoid the ever-present temptation of proselytism and exclusivism.
- Valuing the diversity and authenticity of religious and secular paths at both a personal and institutional level in understanding and experiencing the Mystery and thus enriching one’s inner self. For example, when applying the right to

<sup>278</sup> “Three things characterise the spiritual experience that is needed in our time: being rooted in one’s own home ground, drinking and feeding from what is most genuine in one’s own tradition; a receptiveness to the contributions from other paths; and a willingness to remain open-minded in respect of better things that emerge on the horizon, free of the securities that weigh us down.” (Melloni, J., *Hacia un tiempo de síntesis*, Barcelona, 2011, 255).

<sup>279</sup> Melloni, X., “El qué y el cómo de la interioridad”, in: *EIDES*, 2013, No. 69, 17.

religious freedom in education policies, this should be included in respect of equality of conditions and of rights to religion – or the forms of religiousness handed down by our forefathers – as well as of new forms of spiritual expression, etc.

- Insisting that religions mainly stress their mystagogical character.
- Creating policies for the defence, promotion, cultivation and growth of mystical experiences within international organisations, the State and religions as support for the humanisation of the planet.

### Applications

- Enabling and promoting practices of silence pursued in diverse religious and secular traditions as an initiatory path for inter-denominational access to the sacred scripts<sup>280</sup> of the various religions and within those same religions.
- Giving priority and contributing to the cultivation, nourishment and growth of the inner self or the mystical experience through public, private and denominational education or by other educational means.<sup>281</sup>
- Introducing the cultivation of the inner self as part of the education curriculum of every training programme and school for adolescents and young people.
- At denominational or other higher education centres intensifying inter-denominational studies in which a capacity to judge can be developed in conjunction with mystical experience that has a humanising effect by removing the focus on the ego.<sup>282</sup>
- With the help of religious institutions, providing for and fostering inter-denominational spaces of coexistence, reflection,

<sup>280</sup> An example of this is being applied and implemented by the Centre for Study of Religious Traditions (CETR). See <http://cetr.net/ca>.

<sup>281</sup> An example of this is being proposed by two main Jesuit institutions in the project "Pedagogy of the inner self in the world of education". See [www.casalluisespinal.cat](http://www.casalluisespinal.cat).

<sup>282</sup> It is in this spirit that one can read Javier Melloni's book *Vislumbres de lo real*, Barcelona 2007.

prayer and commitment within the identity of each member, but also an openness to mutual enrichment.

I would like to conclude with a quote from Martin Velasco who summarises the reflections made hitherto by emphasising the urgency of cultivating mysticism in our time. "What is now in danger, no longer just in Europe but all over the world, is not merely Christianity or even religion itself; what many consider to be in danger is the very humanity of human beings. (...) The existence of mystics in Christianity, in other religions and in many forms of spirituality that flourish on the fringes of religious traditions is, under these circumstances, indispensable in order to erect barriers against the threat of dehumanisation in our time, to nurture and support the current seeds of humanisation in the world and to give our contemporaries cause for hope."<sup>283</sup>

Consequently, we believe that our pluralist and post-secular context requires us to recognise and promote the right to mysticism. It is a matter of some urgency that masters of inwardness should help us to be open-minded towards the Mystery, foster an attitude of joy and enrichment in view of religious diversity and of the secular search to experience the ultimate human dimension. However, there is also a need for masters with the gift of spiritual discernment, since pluralism – together with individualisation of the religious – can cause old and new spectres to emerge which are capable of distorting the religious or ultimate experience.

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<sup>283</sup> Velasco, J. M., *Mística y humanismo*, Madrid 2007, 248.

# Religious Freedom as the Right of the Others



# The Disturbing Potential of the Right to Freedom of Religion or Belief – Freedom of Religion as the Freedom of Others

Daniel Legutke

## Introduction

The exercise of the right to freedom of religion or belief constantly gives rise to friction, which in turn is reflected in public debates and sometimes even results in new legal regulations. This may be due to the fact that in recent years the points of contact between various lifestyles, cultures and hence religions have multiplied enormously. The courts are increasingly faced with the task of striking a balance between progressively more complex, more distinctly articulated, and in some cases even opposing interests in day-to-day life. The need for new legal regulations arises when it can no longer be assumed that there is a tacit consensus in society.<sup>284</sup> Consequently, the freedom of religion or belief as a human right with strong communicative aspects is not only indirectly affected, but is itself often the focus of confrontations. Freedom of religion has an inherent potential for friction which affects the freedom of others.

## Dimensions of the right to freedom of religion or belief

The right to freedom of religion and opinion is anchored in the numerous documents guaranteeing protection of human rights at the international and national level. The preamble to the Universal Declaration of Human Rights of 1948 draws attention to the particular importance among human rights that attaches to the right to freedom of religion. It stresses that the peoples should strive for the advent of

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<sup>284</sup> McCrea, R., The Ban on the Veil and European Law, in *Human Rights Law Review*, 13 (2013) 1, 57-97, 58.

a world “in which human beings shall enjoy freedom of speech and belief and freedom from fear and want”.

Although this declaration has no legal force, its repeated invocation has given it a certain status as customary international law. The International Covenant on Civic and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) are legally binding, however. The issue of freedom of religion is set out in more detail in Article 18 ICCPR. The right to freedom of religion or belief is also enshrined in Germany’s Basic Law as well as in the European Council’s Convention on Human Rights (Art. 9 ECHR) and, most recently, in the Charter of Fundamental Rights of the European Union (Art. 10 CFR).

Common to all these formulations is the dual aspect of freedom of religion, which guarantees both the private or personal profession of religion (*forum internum*) and its profession in public (*forum externum*). Also inherent in the right to freedom of religion or belief is the freedom to profess no religious faith. This aspect has always been intrinsic to the right to freedom of religion and is in no wise part of a later extension. Thus, although it is right and proper to stress in public debates that the right to have no religion must also be protected, it should be remembered that this right is already contained in freedom of religion.

Because the right to freedom of religion touches on the inner essence of human identity, it is one of the non-derogable human rights which cannot be restricted by wholesale legislation. No limitations whatsoever may be permitted on the “freedom of thought and conscience” or on the freedom “to have or adopt a religion or belief of one’s own choice”.<sup>285</sup> The *forum internum* thus enjoys unrestricted freedom. As regards the right to profess and manifest this belief publicly and in community with others, however, limitations are legitimate and on occasion indispensable. Such restrictions, however, are only permissible under very special conditions, with due regard for their appropriateness to such matters as public order.<sup>286</sup>

<sup>285</sup> On Art. 18 ICCPR cf. UN Commission on Human Rights, General Comment No. 22, UN Doc. CCPR/C/21/Rev.1/Add.4, subsection 3.

<sup>286</sup> General Comment No. 22, subsection 8.

## **Right to Freedom of Religion – Must Religion Withdraw to the Private Sphere?**

In European society the freedom of others often takes the form of a claim to be spared the attentions of religion in public spaces. This is based on a widespread misunderstanding. Freedom of religion is not infrequently misconstrued as an outdated privilege enjoyed by religious communities and by churches in particular. There is a militant secular urge to drive religion into the private sphere. Some see this as the best solution to the religious conflicts that plague our Western society.

However, such people fail to understand that the right to religious freedom does not protect religions or churches but the individual with all his beliefs and convictions. Freedom of religion also protects those who have no religious convictions. This claim to protection covers both the private and the public sphere of religious observance. A secularism that takes no account of this dimension of communal living aspires to be a general norm itself and unjustly favours a credo, namely secularism, over religion.

The European Court of Human Rights constantly has to deal with the right to freedom of religion, yet in its specific definitions of the scope of freedom of religion it comes to very different conclusions, for which it is hard to find a common denominator. Recently it was presented with four cases in which it had to weigh in the balance the right to freedom of religion and the non-discrimination rule (Arts. 9 and 14, European Human Rights Convention). The four cases from the UK were heard together by the court. All four plaintiffs complained that the relevant national courts had taken insufficient account of their right to free religious observance.<sup>287</sup>

In the case of the Egyptian-born Nadia Eweida the court argued that a chain with a crucifix pendant did not constitute a hindrance to the work of a British Airways stewardess. Given the specific nature of her work, British Airways could not prove that the pendant impaired the interests of others in an inappropriate manner. Furthermore Sikhs, for example, had been explicitly permitted to wear religious items of clothing that could be readily seen. Therefore, in the case

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<sup>287</sup> European Court of Human Rights, *Eweida and Others v. United Kingdom*, 15 January 2013.

of Eweida, the authorities had not taken sufficient account of this aspect of freedom of religion, namely its visible manifestation.<sup>288</sup> Thus Eweida should not have been forced to take off the pendant, this being deemed discriminatory. In the second case, on the other hand, the fact that Shirley Chaplin, a nurse in an old people's home, openly wore a crucifix on a necklace while at work could be construed as constituting a hazard. Her employer had suggested that she wear the cross as a pin on her clothing where it would be seen. Requesting her to dispense with the crucifix on a necklace was consistent with the right to freedom of religion, as in this case industrial safety was a more important consideration. Furthermore, in the field of industrial safety the local authorities had to be granted a greater margin of appreciation, of which the institution had availed itself in making its decision.<sup>289</sup>

While these two rulings are largely uncontroversial, the third one is harder to assess. The registrar Lilian Ladele had refused to perform marriage-like registrations for same-sex partnerships, arguing that this was against her religious convictions, a marriage for her being the joining together of a man and a woman. For a while her informal rejection was respected in the drawing up of duty rosters until her homosexual colleagues complained, referring to the anti-discrimination guidelines of the authority. Finally her employer presented her with a new service agreement which stipulated that her duties as registrar included the registration of homosexual partnerships. Ms. Ladele refused to sign it, whereupon she was given her notice. The ECHR confirmed the legality of the dismissal and, in doing so, drew attention to the margin of appreciation.<sup>290</sup> Heiner Bielefeldt, UN Special Rapporteur on freedom of religion or belief, pointed out that it was not necessary to "confront the civil servant with a choice between her conscience and her work. A colleague could have performed the marriage ceremony just as well. In future, solutions should avoid people being torn two ways. Either-or decisions are always a fertile breeding ground for conflict".<sup>291</sup> It should be added that, following the introduction of new regulations for homosexual partnerships in 2005,

<sup>288</sup> *Ibid.* Eweida and others v. UK, subsection 95.

<sup>289</sup> *Ibid.*, subsection 99.

<sup>290</sup> *Ibid.*, subsection 106.

<sup>291</sup> Haydn, T., Pincette statt Hackebeil, [http://weltkirche.katholisch.de/de/weltkirche/aktuelles/20131002\\_isbtirechte\\_vortrag\\_heiner\\_bielefeldt.php](http://weltkirche.katholisch.de/de/weltkirche/aktuelles/20131002_isbtirechte_vortrag_heiner_bielefeldt.php) [21.10.2013].

a number of authorities have given their employees the option of not being recognized as “civil partnership registrars”.<sup>292</sup>

An apparent counter-tendency emerged from the 2011 ruling of the ECHR on crucifixes in Italian classrooms, which was again the subject of intense public discussion. The judges had dismissed the suit of the mother of a pupil who felt that her intellectual freedom as an atheist was impermissibly restricted by the presence of a crucifix in the classroom. Although the suit was upheld by the court of first instance, it was overturned on appeal. The judges’ main argument was that a ruling on this matter fell within the margin of appreciation of the state, as there was no European consensus on the matter of religious symbols in schools.<sup>293</sup> Furthermore, a cross was a passive symbol and in no way comparable with participation in religious activities or active religious instruction.<sup>294</sup>

On the one hand, the judges in these rulings make it clear that public professions of faith by employees – whether in the civil service or in the private sector – in two cases involving the wearing of a cross on clothing cannot be forbidden out of hand on grounds of neutrality or corporate identity.<sup>295</sup> On the other hand, those with a tendency to appeal to the European court to suppress expressions of religious belief may see themselves vindicated by the rulings. After all, three of the four suits from the UK were rejected, the crucifix ruling only being made in the second instance in favour of the public presence of religion. In some quarters there are even complaints of an increasing discrimination of Christians.<sup>296</sup>

What appears to be a tendency to force religion out of the public domain in the name of a certain concept of secularism is not least a

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<sup>292</sup> Eweida and others v. UK, subsection 25.

<sup>293</sup> European Court of Human Rights, *Lautsi and Others v. Italy*, 18 March 2011, subsection 70.

<sup>294</sup> *Lautsi v. Italy*, subsection 71.

<sup>295</sup> In this respect one must agree with Archbishop Dominique Mamberti when he points out how complex issues of freedom of conscience have become in Europe, and that there is a certain risk of such rulings getting round “the fundamentals of freedom of conscience of the individual and of religion”, cf. Radio Vatican of 16 January 2013, *A Risk to Freedom of Conscience* [21 October 2013].

<sup>296</sup> In this connection see Archbishop Toso, who complained at an OSCE conference in Tirana about the rise of intolerance and discrimination against Christians in Europe, cf. Radio Vatican of 20 May 2013 [21 October 2013]; also McGoldrick, D., *Religion in the European Public Square*, 499.

consequence of the ECHR's rulings to date. On the other hand, the ECHR often resorts to the margin of appreciation, which leaves considerable scope for national governments to regulate their religious affairs themselves in keeping with their social preconceptions. All the Court does is to examine whether these preconceptions can be justified within a human rights framework –by evaluating conflicting legal goods, for instance.<sup>297</sup> If the social climate within a country favours a certain model of secularism there is a danger that the religious element will be driven back further into the private domain, a development the ECHR will be less inclined to hinder.<sup>298</sup>

From a human rights point of view, objections should be raised if, in the name of sections of society which do not profess a belief or a religion, religion is to be driven out of the public domain altogether and rendered completely invisible. The law guarantees visible plurality in which confrontation with religion can be claimed as a right – even if a section of society can discern no meaning in it and sees in it only an importunate provocation.<sup>299</sup> Religion demands a public stage where it can be seen. Fulfilment of this demand is a long-established right, though it may take different forms at different times.

### **Duty to protect – protection of the “essence” of the right to freedom or state practice?**

The free space for the public manifestation of religion is initially defined by the state and its institutions. The duty of the state to protect freedom in the name of human rights is incontestable. Nevertheless a different perspective may be adopted than that suggested by the ECHR. The need for protection of an individual restricted in the practice

<sup>297</sup> McGoldrick, D., *Religion in the European Public Square*, 456; Amélie Barras, *Transnational Understandings of Secularism and their Impact on the Right to Religious Freedom – Exploring Religious Symbol Cases at the UN and ECHR*, in *Journal of Human Rights* 11 (2012), 263-279, 272; Jochen von Bernstorff is also critical of this figure, as it would often be “unforeseeable... when this figure would intervene in favour of a Member State and when not”, cf. *ibidem*, *Kerngehaltsschutz im völkerrechtlichen Menschenrechtsschutz: Ein Vergleich zwischen der Spruchpraxis des EGMR und des UN Menschenrechtsausschusses in Deutsche Kommission Justitia et Pax* (ed.) *Menschenwürde – Impulse zum Geltungsanspruch der Menschenrechte* (Bonn 2013, in preparation), 99-120, 123.

<sup>298</sup> McGoldrick, *Religions in the European Public Square*, 474; similarly Barras: “In this [the courts, DL] imagination, Christianity is understood as a religion where beliefs remain in the private conscience,” cf. *ibidem*, *Secularism*, 270.

<sup>299</sup> *Lautsi v. Italy* contains the annulled ruling of the court of first instance in which the court spoke of the crucifix as “emotionally disturbing for pupils of non-Christian religion”, *ibid.*, subsection 31.

of his religion is the starting point for the evaluation of a case from a human rights standpoint. The focus should not be on the weighing of one right against another, but on the impairment of religious practice from within the logic of religion itself.

Case studies of the UN Commission of Human Rights take this as their starting point. In a detailed analysis of recent cases Amélie Barras shows that the Third Committee develops its recommendations from the perspective of an individual whose freedom is threatened and who needs to be defended, be it against a dominant majority religion or a dominant secularism.<sup>300</sup> Consequently it focuses more strongly than the ECHR on protecting freedom of religion in terms of its key elements, the *forum externum*. This would considerably shift the onus of justification in reaching a verdict. The committee is correspondingly restrictive in applying a margin of appreciation. As an alternative it suggests the drafting of a “core content of a basic or human right” as “the outcome of institutionalized decisions on the limits of the restrictability of basic and human rights based on standard texts”.<sup>301</sup> This would give added clarity to the limits of restrictability, violation of which would endanger the law as a whole.<sup>302</sup>

The positions of recent UN Special Rapporteurs on freedom of religion could be cited in addition to the Third Committee’s findings. It turns out that all of them give greater consideration to the individuals affected. They explore ways of credibly demonstrating that certain religious practices are palpably harmful for a given society. They incline less to generalizations, but try to take in the given situation as concisely as possible and direct their attention to potential consequences. Asma Jahangir, for example, has repeatedly pointed out that dress regulations currently being enacted in Europe mainly affect Moslem women, who are thus often exposed to double discrimination. Such laws tend to promote further discrimination. Thus particular caution should be exercised in Europe concerning dress regulations and questions raised about the appropriateness of legislation which applies to only a very few people while at the same time exacerbating the climate of exclusion in general.<sup>303</sup>

<sup>300</sup> Barras, A., *Secularism*, 273.

<sup>301</sup> v. Bernstorff, J., *Kerngehaltsschutz*, 113.

<sup>302</sup> v. Bernstorff, J., has even identified the baneful influence of a “subject to discussion” syndrome, which must be avoided at all costs, cf. *ibidem*, *Kerngehaltsschutz*, 100.

<sup>303</sup> Barras, A., *Secularism*, 266.

Furthermore, respect demands that there should be no casual brushing aside of customs and practices deemed constitutive by religious communities, regardless of how widespread the relevant practices are in these communities. A superior claim to interpret whether and in what way a practice is a constitutive part of the religious observance befits them even less.<sup>304</sup> A recent example of such debates is the one which took place in Germany on the circumcision of boys. The state has neither the practical nor intellectual expertise to deal with the meaning of religions and their modes of expression.

### **Promoting the Freedom of Others**

Points of friction remain unavoidable and there will continue to be conflict over freedoms. Court decisions, however, tend to bring clarity, which entails a restriction of freedom for at least one side – sometimes with fatal consequences. Possible ways must therefore be sought – beyond legal negotiations – of conducting social debates on freedom of religion. Public debate is in many respects a more suitable instrument for helping the representatives of different interest groups to have their say and ultimately reach a compromise. The same applies to the promotion of religious dialogues – and dialogues with non-believers.

A conceivable role for the state was highlighted by the current UN Special Rapporteur for freedom of religion or belief in his 2011 report to the UN General Assembly.<sup>305</sup> The above-mentioned dialogues must not be mere civil society events. Nor should inter-religious communication be reduced to talks between a few religious leaders. It is certainly not a question of relieving the state of its responsibility, as it can definitely play an active part in setting up or supporting dialogue forums. Even a symbolic public recognition and encouragement of inter-religious communication by representatives of the state would underline the importance of the climate of social and political openness which can arise between the various religions and denominations.<sup>306</sup> State financial support for dialogue projects is also important – not just at the highest level, but also for local projects, such as the emerging

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<sup>304</sup> *Ibid.*, 266.

<sup>305</sup> Bielefeldt, H., Interim Report of the Special Rapporteur on freedom of religion or belief, UN Doc. No. A/66/156 (2011).

<sup>306</sup> *Ibid.*, subsection 41.

civic platforms with their “community organizing” approach to shaping the social space.<sup>307</sup> A wide range of neighbourhood projects can give rise to important initiatives for social dealings between religious and non-religious groups or individuals, such as joint projects for tackling social problems or the like. This living dialogue can help to overcome ignorance, identify common goals and possibly, in a later phase, provide scope for people to discuss their own religion. But this too requires funding, which for government agencies would be money well spent.

In autumn 2012 such projects and schemes received institutional backing at UN level in the shape of the “Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”, or the Rabat Plan of Action for short. It was the result of worldwide consultation processes conducted by the United Nations with experts. The plan, which was devised to combat religiously motivated hate speech, rests on two pillars: dialogue mechanisms and prohibitions. In addition to describing the resources of the state for supporting social dialogue processes, as set out above, it contains further information on the tasks of the state, such as the important duty of supporting religious education and allowing religious groups, especially religious minorities, to take their place and have their say in society. These are all things that have to be taken seriously both by Europe and Germany in their present political and social practice.

Europe always has its fair share of criticism directed at both churches and religions by those who feel challenged by freedom of religion and seek to hedge it about with legal restrictions. The juridification of religious matters entails the danger of excessive curtailment of freedom of religion in favour of other legal claims. This danger is all the graver the more the courts implicitly or explicitly assume secular views of society in their deliberations and leave any possible religious consequences or considerations out of account. Nevertheless, a growing and increasingly articulate pluralism is calling for new regulations, being no longer prepared to accept traditional and hitherto unquestioned notions. The need for legal regulation is the result, even in cases where social discussion processes might be initiated to greater advantage.

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<sup>307</sup> More information on this may be found, for example, at the website of the German Institute for Community Organizing, <http://www.dico-berlin.org>.

The attempt undertaken here to strengthen the view of freedom of religion as the freedom of others, on the other hand, is beneath or beyond legal comment and relies on the power of public discussion. This can awaken an understanding of the needs involved and strengthen social cohesion as a whole. The state, the churches and each individual Christian will then be faced with the task of supporting or calling for such dialogues, each to the extent of their ability. In its commitment to the freedom of religion the church will always have to contend with critical voices. And yet we owe it to the right to freedom of religion to continue along the laborious path of social dialogue. Anchoring the right to freedom of religion in society will become all the more urgent as its potential for friction becomes more manifest in the public debate.

# Freedom of Religion as the Right of the Other

George Ehusani

## Introduction

We live in the modern world of phenomenal advancements in science and technology, business and economics, politics and culture, along with a heightened consciousness of human dignity and individual rights. Ironically this new world of heightened awareness of rights and freedoms has witnessed frequent violations of the right to religious freedom or freedom of conscience, sometimes expressed in the extreme form of violent persecution. The violations or abuses of the freedom of religion or belief, committed both by state and non-state actors, are unfortunately widespread and in varied and complex dimensions, and they affect people in some way or the other in practically all parts of the world today.

As a universal human right, freedom of religion or belief is an acknowledgement of the reality and legitimacy of diversity in the human society. The free exercise of this right enhances democratic governance, the rule of law, wholesome development, peace and stability. On the other hand, violations of freedom of religion or belief often exacerbate intolerance and constitute early indicators of an impending violent conflict.

Religious freedom is of paramount value in that it recognizes that a critical dimension of human dignity is the freedom of the human person to direct his or her actions in the light of reason and in accordance with the dictates of his or her conscience. This right refers not only to the form of worship an individual may subscribe to, but also to the conduct of a person's whole life. It includes the right to manifest or practice one's belief in private or in public, either individually or in communion with others, the right to teach or propagate the tenets of one's religion without fear, and the right to establish and maintain

institutions in accordance with the values of one's religion. Persons who change their religion or belief, as well as persons who profess no religion at all should be equally protected.

Recent decades have seen an explosion of academic interest in the anthropological, philosophical, psychological, and biological basis of religious experience as a universal human experience. Scholars across the natural and social sciences have invested a lot of time and resources in researching the conduct of religion as it intersects with questions of individual and collective identity, ethics, and action, and particularly how these are related to respect or abuse of the religious freedom of the other.

In this paper, we shall discuss the basis for the protection and defense of the right to freedom of religion as a fundamental human right, and the need for state and non-state actors to understand and grasp the full implications of this right for wholesome development and peaceful co-existence in a religiously and ideologically diverse contemporary global society.

### **What is Religion?**

The word "religion," meaning to bind fast, comes from the Western Latin word 'religare'. It is commonly, but not always associated with traditional majority, minority or new religious beliefs in a transcendent deity or deities and all the values and practices associated with such beliefs. In 1993 a United Nations Expert Committee on Human Rights described religious freedom as the freedom to hold "theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief."

Religions and religious beliefs give meaning and purpose as well as hope and consolation to billions of people, and considering the core values of most religions, they also hold a great potential for peace and reconciliation in the human society. They have however also been blamed for a lot of tension and violent conflicts through the course of human history. Global terrorism which is perhaps the greatest threats to world peace and the peace of many nations today is known to have links with or is fuelled by religious fanatics and fundamentalists, who often make no room for the fundamental rights of "the other."

The struggle for religious liberty has been on going for centuries, and has led to innumerable, tragic conflicts. The twentieth century

witnessed the codification and widespread dissemination of common values related to freedom of religion and belief, yet the struggle for the recognition and entrenchment of religious freedom as a fundamental right continues. In its 1948 Universal Declaration of Human Rights the United Nations clearly highlighted the importance of Religious Freedom. Article 18 of the Declaration states that: "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his or her choice." Since the Universal Declaration, the attempt to develop an enforceable human rights instrument related to freedom of religion and belief has not been altogether successful.

In 1966 the UN passed the International Covenant on Civil and Political Rights (ICCPR), expanding its prior statement to address the manifestation of religion or belief. Article 18 of this Covenant includes four paragraphs that are particularly significant for our discussion as follows:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his or her choice, and freedom either individually or in community with others and in public or private, to manifest his or her religion or belief in worship, observance, practice and teaching. No one shall be subject to coercion which would impair his or her freedom to have or to adopt a religion or belief of his or her choice.

Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to ensure the religious and moral education of their children in conformity with their own convictions.

Some of the articles of the ICCPR regarding fundamental freedoms have been turned to international conventions, which are legally binding treaties. In contrast, however, because of the complexity of the topic and the political issues involved, Article 18 of the Covenant on Civil and Political Rights has not been elaborated and codified in the same way that more detailed treaties have codified prohibitions against torture, discrimination against women, and race discrimination. After twenty years of debate, intense struggle and hard work,

the General Assembly in 1981 unanimously adopted the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. While the 1981 Declaration lacks any enforcement procedures, it remains the most important contemporary codification of the principle of freedom of religion and belief.

### **The Issue at Stake**

The 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief contains eight articles, three of which define specific rights. They are articles 1, 5 and 6. The remaining articles act in a supportive role by outlining measures to promote tolerance or prevent discrimination. Taken together, the eight articles constitute a paradigm, an advocacy tool for tolerance and the prevention of any discrimination based on religion or belief. In addition to individual rights, the 1981 UN Declaration also identifies certain rights related to states, religious institutions, parents, legal guardians, children, and groups of persons.

Article 18 once again refers to the right to freedom of thought, conscience, and religion or belief; the right to have a religion or whatever belief of your choice; the right either individually or in community with others, in private or public, to manifest a religion or belief through worship, observance, practice and teaching; the right not to suffer coercion that impairs the freedom to choose a religion or belief; the right of the State to limit the manifestation of a religion or belief in accordance to the principles of justice and fairness, and only as necessary to protect public safety, order, health, morals and the fundamental rights and freedoms of others.

### **Freedom of Religion and its Link to Other Rights**

Thus, as distinct to the freedom to have a religion, to hold a belief or not to believe, the freedom to manifest one's religion or belief may be subject to limitations, but only to such extent as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others. Where restrictions are justified on the basis of a need to protect public order and morals, such restrictions must be based on principles not deriving exclusively from a single tradition, as the concept of morals derives from many social, philosophical and religious traditions. Furthermore, any such

limitations must be understood in the light of universal of human rights and the principle of non-discrimination.

### **Basic Principles of Action**

In line with international instruments for the protection of freedom of religion, global actions on freedom of religion or belief are based on the following overriding principles:

#### **Universal Character of Freedom of Religion or Belief**

Freedom of thought, conscience, religion or belief applies to all persons equally. It is a universal human right that needs to be protected everywhere and for everyone, regardless of who they are, where they live, and what they believe or do not believe in.

#### **Freedom of Religion or Belief is an Individual Right which can be Exercised in Community with Others**

Freedom of religion or belief protects every human being's right to believe or to hold an atheistic or non-theistic belief, as well as to change religion or belief. It does not protect a religion or belief as such. Freedom of religion or belief applies to individuals, as right-holders, who may exercise this right either individually or in community with others and in public or private. Its exercise may thus also have a collective dimension. This includes rights for communities to perform "acts integral to the conduct by religious groups of their basic affairs." These rights include, but are not limited to, legal personality and non-interference in internal affairs, including the right to establish and maintain freely accessible places of worship or assembly, the freedom to select and train leaders or the right to carry out social, cultural, educational and charitable activities. There are no rights exclusive to holders of any particular religion or belief: all rights whether in regard to the freedom to believe or to manifest one's religion or belief, are universal and are to be respected on a non-discriminatory basis.

#### **Primary role of States in Ensuring Freedom of Religion or Belief**

States have a primary duty to protect all individuals living in their territory and subject to their jurisdiction, including persons holding non-theistic or atheistic beliefs, persons belonging to minorities,

and indigenous peoples and to safeguard their rights. As such, they must ensure that their legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion or belief to all, which are applicable to their entire territory without exclusion or discrimination, and that these provisions are properly enforced. All individuals must be treated equally without discrimination on the basis of their religion or belief.

### **Connection with the Defense of other Human Rights and with other Guidelines on Human Rights**

Freedom of religion or belief is intrinsically linked to freedom of opinion and expression, freedom of association and assembly as well as to other fundamental rights and freedoms, all of which contribute towards the building of pluralistic, tolerant, democratic, stable and peaceful societies. Expression of a religious or non-religious belief, or of an opinion concerning a religion or belief, is also protected by the right to freedom of opinion and expression enshrined in Article 19 of the ICCPR.

Certain practices associated with the manifestation of a religion or belief, or perceived as such, may constitute violations of international human rights standards. The right to freedom of religion or belief is sometimes invoked to justify such violations. However, viewed critically, major international instruments for the protection of human rights firmly oppose such justification, while remaining fully committed to the robust protection and promotion of freedom of religion or belief in all parts of the world. Violations of the fundamental rights of women and members of religious minorities are common. In dealing with possible violations, use is made of existing human rights guidelines, notably the guidelines on the promotion and protection of rights of the child, on violence against woman and girls and combating all forms of discrimination against them, on human rights defenders, on torture and on the death penalty, as well as the guidelines on the enjoyment of all human rights.

### **Priority Areas of Action**

In the light of the above submissions, when addressing freedom of religion or belief, state and non-state actors should pay special attention to the following themes, which are all of equal importance:

## **Prevent Violence**

States have an obligation to guarantee human rights protection, and to exercise due diligence to prevent, investigate and punish acts of violence against persons based on their religion or belief. Violence or the threat thereof – such as killing, execution, abduction, torture, and inhuman or degrading treatment – are widespread phenomena that have to be addressed. Such violence may be committed by state or non-state actors, based on the actual or assumed religion or belief of the targeted person or based on the religious or ideological orientation of the perpetrator.

## **Promote the Freedom of Expression**

Freedom of religion or belief and the freedom of expression are interdependent, interrelated and mutually reinforcing rights, protecting all persons – not religions or beliefs in themselves – and protecting also the right to express opinions on any or all religions and beliefs. Censorship and restrictions on the publication and distribution of literature or of websites related to religion or belief are common violations of both of these freedoms, and impair the ability of individuals and communities to practice their religion or belief without hindrance. Minority religious groups or those with non-traditional religious views are particularly vulnerable to abuse in this regard. Taken together, freedom of religion or belief is closely related to the freedom of expression, and wherever the freedom of expression is upheld, violations of the freedom of religion and conscience will be drastically reduced.

## **Promote Respect for Diversity and Tolerance**

A climate of religious tolerance, respect for diversity and the promotion of mutual understanding will directly enhance the full enjoyment by all persons of freedom of religion or belief.

## **Protect Everyone Against Discrimination**

States have a duty to protect all persons within their jurisdiction from direct and indirect discrimination on grounds of religion or belief, whatever the reasons advanced for such discrimination. This includes the duty to rescind discriminatory legislations, institute legislations that protect freedom of religion or belief, and halt official practices that

amount to discrimination. Beliefs or practices that are, or are alleged to be traditional, are often used to justify religious discrimination or coercion. Examples of this include denial of access to employment or education for women, bride kidnapping, early and forced marriage or female genital mutilation. All individuals, including women and girls, have the right to a religion or belief of their own individual choice, including the right not to have a religion or belief.

### **Changing or Leaving One's Religion or Belief**

Limitations to the right to change or leave one's religion or belief are among the most common violations of freedom of religion or belief. These limitations can have severe impact on converts and individuals leaving their religion or belief and their families, both due to state actions (e.g. imprisonment, loss of child custody, disinheritance, loss of property rights) and due to violent acts or threat of violence by non-state actors.

### **Manifestation of Religion or Belief**

Individuals have the right to decide for themselves whether and how they wish to manifest their religion or belief. Limitations to this freedom have to be strictly interpreted. Manifestation of one's religion or belief can take many forms. This includes the right of children to learn about the faith/belief of their parents, and the right of parents to teach their children in the tenets of their religion or belief. It also includes the right to peacefully share one's religion or belief with others, without being subjected to approval of the state or another religious community. Any limitation on freedom of religion or belief, as well as places of worship, must be exceptional and always in compliance with international standards.

Frequent restrictions by States include the denial of legal personality to established religious and belief communities, the denial of access to land for the building of places of worship, meeting and burial, unreasonably exorbitant fines or long prison sentences for religious activities that have not been registered or permitted by the state or the requirement for children from religious minorities to receive confessional education in the religious institutions of the majority. Several states do not recognize the right to conscientious objection to military service as part of the legitimate exercise of the freedom of religion

or belief, deriving from article 18 of the ICCPR. Abuses by non-state actors include the destruction of places of worship, the desecration of burial grounds, forced observance of the religious norms of others, and outright acts of violence against those of other religions or beliefs.

### **Freedom of Religion in Catholic Social Teaching**

Amid widespread controversy over the role of religion in the growing tension and heightening global security challenges of the day, it is important to reflect on why people of different faiths support or do not support religious freedom in their societies. Moreover, what does religious freedom mean? Does it require that societies become completely secularized in such a way that the citizen's religion is completely privatized and kept out of public view and public debate? Does it mean recognizing a majority religion that subjugates or merely tolerates others? Does it mean freedom only for the true religion? Or does it mean equal freedom for diverse religions in public as well as private life within the same political entity?

Until the second Vatican Council of the Catholic Church which was held 50 years ago, one would have to admit that the notion of religious liberty and the freedom of conscience as highlighted above was not sufficiently appreciated and promoted in official Church teaching. But with the Council's historic proclamation on human dignity (*Dignitatis Humanae*) a major shift occurred in official Church thinking and practice. Many initiatives of the Church aimed at promoting inter-religious, reconciliation and mutual co-existence among diverse religious groups since the Vatican Council, demonstrate that the new thinking has indeed taken hold and is influencing the conduct of Catholic institutions and Catholic faithful around the world. What can the world learn from this ideological or theological shift within the Catholic Church that might help us to address some of the negative currents of today, especially with regard to a growing wave of fundamentalism, religious intolerance and threat of violence in many countries?

The question of religious freedom in the Church may be approached from two perspectives. First, religious freedom as a fundamental human right, and second, the relationship between that fundamental human freedom and the Catholic Church. With regard to the first, we must turn to human nature which is indeed the source

and foundation of the natural moral law, and hence also the source of human right. The human person has a natural inclination, an intellectual and felt need, to seek the truth and to worship God. He or she has this inclination to seek the truth and to worship God before ever before coming to recognise God's revelation of Himself. That is to say that there is in the human person a strong religious impulse.

The Catechism of the Catholic Church says that: "The desire for God is written in the human heart." This religious impulse, is of course what explains the existence of the world's religions, as they represent the various cultural expressions of the human search for God. We find it powerfully expressed in for example such ancient writings as Plato's *Timaeus*, Cicero's *De Natura Deorum*, and in some of the sacred and philosophical texts of *Hinduism*.

Religious freedom and freedom of conscience arises from a source that precedes what we know as God's revelation, because the human person's religious impulse comes from natural law. His or her religious inclination is a duty imposed by natural law. Natural law is therefore the source of any rights related to the fulfilment of that duty, specifically, the right to religious freedom. The human person, alone and in communion with others, must be free to express this religious impulse, to search for the truth and for God in freedom, to find that Truth which will calm his or her restless heart. It is this natural inclination that is ordered to the Truth and to God that the leaders of the Church sought to protect when the Council proclaimed in the *Dignitatis Humanae* the right of the person and of communities to social and civil freedom in religious matters.

The leaders of the Church recognise that in order that this freedom, willed by God and inscribed in human nature may be exercised fully, no obstacle should be placed in its way, since 'the truth cannot be imposed except by virtue of its own truth.' The dignity of the person and the very nature of the quest for God require that all men and women should be free from every constraint in the area of religion. Therefore, society and the state must not force a person to act against his or her conscience or prevent him or her from acting in conformity with it. It is equally recognised that freedom of religion concerns the human person, both individually and socially. So the right to religious freedom must be recognized in the judicial order and sanctioned as a civil right..." (See The Compendium of the Social Doctrine of the Church, No 421).

Inextricably intertwined with religious freedom is the freedom of conscience. Conscience, though not infallible, is nothing less than the human person's internal window to God, a window through which one can see outward to that common truth which founds and sustains us all. It is the aperture of the soul wherein man finds an opening to the ground of his being; the power of perception for what is highest and most noble. It is the soul's route to truth. The right to religious freedom and freedom of conscience is therefore one ordered to truth and to God. It is for this reason that the Church distinguishes between 'religious freedom' and 'freedom of conscience,' and what might be called 'religious license' or moral libertinism. "Religious freedom is not a license to adhere to error," nor should it be viewed as "an implicit right to error" (Compendium No 421). Conscience is ordered to the truth and to the good, ultimately the God who is the source of both truth and good. Properly understood, therefore, freedom of conscience and of religion "is not of itself an unlimited right" (Compendium, No 422)

What, then, are the just limits of this freedom? "The just limits to the exercise of religious freedom must be determined in each social situation with political prudence, according to the requirements of the common good, and ratified by the civil authority through legal norms consistent with the objective moral order" (Compendium, No 422). The objective moral order is a reference to the natural law. There is no religious freedom or freedom of conscience that would justify a right to breach the natural moral law. Consequently, the just limits of religious freedom or freedom of conscience may include prohibitions of practices that go against, or are offensive to, the natural moral law. While this principle may not be difficult to accept, the challenge will how each individual or group interprets the natural law, and how to determine what is and what is not consistent with the natural law

For example, from the point of view of the Catholic Church, it would not be a violation of religious freedom or freedom of conscience for legal authorities to prohibit polygamy, human sacrifice, bodily mutilation or torture as ritual act, the promotion of mass suicide or murder in the name of religion, obscene temple prostitution or any such practices by religious groups that violate human dignity, disrupt public peace, and encourage adherents to disobey just and legitimate civil authority. On the other hand, it is not seen as a violation of conscience to prohibit homosexual 'marriage,' or to make laws against direct abortion.

The reason behind imposing just limits on freedom of religion and of conscience relates to the public order and the common good: Such norms are required by the need for the effective safeguarding of the rights of all citizens and for the peaceful settlement of conflicts of rights. Such limitation is also justified by the need for genuine public peace, which comes about when men live together in good order and in true justice. Finally, such limitation is justified by the need for proper guardianship of public morality by state authorities.

Since the natural moral law binds all men regardless of religious confession, and since religious freedom and freedom of conscience find their source in the natural moral law itself, it is reasonable to impose upon all men limits based upon that natural moral law. In other words, religious freedom and freedom of conscience (which are founded on the natural moral law) do not provide freedom or license for beliefs or acts that are contrary to that very same natural moral law.

## Conclusion

Religious freedom, like other freedoms, proceeds from the personal sphere and is achieved in relationship with others. Freedom without relationship is not full freedom. Religious freedom is not limited to the individual dimension alone, but is attained within one's community and in society, in a way consistent with the social dimension of the person as well as the public nature of religion. Relationship is a decisive component in religious freedom, which impels the community of believers to practise solidarity for the common good. In this communitarian dimension, each person remains unique and unrepeatable, while at the same time finding completion and full realization in relationships.

The contribution of religious communities to society is undeniable. Numerous charitable and cultural institutions testify to the constructive role played by believers in the life of society. More important still is religion's ethical contribution in the political sphere. Religion should not be marginalized or prohibited, but seen as making an effective contribution to the promotion of the common good. In this context mention should be made of the ethical and moral contributions made by religious groups towards the development and advancement of civilisations and cultures over the course of history.

The exploitation of religious freedom to disguise hidden interests, such as the subversion of the established order, the hoarding of resources or the monopolisation of power by a single group, while totally disregarding other elements in society can cause enormous harm to societies. Fanaticism, fundamentalism and practices contrary to human dignity can never be justified, even less so in the name of religion. The profession of a religion cannot be exploited or imposed by force. States and the various human communities must never forget that religious freedom is the condition for the pursuit of truth, and truth does not impose itself by violence but 'by the force of its own truth'. In this sense religion is a positive driving force for the building of civil, ordered and wholesome societies.

How can anyone deny the contribution of the world's great religions to the development of civilization? The sincere search for God has led to greater respect for human dignity. Christian communities, with their patrimony of values and principles, have contributed much to making individuals and peoples aware of their identity and their dignity. They have contributed to the building of democratic institutions and the recognition of human rights and their corresponding duties. Today too, in an increasingly globalized society, Christians are called not only through their responsible involvement in civic, economic and political life but also through the witness of their charity and faith, to offer a valuable contribution to the laborious and stimulating work of justice, integral human development and the right ordering of human affairs.

The exclusion of religion from public life deprives the latter of a dimension open to transcendence. Without this fundamental experience it becomes difficult to guide societies towards universal ethical principles and to establish at the national and international level a legal order which fully recognizes and respects fundamental rights and freedoms as these are set forth in the goals of the 1948 Universal Declaration of Human Rights that are sadly still often disregarded or contradicted today.

God beckons humanity with a loving plan that, while engaging the whole person in his or her natural and spiritual dimensions, calls for a free and responsible answer which engages the whole heart and soul, individual and communitarian. Society too, as an expression of the person and of all his or her constitutive dimensions, must live and organize itself in a way that favours openness to transcendence.

Precisely for this reason, the laws and institutions of a society cannot be shaped in such a way as to ignore the religious dimension of its citizens or to rescind completely from it. Through the democratic activity of citizens conscious of their lofty calling, those laws and institutions must adequately reflect the authentic nature of the person and support its religious dimension. Since the latter is not a creation of the state, it cannot be manipulated by the state, but must rather be acknowledged and respected by it.

Whenever the legal system at any level, national or international, allows or tolerates religious or antireligious fanaticism, it fails in its mission, which is to protect and promote justice and the rights of all. These matters cannot be left to the discretion of the legislator or the majority since, as Cicero once pointed out, justice is something more than a mere act which produces and applies law. It entails acknowledging the dignity of each person. Unless religious freedom is guaranteed by appropriate legal instruments in each society, and promoted by each religious group, it will end up being curtailed in many ways and frequently violated, with dire consequences that militate against national and global peace and security.

# Religious Freedom in Defense of the Margins. Lessons from *Dignitatis Humanae*

Daniel Franklin E. Pilario

The pre-Vatican II understanding of religious freedom is well-known. In societies where Catholics compose the majority of the population, the State was required to profess as the ‘true religion’. The minority religion “does not have the right not to be prevented from professing these religions.”<sup>308</sup> If ever they are tolerated, it is because it is a “lesser evil”. But the State can intervene anytime because, in this view, “truth has exclusive rights and error has no rights.” However, in countries where the Catholic religion is a minority, the State should be guided by natural law. “Hence, it must leave Catholics completely free to profess their own religion and it must leave the Church to accomplish her mission.”<sup>309</sup> This one-sided treatment of religions in favor of the Catholic faith was found in several drafts submitted to the Council for discussion. Its rejection by the Council fathers of Vatican II points to a totally new view of religious freedom making *Dignitatis Humanae* one of the most controversial documents of the Council.<sup>310</sup> This article argues that even after fifty years since its approval, the Declaration on Religious Freedom and its essential points are helpful to understand the relationship between State and religion as it is played out in history and in present-day events. Using the specific case of the Philippines as context of my reflection, I contend that religious freedom, as the Declaration understands it, defends the right of all persons but especially those marginalized by dominant forces – be it the State, ideologies or religions. Beyond this immunity

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<sup>308</sup> Pavan, P., “Introduction to Declaration on Religious Freedom,” Commentary on the Documents of Vatican II, Vol. IV, ed. Herbert Vogrimer (New York: Herder and Herder, 1969), 50.

<sup>309</sup> Ibid.

<sup>310</sup> Murray, J. C., “Introduction to Religious Freedom,” in *The Documents of Vatican II*, ed. Abbot, W., New Jersey: New Century 1966, 673.

from coercion, the *Dignitatis Humanae* also gives the churches some space to exercise their prophetic function in society as it enjoins the State “to profit by the moral qualities of justice and peace” (DH, 6) proclaimed by the churches. I will present my points in three sections: (1) threats brought about by a dominant religion; (2) the dangers of a hegemonic State; (3) relevant lessons from *Dignitatis Humanae*.

### The Threats of a Dominant Religion

There is an interesting detail in the International Social Survey Programme (ISSP) survey on institutional religion in the Philippines (1991, 1998, 2008)<sup>311</sup> that might be helpful for the elaboration of our theme. On the relationship of religion and politics, the majority agree that the churches and religious organizations have “just the right amount of power”.<sup>312</sup> But the direction of the percentages point to the belief that they have more power over political affairs (than too little). It also hints at the suggestion that religious leaders should not try “to influence how people vote in the elections” or “to influence government decisions”. Though the survey affirms the people’s trust in religion (and educational institutions) over business and politics, the results also allude to the danger of the supremacy of religion over other dimensions of social life. This data becomes doubly crucial to Catholicism as it discerns on the power that it wields as a dominant religious group in the Philippines.<sup>313</sup>

The Philippines has experienced a very long history of Catholic hegemony. “*Al servicio de ambas Majestades*” (in the service of both majesties – that of God and the King) is a frequent refrain of many Spanish official documents in its colonies – the Philippines included. The Jesuit historian Horacio de la Costa summarized the relationship quite succinctly: “The Church was primarily concerned, of course, with the service of God, the State with the service of the King; but it would be great mistake to imagine that this meant to be a division of labor

<sup>311</sup> ZA2150: Religion I (ISSP 1991); ZA3190: Religion II (ISSP 1998); ZA4950: Religion III (ISSP 2008) in <http://www.issp.org/page.php?pagelD=4> (access 11.12.2013).

<sup>312</sup> Cf. Abad, R., “Religion in the Philippines,” *Philippine Studies* 49, 2001, 337-367.

<sup>313</sup> The census done in August 2007 states that out of 88.57 million Filipinos Roman Catholics comprise the substantial majority (81%). The rest were divided into different faiths and denominations: Protestants (7.3%); Muslims (5.1%); Iglesia ni Cristo (2.3%); Iglesia Filipina Independiente [Aglipayans] (2%); Buddhists (0.1%). Cf. Pangalangan, R., “Religion and Secular State: National Report for the Philippines,” in <http://www.iclrs.org/content/blurp/files/Philippines%20wide.pdf> (access 11.30.2013).

or of powers. In the constitution of Spain and the Spanish empire, each served both majesties, God and the King. Church and State might be distinct but they were not divided. They were integral part (parts?) of one massive structure, which might be viewed either as a civilizing Church or a missionary State.”<sup>314</sup> This collusion of political and religious power has obvious repercussions to the exercise of religious freedom.

From their arrival in the Philippines, the colonizers dreamt of subjugating the Islamic faith in Mindanao with the backing of the whole political and military machinery. Cesar Adib Majul, the foremost Muslim historian in the Philippines, contends that the “prominent aspect of the conflict [Moro wars] was that of imperial conquest and Christianization.”<sup>315</sup> The Spaniards were engaged in a vigorous mission of aggressive Christianization reminiscent of a parallel project against the Moors in the Iberian continent centuries earlier. These missions which were also military campaigns advocated “the destruction of mosques, the suppression of Islamic teaching, and the coercive conversion of Muslims to Christianity”.<sup>316</sup> Other historians are also quick to point out the mixed motives of these expeditions: business and trade, exploitation of natural resources, political subjugation.<sup>317</sup> Religious freedom could never flourish in such a context of massive colonial venture.

The subsequent American rule in the Philippines (1898-1946) seemingly provided a respite from the Spanish religious suppression. US President McKinley was clear in his instruction to Gen. Howard Taft: “[N]o law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.”<sup>318</sup> With these ideals, all religions were supposed to have been afforded a space so that people may openly worship and equally evangelize. The *realpolitik* of religious practice, however, appeared to be different on the ground.

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<sup>314</sup> Horacio de la Costa, *Readings in Philippine Church History* (Manila: Bookmark, 1992), 58.

<sup>315</sup> Majul, C. A., *Muslims in the Philippines* (Diliman: University of the Philippines Press, 1999), 184.

<sup>316</sup> McKenna, T., *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines* (Manila: Anvil Publishing, 1998), 82.

<sup>317</sup> McKenna, T., *Muslim Rulers and Rebels*, 310n23.

<sup>318</sup> De la Costa, H., *Readings in Church History*, 220.

What could have been a timely opportunity for the democratic US government to disestablish Catholicism as the *de facto* State Church did not happen. After the Philippine revolution against Spain, the Vatican could have also intervened in the Church affairs and directly taken charge of its administration. But it did not. Instead, what took place was an “extension into the twentieth century of the right of Royal Patronage.”<sup>319</sup> *Patronato Real* – the earlier collusion between the Church and the colonizing powers (Spain and Portugal) in the economic, political and religious affairs was strangely perpetuated during the American period. The Vatican conveniently sought the help of the American government to deal with the rise of Aglipayanism – a nationalist church – which it saw as schismatic. For its part, the US found it convenient to take the Catholic Church as its main partner in the campaign for the legitimacy of colonial rule. “By returning the Catholic Church to its former dominance, the [American] colonial government gained an invaluable ally in the pacification of the archipelago.”<sup>320</sup> In this strategic alliance, Aglipayanism became a common enemy to both powers to the Catholic Church, as a challenge to its version of ‘truth’ and ‘obedience’; to the United States, as an obstacle to the project of pacification. What was suppressed, however, was the long-held legitimate dream of indigenous Filipino clergy as they sought full recognition—something which the Aglipayans themselves had long been fighting for—not to mention the aspirations of other religious voices in the country (e.g., Islam, indigenous religions, etc.).

That is history. By force of social habitus, however, the Catholic Church continues to make its hegemonic influence felt at present. Let me mention two events: the so-called “People Power” revolution (1986) and the Reproduction Health Bill debate (2012-2013). In a

<sup>319</sup> Evangelista, O., “Religious Problems in the Philippines and the American Catholic Church 1898-1907,” 248-262, 251 in <http://www.asj.upd.edu.ph/mediabox/archive/ASJ-06-03-1968/evangelista-religious%20problems%20in%20the%20philippines%20and%20the%20american%20catholic%20church%201898-1907.pdf>.

<sup>320</sup> Bolasco, M., *Points of Departure: Essays on Christianity, Power and Social Change*, ed. De la Torre, E. (Manila: St. Scholastica’s College, 1994), 53. Evangelista, O. succinctly summarized this strategic alliance: “The interests of the Vatican and the United States Government were mutually served by the negotiations to end the religious problems in the Philippines. By agreeing to negotiate with the United States, the Vatican was assuring the security and maintenance of the Catholic Church in the Philippines. A victory of the Philippine Revolutionary Government may have meant an end to the Vatican control of the Philippine Catholic Church. The United States, on the other hand, had secured concessions from the Vatican which foresaw the accomplishment of its goal in pacifying the country through the solution of the friar question.” Evangelista, O., “Religious Problems in the Philippines,” 262.

recent study, Lisandro Claudio argues that there is a revisionist way of reading revolutions in the Philippines from a hegemonic Catholic perspective – the People Power Revolution is one.<sup>321</sup> Descriptions that lead to this ‘religious reading’ abound: “the miraculous revolution”, “intervention of God”, “Prayer Power and People Power”, “flowering of the Catholic faith and, the blossoming of Filipino heroism”.<sup>322</sup> Its interpreters, mostly Catholic churchmen, likened it to the miraculous battles of Lepanto and “La Naval de Manila,” both of which were waged against peoples of other religions – the first against the Muslim Turks in 1571 and the second against the Dutch Protestants at Manila Bay in 1652. The shining difference is that the People Power revolution was peaceful and bloodless, thanks to the intercession of Mary, “the Queen of Land”. We have to remember that President Corazon Aquino, a very pious Catholic woman backed up by prelates, took political power from the dictator Ferdinand Marcos. The crafting of a new Constitution was participated in by a bishop, a priest, a nun and at least 39 devout lay persons as “Catholic commissioners” who were said to have left their mark on the fundamental law of the land.<sup>323</sup> The post-dictatorship scenario saw numerous priests and religious at the forefront of moral regeneration while some were found in overtly political offices. In such contexts, it was easy to conflate “church” and “nation”, Catholic religion and Philippine state. Claudio concludes that even as Catholic States have ceased to exist in modern times, “it is still possible to conceive of states legitimized through Christian nationalism”.<sup>324</sup>

The same tendency was again manifested in the long and heated debate on the Reproductive Health (RH) Bill recently signed into law in 2013. The Catholic Church tried to use all means to influence and sometimes coerce politicians and the public to campaign for and reject the bill which it assessed as fundamentally against the Church’s teaching on family and life. Tactics sometimes turned coercive as political threats issued forth from pulpits and other church

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<sup>321</sup> Claudio, L., *Taming People’s Power: The EDSA Revolutions and their Contradictions* (Quezon City: Ateneo de Manila University Press, 2013), 36-57.

<sup>322</sup> See a theological reading from a symposium organized right after the event: The ‘Miracle’ of the Philippine Revolution: Interdisciplinary Reflections (Manila: Loyola School of Theology and Ateneo de Manila University, 1986).

<sup>323</sup> Bolasco, M., *Points of Departure*, 166, Cf. Teodoro Bacani, *The Church and Politics* (Quezon City: Claretian Publications, 1987).

<sup>324</sup> Claudio, L., *Taming People’s Power*, 56-57.

venues against “anti-life” politicians during elections, opponents were demonized, data was distorted, etc. Moral theologian Eric Marcelo Genilo has argued that the use of political threats by some church leaders and church groups is unethical, to say the least.<sup>325</sup>

It is surely an integral part of one’s religious freedom to proclaim what one believes. But to exercise political coercion is to succumb to the hegemonic temptation of suppressing other voices – non-Catholic, non-Christian, non-religious – in the common work of political discernment, thus, also violating these other voices’ fundamental right to religious freedom. It is in this context that we understand the ISSP survey cited earlier on the people’s uneasiness and apprehension with the dominant tendencies of the church over other areas of society. It goes to show that even in a highly pluralist and democratic society as exists today, the danger of Catholic hegemony – a serious obstacle to religious freedom – is quite palpable and real.

### The Dangers of a Hegemonic State

There were also moments in the Philippine historical trajectory when it was the State which exercised dominance over churches and religion(s). One of the precious American legacies to the Filipino polity is the political doctrine of the “separation of Church and State” – a necessary constitutional principle that is supposed to uphold religious freedom. In 1956 article entitled “Religious Freedom in the Philippines,” Jorge Coquia, however, argues that even as the freedom to exercise religion has been always respected, the phrase – “separation of Church and State” – does not at all exist in the American legislations that were being implemented.<sup>326</sup> What we find mainly is an echo of US First Amendment which reads as follows: “No law shall be made respecting an establishment of religion, or prohibiting the exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil and political rights.”<sup>327</sup> According to Coquia, the phrase “separation of Church and State” has been employed “by groups who want

<sup>325</sup> Genilo, E. M., “Crossing the Line: Church Use of Political Threats against Pro-RH Bill Legislators,” *Hapag: An Interdisciplinary Theological Journal* 7 (2010): 63-77.

<sup>326</sup> Coquia, J., “Religious Freedom in the Philippines,” *Philippine Studies* 4 (1956):15-30.

<sup>327</sup> Philippine Constitution, III, 6. In the 1987 Constitution, however, we find the phrase: “The separation of Church and State shall be inviolable.” (II, 6).

to exclude religion from the government.” What was clearly forbidden is the State establishment of religion. The “absolutist and separatist attitude” that came to be understood with it was never at all contemplated. However, the emerging secularist context in which it was received led to such interpretation so that President Manuel Quezon (1878-1944) himself stated: “The State has nothing to do with the Church nor the Church with the State... We should be thankful that there is here *the separation of Church and State* and the freedom to worship. The Church itself is better off when entirely disconnected from the Government and the Government in turn dissociated from the Church.”<sup>328</sup>

This exclusivist and later antagonistic stance of the State vis-à-vis the Church came to a head in the religious instruction controversy in 1938. With vigorous support of the Catholic hierarchy, the National Assembly then passed the bill to hold religious instruction in public schools. President Manuel Quezon, however, vetoed it. The bishops retaliated by issuing a pastoral letter putting into question his veto power and rallying the people to keep their children away from schools “run by sectaries in which, by reason of proselytizing methods employed, youths run an imminent risk of losing their faith.”<sup>329</sup> Quezon retorted by forwarding the ‘principle of separation’ using a religious argument: that it was Jesus himself who instituted it as his reinterpretation of Matthew 22:15-22 shows.<sup>330</sup> This is an instance of a political ruler overstepping the bounds of his competencies to forward a political agenda. Quezon did not only reject the decision of the National Assembly; he also denied the Churches their basic right to be formed in their faith through his reinterpretation

<sup>328</sup> Cited in Coquia, “Religious Freedom in the Philippines,” 18.

<sup>329</sup> Catholic Herald, 29 July 1938 in <http://archive.catholicherald.co.uk/article/29th-july-1938/13/philippines-schools-problem-catholic-president-vet> (access 11.20.2013). See also John Schumacher, *Readings in Philippine Church History* (Quezon City: Loyola School of Theology, 1987), 376-379.

<sup>330</sup> Manuel Quezon said: “The doctrine of the separation of Church and State was not enunciated by a King or a President, or by a Pope or a Bishop, but by our Lord Jesus Christ himself. While our Lord was still in this world, there were those who wanted to show Him up as a false prophet, so they went to Him and asked whether they should pay the taxes demanded by the Roman Catholic or not. Thereupon Jesus asked them to hand Him a coin; upon receiving it, He asked them whose face was it that appeared on the coin; and they answered it was Caesar’s. Jesus then said: “Render unto Caesar what is Caesar’s and unto God what is God’s.” Quezon, M., “Speech Pres. Quezon on Veto of Bill on Religious Instruction July 17, 1938,” in <http://www.gov.ph/1938/07/17/speech-of-president-quezon-on-veto-of-bill-on-religious-instruction-july-17-1938/> (access 11.20.2013).

of the biblical text fit for his own purpose. For their part, what the bishops were trying to do was to defend a beleaguered faith in the hegemonic secular context. From the beginnings of the American rule (1900s) to the era before Vatican II (1960s), Catholic religion met this new hegemonic challenge placing it on a defensive mode. Several factors have started to converge – e.g., the public school system, pluralism that comes with secularist ideas, anti-Catholic tendencies of the new elite trained in public schools, anti-clericalism of Masonic movements, the lingering effects of the Aglipayan schism, the coming of Protestant missionaries – that pushed the Catholic faith out of the mainstream. The US imperialist and expansionist agenda, if it was to succeed, needed to neutralize Catholicism’s influence on the ground, thus, summoning the help of all movements at its disposal to forward America’s “manifest destiny” in the Orient. President McKinley’s account that the Philippines has come into the American lap as a “gift from God”, the “white man’s burden” consists of two action points – to civilize and Christianize the Filipinos. Though the preferred method was “benevolent assimilation” (they did not want to be considered invaders but friends), more than five hundred thousand Filipino lives were lost in ten years due to American military activities.<sup>331</sup> Lorenzo Bautista, a Protestant theologian, connects the American colonial expansionism to the Protestant evangelical project: “[M]ission is the continuation of war by other means.”<sup>332</sup> Such a link was expressed clearly by an American high-ranking officer: “[T]he presence of a Protestant missionary in any part of the islands was worth more than a battalion of soldiers for all purposes of pacification.”<sup>333</sup> Though these Protestant missionaries might have personally resisted the American colonial project, they also agreed with McKinley “that America’s acquisition of the Philippines was a direct result of a providential design.”<sup>334</sup> Like all hegemonic projects, the American rule can successfully employ other forces – in this case, religion – to impose itself and marginalize other religious voices.

<sup>331</sup> Suarez, O., *Protestantism and Authoritarian Politics: The Politics of Repression and the Future of Ecumenical Witness in the Philippines* (Quezon City: New Day Publishers, 1999), 21.

<sup>332</sup> Bautista, L., “Colonization and the Philippine-American War,” in *Chapters in Philippine History*, ed. Kwantes, A. (Manila: OMF Literature, 2001)139.

<sup>333</sup> Cf. Maggay, M. P., *A Clash of Cultures: Early Protestant Missions and Filipino Religious Consciousness* (Manila: Anvil, 2011), 15.

<sup>334</sup> Clymer, K., “Protestant Missionaries and American Colonialism in the Philippines, 1899-1916: Attitudes, Perceptions and Involvement,” cited in Bolasco, M., *Points of Departure*, 55.

Fast forward to more recent history. Another instance of a threat to religious freedom from the perspective of a hegemonic State was during the Marcos dictatorship (1972-1986). Both the Catholic and Protestant churches gave an initial positive assessment of the first years of martial law. For instance, five days after Marcos's proclamation, the Catholic Bishops Conference of the Philippines (CBCP) Administrative Council issued a statement of support to the Marcos project for curbing the hatred and violence that ostensibly prevailed in the country. The National Council of Churches in the Philippines (NCCP) also praised Marcos's efforts "to stop lawlessness and the machinations of those who would destroy our government and deprive our people of their dignity and freedom."<sup>335</sup> But as the years moved on, the real intentions of martial law gradually began to surface. Robert Youngblood's work, among others, documents the difficult relationship between Marcos's politics and the churches.<sup>336</sup> In their efforts to preach the gospel, church people – Catholics and Protestants alike – needed to protect their flocks from rampant military abuses and grave violation of human rights. But the military dictatorship was intent in pursuing its economic and political objectives. Anyone who got in the way or put up resistance needed to be eliminated. In ten years (1973-1984), at least 22 church institutions (offices, radio stations, newspapers, seminaries, etc.) were raided and subsequently closed down on charges of subversion.<sup>337</sup> Many church people were under surveillance or imprisoned; some were killed and others just disappeared. Marcos only wanted the churches to "preach the Gospel" and not to meddle with politics. This move to sideline and privatize religion employed the same catchphrase – "the separation of Church and State". The principle which initially was intended to foster religious freedom for all by prohibiting the establishment of a State religion turned out to deny any religious expression at all.

### **Religious Freedom: Lessons from *Dignitatis Humanae***

The cursory review of Philippine history bears out two tendencies with regard the protection and promotion of religious freedom. On

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<sup>335</sup> Rigos, C., "The Posture of the Church in the Philippines under Martial Law," *Southeast Asian Affairs* (1975): 127-132.

<sup>336</sup> Youngblood, R., *Marcos against the Church: Economic Development and Political Repression in the Philippines* (Quezon City: New Day Publishers, 1993).

<sup>337</sup> Youngblood, R., *Marcos Against the Church*, 115.

the one hand, we have seen that religious freedom is endangered by threats coming from dominant religions, in the case of the Philippines, Roman Catholicism. On the other hand, it is also jeopardized by the coercive dominance of a hegemonic State. The common denominator in both cases is the suppression of a specific freedom by dominant powers – be it Church or State. It is my contention that the promotion of religious freedom in *Dignitatis Humanae* sensitizes us to the dangers dominant institutions exercise on the free expression of people's faith. I argue that its defense of religious freedom is tantamount to the defense of voices coercively relegated to the margins by these hegemonic bodies. It might be opportune to review its basic arguments so that they can serve as guideposts when the same forces come to play in history once more.

First, it seems that the primary concern of the Council fathers was to protect the Catholic Church from threats it experienced from early 20<sup>th</sup> century European movements, e.g., modernism, liberalism, the overthrow of Papal States, anti-clericalism supported by State authorities, atheistic communism in Russia and China, etc. – currents that earlier popes already condemned in the *Syllabus of Errors* and subsequent documents. As we have shown above, these threats also find their parallel in the Philippine context. Vatican II's assertion of religious freedom could be viewed as a plea for the Church's right to be free from the perceived "coercion of civil society" in order to leave "untouched traditional Catholic doctrine on the moral duty of men and societies toward the true religion and toward the one Church of Christ" (DH, 1). The religious pluralism most often found in interreligious dialogue discourses in our times was not at all in the Declaration. As its text suggests, *Dignitatis Humanae* was framed within the classical view that the Catholic Church is the "one true religion" that Jesus wants "to be spread abroad among all men". Since this true Church is threatened, the concept of religious freedom is summoned in order to protect it from destruction.

In order to advance this defense, it has to ground its argument on the dignity of the human person: "[T]he right to religious freedom has its foundation, not in the subjective disposition of the person but in his very nature" (DH, 2). This means that "all men are to be immune from coercion on the part of the individuals or of social groups and of any human power, in such wise that in matters religious no one is forced to act in a manner contrary to his own beliefs" (DH, 2). In

a commentary to this text, the theologian John Courtney Murray, its foremost proponent during the Council's discussion, writes: "A man's religious decisions, or his decision against religion, are inescapably his own. No one else can make them for him, or compel him to make this decision or that, or restrain him from putting his decision into practice, privately or publicly, alone and in company with others. In all these cases, the dignity of man would be diminished because of the denial to him of that inalienable responsibility for his own decisions and actions which is the essential counterpart of his freedom."<sup>338</sup>

The same move of grounding religious freedom on human dignity, however, shifts the direction of the argument: from the protection of a threatened Catholic Church to the defense of all individuals and groups – Catholics or not – who can be coerced into believing one thing or another. Since coercion is the antithesis of religious belief, religious freedom in *Dignitatis Humanae* thus comes to the defense of the religiously marginalized by dominant institutions, even by the Catholic Church itself. The Declaration's carefully crafted argument goes as follows. Because of their dignity as persons, all human beings are bound to seek the truth, and once it is known, "to adhere to it, and order their whole lives in accord with its demands" (DH, 2). To be able to do this, they should be immune from coercion in keeping with their human dignity. Even "those who do not live up to their obligation of seeking the truth and adhering to it" are also entitled to the same right. Murray observes a shift in the understanding of religious freedom: it has been assigned a negative content – from a "freedom for" (freedom to seek the truth and express it) to a "freedom from" (freedom from coercion and force).<sup>339</sup> In other words, Protestants, Muslims, Buddhists, Hindus, indigenous peoples, atheists and even those who seemingly do not seek the truth at all – groups tagged earlier by Catholics as living 'erroneous' lives ("error has no rights"), need to be accorded the same right as Catholics and to be defended when they are coerced by dominant groups.<sup>340</sup> What

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<sup>338</sup> Murray, J. C., "Footnote Commentary," [Declaration on Religious Freedom], *The Documents of Vatican II*, ed. Abbot, W. (New York: Herder and Herder, 1966), 678-679n5.

<sup>339</sup> *Ibid.*

<sup>340</sup> John Courtney Murray writes: "The content or object [of religious freedom] always remains freedom from coercion in what concerns religious belief, worship, practice or observance, and public testimony. Hence the content of the right is the same for both the Catholic Church and for other religious bodies. In this sense, the Catholic Church claims nothing for herself which she does not also claim for them." *Ibid.*, 682n9.

started as a defense of the Catholic faith ends up as a defense of all, but especially those voices marginalized by dominant forces – the hegemonic State, pervading ideologies and dominant religions, the Catholic Church included. I personally take exception to what Stanley Hauerwas, the American post-liberal theologian, wrote as comment to *Dignitatis Humanae*: “Religious freedom is a very good idea when Catholics are a minority.”<sup>341</sup> I argue that it is even more necessary when Catholics compose the majority. As we have shown in the Philippine experience above, a specific religion that pervades the whole of the social space also tends to subsume all the different others into its discourse.<sup>342</sup> The Declaration sensitizes the dominant group to potential abuses engendered by its hegemonic position in the space of symbolic power.

The comments of Hauerwas, however, lead us to another issue – the public role of religion in social life. Hauerwas claims that *Dignitatis Humanae* is at best a contradictory document. He was arguing for a more active contribution that religion needs to exercise in society. With its emphasis on non-establishment and non-coercion by the State, the liberal interpretation of the Declaration severed religion from its public role in political and social life. He was reacting to the privatization of religion in contemporary secular societies like Europe and America. In our narrative above, we have seen this danger in President Quezon’s absolutist view of the separation of Church and State. On the one hand, religious freedom means that no State can hinder the religious expressions of believers. On the other hand, the Church is also prevented from voicing out its opinions, visions or actions on how government and our common social life shall be run, much less in the religious education of its members. In that view, the less engagement the State has with religion the better. Consequently, churches and religions are also

<sup>341</sup> Hauerwas, S., “Not Late Enough: The Divided Mind of *Dignitatis Humanae*,” in idem, *A Better Hope: Resources for a Church Confronting Capitalism, Democracy, and Postmodernity* (Grand Rapids, MI: Brazos Press, 2000), 109-116, 112.

<sup>342</sup> Lisandro Claudio narrated his experience of interviewing a Catholic bishop: “I ended the interview after 15 minutes because there were still a number of people lined up to see [the] Bishop outside. Without asking if I was a Catholic (I am agnostic), Villegas blessed me on the forehead, gave me a scapular of the Virgin Mary, and asked that I pray for her blessings. Travelling back to Manila from Balanga, I thought about how marginal I was relative to the Church’s version of the People Power narrative. Later on, I would think about how much more marginal the Muslim Moros of Mindanao or the upland animists of the Cordilleras were.” Claudio, L., *Taming People’s Power*, 39.

incapacitated to critique the overt machinations and/or subtle domination any hegemonic State might exercise on its subjects as in dictatorial regimes (e.g., Marcos's government) or in secular and pluralistic democracies of our times. In other words, because religious freedom is evacuated of its specific content (Christian, Islamic, Hindu, Buddhist, etc), it has lost its platform from where to launch its critical voice in society. Hauerwas believes that religious freedom renders religion blunt vis-à-vis the abuses of the hegemonic State: "A church that maintains the right of freedom of religion, as that freedom is understood in the declaration, is surely not a church that would so challenge the secular powers."<sup>343</sup>

Against Hauerwas, I argue that there are two sides to religious freedom in *Dignitatis Humanae* and one is as necessary as the other. First is its seemingly passive dimension – the right to non-coercion. Religious bodies possess "the right not to be hindered in their public teaching and witness to their faith" as long as "the requirements of public order" (DH, 3) is respected. In short, government interference of religious beliefs and practices is prohibited unless "public order" demands. This is common to all peoples regardless of their belief or non-belief as this is founded on human dignity, not on their "subjective dispositions". But beyond this right of believers to non-coercion, *Dignitatis Humanae* also states that "religious bodies should not be prohibited from freely undertaking to show the special value of their doctrine in what concerns the organization of society and the inspiration of the whole human activity" (DH, 4). In short, any religious group can and needs to contribute its ideas on how social life should be organized and lived in common. Their specific contribution mainly stems from the perspectives of the religions' own vision and beliefs. Further, the State is also enjoined "to help create conditions favorable to the fostering of religious life, in order that the people may be truly enabled to exercise their religious rights and to fulfill their religious duties, and also in order that society itself may profit by the moral qualities of justice and peace" (DH, 6). It is thus imperative "that the right of all citizens and religious bodies to religious freedom should be recognized and *made effective in practice*" [italics mine]. The details on how this can be done are of course not identified by the Declaration. But the directions it has set are enough guidelines for contemporary peoples and groups on how to further proceed. Moreover, it empowers

<sup>343</sup> Hauerwas, S., "Not Late Enough: The Divided Mind of *Dignitatis Humanae*," 115.

the Churches to exercise their prophetic function in the realm of our common social and political lives. What Hauerwas assesses as contradictory is in fact complementary.

# Interactive Freedom of Beliefs in the Christianity of the Andes

Diego Irarrazaval

Andean Christianity is engaged in a dialogue in which various symbolic systems are participating; it has another distinctive feature, and that is the way it is challenging the modern tendency to standardize. In this sense, I would highlight its relative autonomy, its interactive character, and its very particular form of liberty.<sup>344</sup> This is not a relationship founded on a dichotomy, or even a juxtapositioning, between what is “Andean” and what is “Christian”. Rather, we are dealing with complex interchanges and distinctions within the continuum that is Andean Christianity.

When discussing these realities, people talk about their “customs”; upon closer examination, this includes a cosmic relationship with the Earth and every living being, a panoply of observances and holy days which are of European origin and have been reconstructed in keeping with Andean formats, contacts with the living dead – to which there are both indigenous and Catholic aspects – and syncretic modes of belief in Christ and in God. These religious factors are mutually complementary, and their purpose is to care for Life and marvel at the Mystery.

The contact between different symbolic forms (as played out in the Andean world) revolves around basic necessities and religious paths which complement each other. Sometimes human science looks upon religious matters “from the outside”. It asks questions about why and how, and secular categories are applied to define things of a religious nature. However, many studies have demon-

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<sup>344</sup> Whenever I talk to Andeans, I feel with them the difficulty of comprehending the polyreligious experience of the mystery of life. I always ask them to forgive me if I misrepresent their experience. I ask my readers once again to show me this forbearance. An initial version of these reflections was published in *Allpanchis* 48 (1996), 81-106 (Cuzco, Peru).

strated where the force of religion lies today<sup>345</sup>; Robert Wuthnow notes the presence of the sacred in our entire contemporary order; Juan M. Velasco confirms the important role of believers in modern society; José M. Mardones investigates the post-Christian reconfiguration of religion and the challenges to Christianity posed by expressions of religion today.

A Latin American analysis reveals that Christianity has grown outside the churches, where it continues to strengthen. As José Comblin comments, "the influence of the Catholic Church only reaches at most 10-20% of the faithful, and even among those many do not accept the guidance of the clergy in moral, social and sexual matters"<sup>346</sup>. I shall be talking here not about a minority within the Church, but about the living practice of Andean Christianity.

### The Question of Power

In the Andean South (Peru, Ecuador, Bolivia), the hegemony of the Church still persists; at the same time, Andean Christianities display a great vitality and their own pockets of power. Major public figures directly or indirectly support the official programmes. The attitude from the top is to abuse churches, emerging denominations and the spirituality of the people. These are caricatured and attacked. Occasionally a discordant view is successfully co-opted.

By contrast, there is the power exercised by the Andean population. This resembles an "aguayo", the cloth in which a woman carries her child, goods from the market, food, clothes, working tools and so much else. Andean Christian practice is like the "aguayo", transporting and enveloping a number of elements. Apart from this, women are usually the ones who hold these powers.

<sup>345</sup> Cf. Wuthnow, R., *Rediscovering the Sacred*, Grand Rapids: Eerdmans, 1992; Velasco, J.M., *La religión en nuestro mundo*, Salamanca: Sígueme, 1978 (religion as a specific dimension of pluralist society, 81 and 90); Mardones, J.M., *Las nuevas formas de la religión*, Estella: Verbo Divino, 1994, and *¿A dónde va la religión? cristianismo y religiosidad en nuestro tiempo*, Santander: Sal Terrae, 1996.

<sup>346</sup> Comblin, J., "El cristianismo en el umbral al tercer milenio", *Alternativas*, 6/13 (1999), 167-188. On religious processes in Latin America, see Bingemer, M.C. (ed.), *O impacto da modernidade sobre a religião*, Sao Paulo: Loyola, 1992; Vv.Aa., *Historia da Igreja na America Latina e no Caribe, o debate metodológico*, Petrópolis: Vozes, 1995; Oro, A.P. and Steil, C.A. (eds.), *Globalizacao e religião*, Petrópolis: Vozes, 1997; Dos Anjos, M.F. (ed.), *Experiencia religiosa, risco ou aventura?*, Sao Paulo: SOTER/PAULINAS, 1998.

In this confrontation of forces, what do the official institutions do? I consulted the ecclesiastical pronouncements in Peru<sup>347</sup>. The bishops of the Southern Andes have chosen to offer the people pastoral accompaniment in their pursuit of justice and equality. There has been solidarity with the poor and their cultures: “a church more deeply embodied in the native cultures...and more closely identified with the poor”, a “privileged love for the poorest of the poor”, belief in the “values of our Andean culture”. It is noticeable that these documents talk a great deal about cultures and do not refer to Andean religions. This official renewal has found a way to accompany the Andean people in their suffering, but it remains silent and finds it very hard to interact with “other” beliefs.

It is a widespread issue. Declarations of Latin American origin (Rio de Janeiro, Medellín, Puebla, Santo Domingo, Aparecida) make almost no mention of the religions found on the continent, nor of the abundance of inculturated forms of Christianity. There are some exceptions, but the general approach is to ignore – and hence reject – other religions or the popular mode of living with Christianity, or else to tolerate it without any interaction.

### The Question of Dialogue

If there is socio-cultural asymmetry, it is very difficult to foster an exchange between equals. This asymmetry occurs where, for example, the official camp is represented by men, while women represent grass-roots beliefs; or when the preacher claims to be “the” Church, while the flock have their own way of being Christian and being the Church. For partners to engage in a conversation, there needs to be symmetry and reciprocity. However, when someone falls ill, they need both a Catholic rite and an indigenous ceremony; when someone engages in an economic venture, they wish to consult the Word of God and at the same time invoke ancestral spirits. These are examples of symmetry between different worlds.

Dialogue requires spiritual conditions. A genuine encounter affirms the identity of the participants while acknowledging what is different.

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<sup>347</sup> I reviewed texts from 1969-1994, compiled for *La señal de cada momento*, papers of the Bishops of the Southern Andes, 1969-1994, Lima: IPA/CEP, 1994; cf. on the themes of cultures and the poor, 55, 162-3, 178, 224, 231, 316, 321), critique of religiosity (29, 170, 232), and an assessment of the faith-religion of the Andean people ( 231, 240).

Each believes in accordance with his/her religious tradition and particular church, and yet enters into the spiritual world of the other. If we are open to the Mystery, we also accept various ways of designating it. Ultimately, the aim is to establish full, truthful, efficient dialogue, as described in that valuable paper "Dialogue and Proclamation"<sup>348</sup>.

Official attitudes to "sects" have begun to change<sup>349</sup>. We are beginning to revalue community, lay responsibility, the reading of the Scriptures, awareness of the Spirit, the use of the media – achievements that have been recognized by other churches. But the battle for individuals persists, be it to retain the faithful (in the case of Catholicism) or to win over new believers (in the case of other Christian denominations and religious groups). This raises questions of power. Nevertheless, at grass-roots level, we see many people who move between one religious world and another. To meet one need, they will apply to one system (such as for healing), and to meet another, they will have recourse to a different system (such as for a Catholic sacrament).

### The Question of Modernity

In our Andean climes, modern life has not undermined religion<sup>350</sup>. What we do see, however, are shifts and modifications in the way the sacred is lived. Rather than decline, we are witnessing diversification and the emergence of new processes: a plurality of churches, an upsurge in syncretic movements, sects setting out to win members, and the reconstruction of indigenous and mestizo forms. All this is encouraged by the pluralist nature of modern society.

Paradoxically, modern society is also fertile soil for fundamentalisms. Faster change and modern relativism have motivated some groups to turn back towards fixed principles. There are different forms

<sup>348</sup> «Dialogue and Proclamation», Pontifical Council for Interreligious Dialogue, Rome, 1991, nos. 42-54.

<sup>349</sup> The Catholic Church has begun to take sects (a misnomer) seriously; cf. Assembly of Peruvian Bishops, "Orientaciones pastorales sobre sectas", 1986; the Report to the Assembly of Bishops of 1987, and Document for the Assembly of Bishops of 1988. These texts recommend a renewal of the Catholic Church that learns from the achievements of other Christian denominations.

<sup>350</sup> On this matter I am grateful for the input from my colleagues Domingo Llanque (see his "Modernidad y cambio cultural", *Inculturación*, 1/1, 1995, 24-44) and Simón Pedro Arnold (see his "Ritual y cambio socio-económico", *Allpachis*, 46, 1995, 189-220). Llanque notes that the Church is contributing to the dialogue between Andean religion and the modern age (43).

of fundamentalism: in Christian worlds, in a certain Andean religiosity that resists development, the clinging to amulets for good luck, etc. Nevertheless, contemporary sensitivity values mutual respect and access to a spectrum of belief systems.

### The Question of Syncretism

Occasionally institutions of the Vatican and the Latin American Episcopal Conference (CELAM) contemplate dialogue with black and indigenous cultures and syncretisms<sup>351</sup>. These may relate to belief systems, but they also affect the way many people live their Christianity.

Some religious elements originating from other sources have been incorporated into Christian practice. In the Andean context, this is not an eclectic hotchpotch (of a postmodern kind). Quite the reverse: these are ways of combining elements that favour life. We might, therefore, call it symbiotic religiosity. The term 'syncretic' creates a lot of misunderstandings, both in the social sciences and in ecclesiastical arenas.

For some, syncretism is synonymous with mixing two or more religions and confusing beliefs; this gives rise to the doctrinal criticisms formulated by representatives of the Church. We find a different approach to these phenomena in the human sciences; Manuel Marzal, for example, has conducted research into syncretic Catholicism in the Andean region of Cusco<sup>352</sup>. I share the perspective of those who regard syncretism as a human process where people reinterpret and enrich their universe of beliefs and ethical values through interaction with other universes. In a non-Andean context, Fernandez, Steil, Sanchis and others have explored the originality

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<sup>351</sup> L'Osservatore Romano, 21/2/92, 10. Institutions devoted to dialogue with non-believers, both in Rome and CELAM (Latin American Episcopal Conference), have begun raising the issue of syncretism (no longer as a taboo, but as a socio-religious reality).

<sup>352</sup> I recommend reading Manuel Marzal, *El sincretismo iberoamericano*, Lima: PUC, 1985 (on the Andean example, 21-38, 103-130); essays by Ruben Cesar Fernandez and the debate with him, in Vv.Aa. *O impacto da modernidade...* (cited in Note 3 above); Steil, C.A. in Vv.Aa., *Dialogo dos Passaros*, Sao Paulo: Paulinas, 1993, 32-33; Sanchis, P. et al., *A danza dos sincretismos*, Comunicacoes do ISER, 13/45 (1994). Sanchis talks about syncretism in the sense of drawing on relationships learned in the world of the other to resemanticize one's own universe. On pastoral theology, Marzal notably offers a positive assessment of Quechua syncretism (among others), one of several inculturations (cf. Marzal's development of the theme, 216ff.).

of Brazilian Catholicism in its syncretic dimension, which is part of its contemporary context.

### Con-frontation and Con-celebration

Why do we see more confrontation than correlation? I argue that we should revisit the categories we apply to “others”. I might add that by conjugating beliefs we facilitate dialogue and freedom.

### Discriminatory Categories

The works of the Church serve – among others – a purpose of enlightenment and a purpose of sacrament. In the case of enlightenment there are some who know truths and explain them, while others lack training and are recipients of this teaching. The asymmetry here is obvious. Sacraments are performed by the clergy, who oppose or ignore all those Andean rituals with sacramental features. Again we have asymmetry. On the other hand, we have a festive Andean religion rooted in everyday life. There is no doubt that there will be distance and conflict between these religions; but there are also connections and exchanges. The differences are subjected to a discriminatory interpretation, which I will summarize as follows.

Church programme	-	Andean Christianity
Historical	-	cosmic
Prophetic	-	spiritual
Biblical	-	cultural
centred on Christ	-	cult of images
sacramental	-	festive
revelatory religion	-	natural religion
personal God	-	animism, polytheism

This paradigm is intolerant and dichotomous: a person must take his or her bearings either from history or from the cosmos. But the lived experience of ordinary people is not like that. Here we have two ways of dealing with what surrounds us. For example, the cult of the crosses has both agricultural, cosmic roots (mountain holiday, harvest festival) and historical features (the story of each community that celebrates the cross; Christian content in the act of worship). It would make sense, therefore, to apply categories which allow for encounter between different things, rather than discarding what is specific to each symbolic system.

## Con-celebration of Life

Genuine encounter – between Andean forms of Christianity and the programmes of the Church – presupposes sharing responsibility for the fragile, endangered life in these regions. These places have above all suffered economic and racial oppression, with religion politically imposed; at the same time, there has been dignity, resistance, the construction of coexistence, spirituality, and so much more. The most fruitful response would be to gather together all forces devoted to the stewardship of life, which means: sharing, praying, rejoicing, transforming a dehumanizing and discriminatory system, pursuing the good, beautiful life for all; con-celebrating life. Without that spiritual, festive foundation, specific actions are merely pragmatic. The basis for this, then, is Andean festivity, performed in a sacred universe, devoted to God, a joy that excludes nothing and no one. It is a celebration with elements from different symbolic systems (in faith, leadership, rationality, ethics).

This cannot be limited to institutional tactics, or contacts between power structures which define positions and principles for respecting the “other”. The key is empathy, spiritual communion, building a just and peaceful world, caring for mother earth and all living beings; that is what the people of the Andes celebrate. The emphasis in these regions is on harvest festivals (Carnival) and the relationship between the living and dead (All Saints). Both at Carnival and during the festivities in November, indigenous and mestizo elements fuse with expressions of Christianity. These events are not planned by the Church; this is part of the lived experience of Andean Christianity.

I also participate in such a practice. With some of my friends, I climbed – as is my custom – the sacred hills of Atoxa, in Chucuito (Peru). On this ridge there is one peak called Father and another called Mother; they protect individuals, families, the dead, cattle and land, activities, health, and the daily lives of those of us who live in the area. At the summit (more than 4,000 metres high), a family was performing a rite led by an indigenous leader (“yatiri”). He recognized me as a Catholic priest and invited me to accompany him. They had already begun with the sign of the cross and a number of prayers. As I joined them, they were placing coca leaves on a ceremonial cloth. I knelt down and took three fine leaves of coca, and I prayed silently to the divinity present in this place, among this Aymara family. I also took

the vessel of wine and performed the ritual libation (“ch’alla”). We all embraced one another in peace, according to the Andean custom.

The organ of dialogue is not the mouth, but the soul. Vatican Council II proposed a spiritual ecumenism. It is performed between Christian churches: we pray on the basis of what binds us and in order to achieve grace (*Unitatis Redintegratio*, 8). The Hierarchy has taken great care in setting out the conditions for “communicatio in sacris”. It is with this same care that we must perform inter-religious celebration. Andean mysticism and ritual are not folklore; they are ways of approaching the Mystery, and they achieve fullness in the love of Christ<sup>353</sup>. In this sense, we Christians con-celebrate life along with the religious mediations of the Andes.

### Theological Considerations

Andean communities take an interest in what the representatives of Christianity say. Because the latter have often spoken disparagingly of “natural religion”, they are interested in hearing other perspectives. These are inspired by Vatican Council II, which opened up to the religions of the world. In this spirit, positive pathways were traced by the document “Dialogue and Proclamation” (1991). It talks of religions (not only of individuals practising different forms of religion from Christianity), and it emphasizes the work of the Spirit and the saving presence of God in other forms of religion.

In this respect, the Catholic Church has begun to value other religious traditions (Dialogue and Proclamation, nos. 14, 17, 48), even though sin is also at work there (no. 31). It talks of the one and only history of the mystery of human salvation (nos. 19, 29), and it recognizes the presence of the Kingdom in followers of other traditions (no. 35). Just as God concludes His dialogue of salvation with every individual, so too must the Church go about its activities (nos. 38, 80). Faith in Christ as the sole mediator is nevertheless reaffirmed (no. 48). It is particularly impressive that the Holy Spirit is seen on inter-religious terrain and in non-Christian traditions. The Spirit is present and guides people to the Church (nos. 64, 68, 70, 84, 89); it guides every man and woman towards becoming a partner in the paschal mystery and knowing the Lord (nos. 15, 65, 68); it seeks expression

<sup>353</sup> I have incorporated work by Jacques Dupuis, *Jésus-Christ à la rencontre des religions*, Paris: Desclées, 1989.

through the signs of the times (nos. 78, 86). All of this has tremendous theological and practical implications.

Let me return to Andean Christianity. The biggest problem is not to see the Spirit in human history and different religions (specifically the Andean forms). The Deeds of the Apostles and the Letters of Paul guide our gaze towards the Spirit, who causes the wonders of God to be named in all languages (and religions), and towards recognizing the Spirit and freedom and love. The teachings of the Church offer us criteria for reading the human and religious events of our day in pneumatological terms. However, little attention has been devoted to the Spirit of the paschal Christ. Let me cite one example: the Pastoral Letter “Moved by the Spirit of the Lord”<sup>354</sup>. This text says, in a nutshell, “every culture is raw material for the Spirit of the Lord” (no. 43); it also notes that ancient and profound faith sustains the identity of the people (no. 9). And yet it does not acknowledge the presence of God, the Word, the Spirit, in Andean religious practices. Why not? We have still not discovered a theology of the Spirit in these particular contexts.

To me, awareness, reflection and action around the Spirit of God in the here and now are a priority. It is *pneuma* that sustains the Andean languages of faith, Catholic and inter-religious traditions; *pneuma* leads us to the truth. It is worth pointing out at this point that religions per se do not save us. It is God who saves peoples (with their beliefs, rituals, ethics). The definitive mediator in this salvation is Jesus Christ who – with His spirit – loves all humanity.

Let me inject two more theological threads<sup>355</sup>. María C. Bingemer explains that dialogue between religions shares a common denominator, which is faith in the beauty and strength of life. This spiritual vision helps us to understand and share indigenous and mestizo religions. Bingemer notes that “life” is another word for “salvation”. This perspective – centred on life without exclusion – implies repudiating racial, sexual, economic and political marginalization in daily life. The second thread is from Michael Amaladoss; the encounter between religions based on dialogue means walking the same path.

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<sup>354</sup> Pastoral Letter from the Bishops of Puno, Juli, Ayaviri, Sicuani, Impulsados por el Espíritu del Señor, Cusco: IPA, 1995.

<sup>355</sup> I quote Bingemer, M. C., “A pneumatologia como possibilidade de dialogo e missao universais”, in *Dialogo dos Passaros*, 113-120, and Amaladoss, M., “O pluralismo das religioes e o significado de Cristo”, op. cit., 97-101.

Amaladoss also argues that religions themselves do not save, and that it is God who saves humans on their religious pathways. In our context of religious plurality, then, we do well to appreciate the unity forged by the Spirit, and the mystery of Christ present in every manifestation of God that affirms human life.

Here we have another problematic issue: How can we understand the work and presence of Christ in the correct light? From the perspective of the faithful, Jesus Christ is the one universal and definitive saviour. This is established by the faith we live out, the Word and the Teaching we receive in the community of the Church. The problem stems from language derived from an image of the central versus the marginal or trivial. The term “Christocentric” presents such problems. It seems as though following only Christ prevents us from valuing other modes of belief and recognizing abundance. Monocentric language presupposes a framework of inequality, with principal powers and secondary elements. This is also a way of seeing the history of religions, where Christianity appears as the peak of the mountain and everything else is merely a step towards this peak (preludes full of error and idolatry).

In his studies of the Andean way, Simón Pedro Arnold detected its “a-centrism”: in the system of universal reciprocity nothing and nobody is dominant.<sup>356</sup> In this respect, a “centrism” does not sit well with the Andean experience and understanding of Jesus Christ. Rather, He is the mediator of universal salvation and the sacrament of reciprocity.

### **Religious Freedom in an Andean Context**

On the phenomenological level, every religion has its own values and content. From a theological perspective, religions are paths to salvation. According to Joao B. Libanio, religion is like a river that springs from humanity, where God navigates towards the human being.<sup>357</sup> Just as in the human condition in general, there is inhumanity and sin in religion too. Some examples: acts of witchcraft that destroy people, discrimination against women because of patriarchy shored up by religion, various forms of sacred violence in fundamentalisms. Meanwhile, we are witnessing a positive interaction between symbolic systems, and this presents challenges to the Andean church.

<sup>356</sup> Arnold, S. P., article cited above, 199

<sup>357</sup> Libanio, J. B., *Deus e os homens: os seus caminhos*, Petrópolis: Vozes, 1990, 158

Syncretism is found in every kind of religious tradition, not just in Andean and mestizo settings. From a Christian viewpoint, it is not necessarily negative. Domingo Llanque wrote that in the “process of religious syncretism in the Andes... the quintessence of the Gospel [has been] assumed, but reinterpreted in the light of historical and cultural contexts”.<sup>358</sup> Various concepts are used to refer to a complex reality: religion, Andean Christianity, indigenous and mestizo, the modern world. It is very common for a person to take part in two or more symbolic systems, prioritizing the one or the other as circumstances suggest.

In the context of the Southern Andes, I would identify four main sources.

- Original sources in a modern context: the Quechua and Aymara population have a range of processes and symbolic structures. These have a coherence and a formality. They have not been institutionalized in the same way as Christian churches, but they do have their own characteristics.
- Mestizo religions, which have evolved throughout our history of encounters and disencounters between different modes of faith. I would argue that Andean Christianity has mestizo features, as it fuses disparate elements. Christianity assumes different cultural forms and is not monocultural.
- The official dynamic, which highlights how a religious system teaches and learns, with all its truths, norms and rites. Much of what tends to be called Andean missionizing is a variety of this official religion that has struck root (whether benevolently or through oppression) in the Andean setting.
- Consecration of the secular. This is not strictly speaking a religion, more of a strategy for the modern age which, even if it calls itself secular, treats its own principles and behaviour as absolutes. This consecration has infected many Andean sensitivities, and choices have been made for individualism, the market, discriminatory power (marginalizing whoever is indigenous, female, poor).

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<sup>358</sup> Llanque, D., article cited above, 42

In my opinion, these four great sources of religion are all present – and intermingled – in the basic practices of Andeans.

In the field of healing, for example, we have a wonderful web of symbolic forms.

- Native religion offers natural therapies, family counselling, prayer, specific rites, ecological factors. Rites and images of mestizo provenance tend to be incorporated, as do some of the sacraments of official religion (holy water, candles, etc.).
- Mestizo religion seeks good health by way of prayer to the saints; there is a panoply of devotional activity carried out by individuals with varying levels of specialization. They draw on elements from the indigenous world; they also make use of temples and clergy, and reinforce their own mechanisms.
- Official religion has its sacrament for the sick, blessings, healing mass, confession. There are links with mestizo practices, in particular prayers to Catholic images.

In the field of celebration, we also encounter a spectrum of religions.

- Native religion has its own ceremonies (like the “ch’alla” and “worship of the Earth”) and it has ties with mestizo forms (such as choreography and music in religious dancing). There are partial links with ecclesiastical structures (as in the case of the requiem mass juxtaposed with its own customs).
- Mestizo religion has a predilection for local holidays, providing legitimation for socio-cultural stratification and a modern approach to faith. The market and the state have begun playing a big role in these mestizo feast days. There are also links with native religion (e.g. indigenous rites within the Catholic holiday). Official religion, in turn, intervenes in mestizo celebrations, contributing moral and doctrinal input.
- Official religion fosters its liturgical cycle, but alongside this it has a calendar of saints which dovetails well with native and mestizo religion.

These religious sources are interlinked and differentiated within Andean life. I am struck by the way that native religion creates more links than do the other forms. Mestizo religion tends to focus on its

own plurality of practices. Official religion feels superior to the others, and yet it endures thanks to the links it maintains with them, especially the mestizo form, and sporadically also the native variety.

It is time to conclude this essay. Interaction unravels a dynamic of freedom and its content is Christian and spiritual. We are discovering salvation in Christ as it is offered to all peoples (with their religious mediations). The driving or principal force behind this encounter between religions is the Spirit. As J. Dupuis observed, the point of departure for inter-religious dialogue is the “experience of divine mystery in the Spirit” as the “source of spiritual communion on which all theological discourse must rest”.<sup>359</sup> Pneumatology, then, takes precedence.

Ecclesiastical life in the Andes presupposes a mission that has opted for the poor and the liberation of all. Self-absorbed intra-religious dialogue does not reflect human aspirations or the designs of God. As “Dialogue and Proclamation” urges: a dialogue of life, where people share their joys and sorrows, their human problems and preoccupations, and a dialogue of action, “in which Christians and others collaborate for the integral development and liberation of people”.<sup>360</sup>

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<sup>359</sup> Dupuis, J., *op. cit.*, 331-333.

<sup>360</sup> «Dialogue and Proclamation», no. 42; cf. nos. 44-46, and obstacles to dialogue, nos. 73-74.



# **Models of Succeeded Religious Freedom**



# Religious Freedom: A Civil Liberty Thrives with and through Conflict

Klaus Vellguth

Some alarming figures were presented in the 2013 Ecumenical Report on the Religious Freedom of Christians in the World. Whereas in (Western) Europe it is widely held that efforts to ensure religious freedom have long since borne fruit, the report states that people in 160 countries are currently prevented from freely practising their faith or from manifesting their adherence to a religious community of their choice.<sup>361</sup> According to Stephan Haering, a canon law specialist in Munich, “the right to religious freedom currently seems to be the most adversely affected and endangered human right in the world.”<sup>362</sup> Christians<sup>363</sup> are among the world’s most persecuted religious adherents, being exposed to harassment or persecution in 111 countries.<sup>364</sup> And what is the situation in Germany? The question of religious freedom here could, of course, be quickly dismissed

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<sup>361</sup> Sekretariat der Deutschen Bischofskonferenz & Kirchenamt der Evangelischen Kirche in Deutschland (eds.), *Ökumenischer Bericht zur Religionsfreiheit von Christen weltweit 2013 – Das Recht auf Religions- und Weltanschauungsfreiheit: Bedrohungen – Einschränkungen – Verletzungen*, (author: Rathgeber, T.), Bonn & Hannover 2013, 9.

<sup>362</sup> Haering, S., *Konzil und Konzilsrecht*, in: *Klerusblatt* 83 (2013) 7, 150-154, 153.

<sup>363</sup> To avoid the impression that we might be arguing on behalf of our own clientele it is worth pointing out that, seen globally, Christians and Muslims are the most widely affected religions, simply because of their large numbers. However, harassment and persecution are also suffered by Baha’is and Sufis in Iran, Buddhists in Tibet, Ahmadiyyah in Indonesia and Pakistan, Uighurs and Falun Gong followers in China, non-Orthodox Jews in Iran, Egypt, France and Hungary, and Jehovah’s Witnesses and Alevites in many South-East Asian countries.

<sup>364</sup> It is the author’s express intention that Christianity should not be branded a “natural victim religion” confronted by “natural perpetrator religions”. Such an oversimplification would be out of place. On the one hand, it is true that religious adherents who are harassed or persecuted in one country are often perpetrators of harassment or persecution in another country. On the other hand, it should not be overlooked that violations of religious freedom often correlate with political, economic, historical and ethnic factors or are magnified by such factors. Cf. Reifeld, H., *Religionsfreiheit als Menschenrecht*, in: *Analysen und Argumente – Perspektiven deutscher Außenpolitik*, Berlin 2013, 6.

and presented rather as “an issue or problem in other countries”. The purpose of this article is to examine religious freedom in the German context, nonetheless, and, by reference to social conflict, discussions and public debate, to identify a range of encouraging indicators showing that there are processes in place which effectively guarantee and protect freedom of religion (both in Germany and in other countries).

Using the example of an ongoing, lively public debate in Germany, I aim to explain in this article how society defends the right to religious freedom and endeavours to ensure its implementation on a practical level in everyday life. In Germany, as elsewhere, conflicts occur at regular intervals over how far religious freedom should go and where limitations are placed upon it. To illustrate this I will consider three prominent cases: the *Crucifix Judgement* (1995), the debate on *Headscarves at School* (1999), and the ruling of the German Federal Constitutional Court on the issue of *Circumcision* (2012). The reason why it is so important to study the public debate on religious freedom in Germany is because such a freedom can never exist as a monolithic block within a conflict-free space. Religious freedom is considerably more fragile than might appear at first sight. The very fact that a society is sensitive to conflict over the question of religious freedom, brings such conflict out into the open and conducts a public debate about the relevant issues should be seen as strong indicators of a genuine concern to ensure that everyone can exercise their right to religious freedom.

In Germany, religious freedom is guaranteed as a fundamental human right. Everyone has the right, enshrined in the German Constitution, to exercise their religion or belief, to promote their faith or world view, to belong to a religious community and to convert from one religious or philosophical community to another. The German Constitution specifies in Article 4: “Freedom of faith and of conscience, and freedom to profess a religious or philosophical creed, shall be inviolable.”<sup>365</sup> And the next sentence says: “The undisturbed practice of religion shall be guaranteed.”<sup>366</sup> The fathers of the German Constitution drawn up in 1949 thus incorporated a fundamental right which had been proclaimed a year previously in Article 18 of the

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<sup>365</sup> German Constitution, Article 4.1.

<sup>366</sup> German Constitution, Article 4.2.

Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly in Paris.<sup>367</sup> In constitutional terms at least the question of religious freedom in Germany would thus appear to have been settled, with freedom of faith, belief, conscience and worship as its four pillars.<sup>368</sup> This applies to any individual and collective exercise of this legal claim and covers not only churches and Christian communities, but also philosophical communities whose adherents may not necessarily regard their beliefs as a religion.<sup>369</sup>

A survey among the German population would probably come to the conclusion that religious freedom is fully guaranteed. However, it would be overstating the case to say that the issue of religious freedom has been “resolved” in Germany and no longer merits attention. First of all, large parts of Germany’s population are likely to consider religious freedom as meaning that, in a secular state, the social sphere should be non-religious in character. They would say that religious questions belong in the private sphere and are not a matter for the wider community. Superficially, it might indeed appear that upholding the secular nature of the state and limiting religion to the private sphere reflects a liberal attitude, the purpose of which is to grant religious freedom to the individual. However, this attitude sometimes also serves to camouflage the views of those who regard any form of religion as a fundamental risk to the secular state and therefore wish to have religion banned from the public arena. Excluding religion from public life is a negative interpretation of religious freedom which is not supported by international law or, indeed, by the German Constitution. What is called for rather, when determining the relationship between the state and religion, is a positive interpretation of religious freedom, i.e. one that also encompasses the public sphere, which should then be made the criterion for efforts to safeguard religious freedom. The state, therefore, needs to engage with different religious and philosophical views while not

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<sup>367</sup> Article 18 of the Universal Declaration of Human Rights says: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

<sup>368</sup> Cf. Hilpert, K., entry on “Religionsfreiheit”, in: *Lexikon für Theologie und Kirch* (vol. 8), Freiburg 1999, 1048ff.

<sup>369</sup> Cf. Liedhegener, A., Religionsfreiheit als individuelles, kollektives und korporatives Grundrecht im liberalen Verfassungsstaat – für alle! Eine Erwiderung, in: *Salzkörner* 18 (2012) 1, 10-12, 10.

renouncing its own religious and philosophical neutrality. This implies that the relationship between the state and religious communities should be marked by “respectful non-identification”<sup>370</sup>.

### The International Covenant on Civil and Political Rights

To avoid examining the issue from a purely domestic perspective, the question of what exactly constitutes religious freedom should be guided by the wording of the International Covenant on Civil and Political Rights. This covenant came into force on 23 May 1976, having been drafted ten years earlier. Article 18 contains a binding definition under international law: “(1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. (2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. (3) Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. (4) The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”<sup>371</sup>

Prior to the adoption of this formulation of religious freedom in 1966 various different social groups had been involved in the debate on the issue. A year earlier the Roman Catholic Church had issued a declaration on religious freedom, entitled *Dignitatis Humanae*, in which it clearly and solemnly formulated its principle: “This Vatican Council declares that the human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits. The council further declares

<sup>370</sup> Bielefeldt, H., *Muslimen im säkularen Rechtsstaat – Integrationschancen durch Religionsfreiheit*, Bielefeld 2003, 15ff.

<sup>371</sup> International Covenant of 16 December 1966.

that the right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself. This right of the human person to religious freedom is to be recognised in the constitutional law whereby society is governed and thus it is to become a civil right.<sup>372</sup> The Church's commitment to religious freedom and its classification of religious freedom as a human right are all the more significant in that the Church thus does justice to its own tradition and, in particular, its own origins.<sup>373</sup> Numerous passages in the New Testament show very clearly that this fundamental document of the Christian faith was written at a time when both its authors and readership were being persecuted for their faith and their beliefs (Mt 5:1-12; Mt 10:17-22; Mt 10:26-33; John 15:18-21, John 15:26-16:4; John 17:6a, John 11b-19; Acts 4:1-5, Acts 4:18b-21; Acts 4:23-31; Acts 5:27b-32, Acts 40b-42; Acts 12:5; Hebr 12:2-13; Phil 1:27-30; 1 Pe 1:3-9; 1 Pe 4:14; Rev 7:9-10, Rev 13:14b-17).

### Principles of Universalism, Freedom, Equality and Indivisibility

The International Covenant on Civil and Political Rights provides a definition under international law which is not about religion (i.e. a religious identity or religious feelings) but specifically about human beings and the need to respect their dignity and civil liberties.<sup>374</sup> This means that both in international law and in the Roman Catholic Council publication *Dignitatis Humanae* the focus of religious freedom is essentially anthropocentric.<sup>375</sup> The right to religious freedom, therefore,

<sup>372</sup> DH 2. With this declaration and its emphatic recognition of religious freedom as a human right the Roman Catholic Church sought to promote an acknowledgement of religious freedom which had already been given some initial expression by John XXIII in his encyclical letter *Pacem in Terris* (1963), after the Church had expressed reservations against the granting of religious freedom well into the 19th century (see the encyclical letter *Mirari vos*, 1832, by Gregory XVI).

<sup>373</sup> Cf. Heimbach-Steins, M., *Religionsfreiheit – Ein Menschenrecht unter Druck*, Paderborn 2012.

<sup>374</sup> Cf. Bielefeldt, H., *Philosophie der Menschenrechte*, Darmstadt 1998.

<sup>375</sup> Even though, in the past, certain resolutions gave the impression that religions as such should be protected, the right to religious freedom nevertheless centres around the individual. This was made very clear in Resolution 16/18 of the UN Human Rights Council entitled "Combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence against persons based on religion or belief" (Human Rights Council Resolution 16/18 of 24 March 2011), which states unequivocally that it is individuals who are to be protected. Cf. Bielefeldt, H., *Streit um Religionsfreiheit – Aktuelle Facetten der internationalen Debatte*, in: *Erlanger Universitätsreden 77/2012*, Part 3, 19.

does not relate primarily to religious organisations, institutions, beliefs or practices, but to individuals whose dignity and freedom are to be protected.<sup>376</sup> Over and above this, religious freedom is seen as being applicable to everyone and not just the members of certain established religions (or beliefs) – a point which is seen differently in many regions of the world.<sup>377</sup> This universal claim to religious freedom was unequivocally emphasised in the General Comment of the UN Human Rights Committee responsible for monitoring the International Covenant on Civil and Political Rights in 1993.<sup>378</sup> At the same time, however, the definition of religious freedom also includes a dimension of equality. Religious freedom is seen as a common entitlement. Each individual is considered to be endowed with an inalienable dignity and must not be reduced to membership of certain social groups, specific religions, certain states, etc. Finally, religious freedom as formulated in international law must be understood as a civil liberty. It is thus the right of individuals which they can claim for themselves. Alongside freedom of faith, belief, conscience and worship this claim also covers freedom of education, freedom of assembly, etc.

An understanding of religious freedom hinges on the fact that it is a human right and, therefore, indivisible. The human right to religious freedom has been formulated as a legal claim against the state, thus limiting the power of the state by rejecting unwarranted state intervention and imposing on the state the obligation to take measures to protect people against potential violations of their religious freedom by third parties. However, the very fact that religious freedom is a civil liberty highlights the problem that no civil liberty can be granted to an unlimited extent but only in such a way that, when given to one person, it does not unduly diminish the freedom of another. Conflict

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<sup>376</sup> Cf. Tempermann, J., *Blasphemy, Defamation of Religion and Human Rights Law*, in: *Netherlands Quarterly of Human Rights* 26 (2008) 4, 485-516.

<sup>377</sup> The People's Republic of China, for instance, officially recognises five religions – Buddhism, Islam, Catholicism, Protestantism and Taoism – while persecuting other movements such as Falun Gong. Eritrea recognises membership of the Catholic, Lutheran and Coptic-Orthodox churches and also membership of Islam. Indonesia defines Islam, Catholicism, Protestantism, Hinduism, Buddhism and Confucianism as its officially recognised religions. Russia has religious laws that describe Russian Orthodoxy, Islam, Judaism and Buddhism as the country's four traditional religions.

<sup>378</sup> UN Human Rights Committee, General Comment No. 22, section 2. Quoted from Deutsches Institut für Menschenrechte (ed.), *die "General Comments" zu den UN-Menschenrechtsverträgen*. Deutsche Übersetzung und Kurzeinführungen, Baden-Baden 2005, 92.

is therefore inevitable. Even reference to the indivisibility of human rights (which includes the right to religious freedom) cannot preclude or solve the dilemmas that go hand in hand with civil liberties. As human rights they can clearly be in conflict with each other. This necessitates weighing up different legal claims and establishing a balance between them that is as reasonable as possible.

The fact that a society makes every effort to arrive at a reasonable understanding of religious freedom should not be interpreted as meaning that it has a poor record in the matter. On the contrary, the very fact that issues of religious freedom are taken very seriously should make it abundantly clear that such a society is seeking to foster observance of this human right. Advocacy of religious freedom – and particularly freedom of religious practice for minorities in society – is not just based on an ethical system motivated by specific values and principles. It also has practical political consequences. A de facto guarantee of religious freedom also pays dividends in terms of stability and the quality of life in society. It has been shown, for instance, that by limiting religious freedom a society reaps social conflict, whereas fostering religious freedom has a positive impact and promotes peaceful coexistence within that society.<sup>379</sup> But before looking at examples of these endeavours in Germany we first need to ask what religious freedom means exactly.

We will now examine three instances of conflict which triggered intense public debate in German society. The examples will serve to illustrate the efforts being made to strike a reasonable balance while also showing that the debate helped progress towards the goal. In each instance the process started with a debate on religious freedom and eventually led to such freedom being granted.

### **The Crucifix Debate**

On 10 August 1995 the German Federal Constitutional Court in Karlsruhe ruled that Bavarian State School Regulations<sup>380</sup> were anti-constitutional in stipulating that each classroom must have a crucifix. The Bavarian regulation, it said, was incompatible with Germany's

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<sup>379</sup> Cf. Grim, B. J. and Finke, R., *The Price of Freedom Denied – Religious Persecution and Conflict in the Twenty-First Century*, Cambridge 2010.

<sup>380</sup> Schulordnung für die Volksschulen in Bayern (School Regulations for Bavarian State Schools), section 13.1, sentence 3.

Federal Constitution, article 4, paragraph 1. The judges thus allowed an action for unconstitutionality that had been brought by parents from the Upper Palatinate region. The couple had argued that the presence of a crucifix in their child's classroom encroached unduly on their right to religious freedom. The constitutional judges (three of whom voted against the ruling, incidentally) presented a detailed argument based on the "level of inescapability" of a crucifix in the classroom, the "inevitability of encountering the crucifix on school premises", and the duration and intensity of the pupils' exposure to the crucifix. The judges reasoned as follows: "The cross is a symbol of a specific religious conviction and not just an expression of Western culture influenced to a certain extent by Christianity [...]. A state commitment to the tenets of this faith – to which third parties are then also exposed upon contact with the state – has an impact on religious freedom [...]. The cross continues to be one of the specific symbols of the Christian faith. In fact, it is a symbol of faith par excellence [...]. Because of the significance that has been given to the cross, and which it has had in history, it has become a symbolic expression of specific beliefs and a symbol of their propagation through missionary activities – especially to non-Christians and atheists. It would be turning the cross into something mundane and thus running counter to the self-image of Christianity and the Christian Church if, as in the decisions under dispute, it were to be regarded as a mere expression of Western tradition or as a cultic symbol without any specific religious significance."<sup>381</sup>

Roman Catholics rooted in their religion may deplore such a decision since it results in the removal from the public space of a symbol which is very important to them. However, the ruling of the Constitutional Court can also be seen in a far more positive light in respect of the treatment of religious freedom in Germany. The verdict of the Constitutional Court judges dominated the headlines and commentaries of regional and national newspapers for days on end and it was interesting to follow the very lively, heated discussion, especially on the opinion pages of newspapers. A number of people who had always taken exception to the cross welcomed the ruling, among them Rudolf Augstein, who wrote: "Henceforth crosses and crucifixes should no longer be installed on the premises of state schools, and certainly not in schools providing compulsory education."<sup>382</sup> Axel

<sup>381</sup> [http://www.sadaba.de/Rsp/RST\\_BfG\\_95\\_01\\_30.html](http://www.sadaba.de/Rsp/RST_BfG_95_01_30.html).

<sup>382</sup> Augstein, R., in: *Der Spiegel*, 14 August 1995.

Baron von Campenhausen replied: “The Crucifix Judgement points in the wrong direction. In a state with religious neutrality and a pluralist society it is not the dissidents alone who are entitled to assert their views.”<sup>383</sup> Konrad Adam struck a conciliatory tone: “Whatever one may think of the Constitutional Court ruling, it can be given credit for one thing: it shows the incompatibility of the objectives proclaimed in all innocence by the advocates of modernisation who had no inkling of their underlying inconsistency. But you can’t have it both ways – strict religious adherence and pluralism, a multicultural Nirvana and the Christian West, not even in a highly traditional region like Bavaria.”<sup>384</sup>

The public debate spawned a wide range of diverging arguments. The keen interest shown in the issue was reflected in the German news magazine *Der Spiegel* on 28 August 1995, which devoted its opinion page exclusively to letters on the Crucifix Judgement – in an age supposedly “tired of religion”. One newspaper, *Passauer Neue Presse*, published a 16-page special supplement entitled “Leave the crucifixes alone”. The positive aspect of this public debate was highlighted at the time by Peter Pappert who wrote: “It’s astonishing really that none of the German bishops has so far expressed any gratitude to the Federal Constitutional Court. If the Court had dismissed the complaint and come to the opposite conclusion, the outcome would have been accepted, filed away and forgotten. Now, however, the meaning of the cross is being debated with an intensity and a level of detail that most Germans have never experienced. What more can the Church want?”<sup>385</sup>

The Crucifix Judgement certainly served to highlight the issue of religious symbols and the significance of faith for the individual, putting it right at the heart of the public debate. But there was more to it than that. The discussion was also an important indicator of the way religious freedom is treated in Germany. First of all, on the positive side, it is worth noting that in a state whose constitution makes reference to God in its preamble and where religious education in schools is a constitutional fixture, the guardians of the Constitution are actually questioning whether this symbol of Christianity is legitimate in schools.

<sup>383</sup> Campenhausen, A. Freiherr von, Karlsruhe fördert die Intoleranz, in: Rheinischer Merkur, 18 August 1995.

<sup>384</sup> Adam, K., Kreuz ohne Tränen, in: *Frankfurter Allgemeine Zeitung*, 15 August 1995.

<sup>385</sup> Pappert, P., Den Nerv getroffen – Engagierte Stimmen zum Kruzifix-Urteil von Karlsruhe, Aachen 1995, 9.

By questioning it, they are showing that the German Constitution is not misconstrued as a lobbying tool for a certain clientele and that the Constitutional Court is not just concerned with the interests and (religious) civil liberties of the majority but also those of religious minorities.

There was often a note of fierce intensity in the public debate on whether, in this instance, the right to religious freedom should be interpreted as meaning that crucifixes must be removed from a school. A number of politicians urged the public to see the ruling as a vote for a complete separation between the state and the church and to effect this separation with all due rigour. Such demands probably arose more because the relevant individuals had a problem with religion as a part of public life and less because of the actual ruling itself, which had been argued in much greater detail by the Federal Constitutional Court. After all, the principle of state neutrality on religions and beliefs does not justify turning the state into a "religion-free zone". Neither does it mean that religion should be banned from state schools. While it is true that the state has a special duty of care towards schools, attended as they are by children and young people,<sup>386</sup> this duty must be interpreted as an obligation to ensure that students are not subjected to one-sided religious or philosophical indoctrination. Rather, they must be enabled to come into contact with the religious dimension and with different religions of their own free will. Based on this principle of state neutrality in relation to religious symbols such as the cross, it is of course possible to arrive at different assessments and conclusions, as is evidenced by the three Constitutional Court judges who disagreed. Yet quite apart from the essence of the ruling at the material level, it is worth looking at the modal dimension of the public debate, which clearly made a valuable contribution to creating public awareness of the sensitive nature of religious freedom in German society.

### **The headscarf debate**

In a different case in 1999, four years after the Crucifix Judgement, there was another agitated public debate in Germany, this time over a Muslim teacher, Fereshta Ludin. Ludin had insisted on wearing a

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<sup>386</sup> Cf. Bielefeld, H., Streit um Religionsfreiheit – Aktuelle Facetten der internationalen Debatte, in: Erlangener Universitätsreden 77/2012, Part 3, 27.

headscarf during lessons and therefore been refused acceptance by the state of Baden-Württemberg as a newly qualified probationary teacher. A woman's duty to cover her head can be directly derived from the Qur'an (Sura 24:31, 33:53 and 33:59), which is understood to stipulate that a Muslim woman must cover the upper part of her body with a garment so that she is identified as a believer and also to protect her from being "molested". Referring to her guaranteed right to religious freedom, Ludin argued that she could not be banned from wearing a headscarf. The educational authority in Stuttgart, on the other hand, opined that the headscarf was a symbol of cultural separation and, therefore, not merely religious but also political. This case, too, was eventually taken to the Federal Constitutional Court. In its Headscarf Judgement of 24 September 2003 the Court ruled that Fereshta Ludin's constitutional rights would, indeed, be violated if she were banned from wearing this garment: "The wearing of a headscarf within the context at issue serves to demonstrate the complainant's membership of the Islamic religious community and her personal identification as a Muslim. Qualifying such behaviour as lack of suitability for the teaching profession in a primary or secondary school violates the complainant's right to equal access to any public office [...], and it does so in a way that currently lacks the required legal basis, which would need to be sufficiently specific." Again, the ruling of the Federal Constitutional Court was not unanimous, three out of the eight judges voting against the decision. Nevertheless, the ruling did resolve one issue. A Muslim teacher can only be banned from wearing a headscarf if this is clearly specified in the law of the relevant federal state. Since then eight federal states have implemented such a ban.<sup>387</sup>

This case, too, can of course be assessed in different ways. Heide Oestreich, for instance, takes a gender-sensitive approach by pointing out that the headscarf ban is in fact discriminatory towards women, as it stops them from gaining emancipation from their parents and husbands.<sup>388</sup> Interestingly, a completely opposite position was taken by the former President of the Turkish Community in Germany, Hakkı Keskin, who pointed out that teachers wearing headscarves

<sup>387</sup> Bavaria, Berlin, Bremen, Hesse, Lower Saxony, North Rhine-Westphalia, Thuringia and Saarland have adopted a headscarf ban for their teachers.

<sup>388</sup> Oestreich, H., *Der Kopftuch-Streit: Das Abendland und ein Quadratmeter Islam*, Frankfurt 2005.

and the separation of boys and girls during swimming and sports lessons had nothing to do with the “essentially very tolerant nature of Islam”.<sup>389</sup> He regarded these as attempts by some relatively small groups within the Islamic population to turn religion into a tool with which to propagate a particular political and ideological attitude, and he argued that such attempts should be resisted. Again, quite apart from the issue at stake here, the intensity of the headscarf debate showed that Germany still has a long way to go in resolving the question of religious freedom. Conflict clearly does occur in everyday life, and each time that happens a new balanced approach must be pursued with due account being taken of people’s legitimate right to religious freedom.

### The Circumcision Debate

A third point of conflict arose in 2012, when the German population was challenged in its tolerance or acceptance of religious traditions. Most Jewish parents in Germany have their sons circumcised shortly after birth (with reference to Gen 17:10-14). In Islam, too, many Muslims see male genital circumcision as a religious duty. A broad public debate about the legitimacy – and legality – of the circumcision of minors in Germany followed the ruling by the Cologne Regional Court on 7 May 2012 that the circumcision of male minors must be deemed to constitute physical injury, which could not be justified by reference to the religious motivation of parents or their right to religious freedom.

The German Ethics Council was consulted on this issue and a parliamentary bill was drafted, whereupon 434 members of the German parliament (Bundestag) voted for the new act, while 100 voted against and 46 abstained. The act specifies that circumcision of male minors is only permitted for religious reasons and – reflecting the criteria put forward by the Ethics Council – after the boy’s parents or guardians have received comprehensive information and given their consent. Furthermore, circumcision can only go ahead if skilled pain management is implemented, the operation is conducted professionally and the boy is not known to have expressed any opposition to it.<sup>390</sup> This judgement caused a furore far beyond Germany’s borders.

<sup>389</sup> Lerch, W. G., *Symbole und Religionsfriede*, in: *Frankfurter Allgemeine Zeitung*, 19 January 2004.

<sup>390</sup> Cf. <http://www.ethikrat.org/sitzungen/2012/dokumente-plenarsitzung-23-08-2012>.

The public debate that preceded the act was also conducted with great vehemence. Some of the arguments showed that the right to religious freedom was considered to be of only very minor significance. Nevertheless, quite apart from any material assessment of the case, a purely modal view of the public debate shows that, again, a major effort had to be made to ensure the right to religious freedom – an asset which does not just come about of its own accord without any effort, but which can only be secured through a debate in which the relevant issues are clarified and resolved.

### **Religious Freedom Thrives on Public Debate**

It may come as a surprise that the conflict over religious freedom, in particular, should be presented in this article as an instance of its successful implementation. Yet it would be wrong to interpret religious freedom as the expression of inter-religious harmony or “state-protected inter-religious harmony”.<sup>391</sup> One might of course see religious freedom as a “concept for peace” in society. But religious freedom does not exist within a harmonious, tension-free zone. Rather, like all freedoms, it involves competition between one person’s freedom and the freedom of others. Religious freedom relates to specific people and must therefore be understood primarily in individual and not in general terms. To do justice to religious freedom and the resulting legitimate right of individuals to such freedom, any competing freedoms must be considered on a case-by-case basis and repeatedly weighed against each other.

Interestingly, the three instances of conflict over religious freedom dealt with here focused on the interests of different religious communities and the symbols and interests of their members. Whereas the crucifix judgement was about the extent to which Christians should be free to present their symbols in public life, the case of the Muslim teacher wishing to wear a headscarf was about the extent to which Muslims should be granted the right to wear their religious symbols in a public space. Finally, in the circumcision debate, the focus was on the interests of the Jewish community and its tradition. Irrespective of the people whose religious freedom was at issue, all three cases caused quite a public stir. In each case the issue at stake

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<sup>391</sup> Cf. Bielefeld, H., Streit um Religionsfreiheit – Aktuelle Facetten der internationalen Debatte, in: Erlangener Universitätsreden 77/2012, Part 3, 52.

concerned the extent to which the state in a secular society can limit the individual's fundamental right to religious freedom. It is a good sign that all three points of conflict were discussed in Germany with such verve. It shows that there is still a feeling in German society that religious freedom is a key civil liberty worth fighting for. It is precisely this public debate – a controversy carried out in public – that provides safeguards, thus ensuring that religious freedom is exercised in an appropriate manner in society. One may of course disagree from one case to another whether the controversy over the granting of religious freedom really led to a “fair solution” which did justice to the facts of the matter and to the claims put forward by the parties concerned. It would perhaps have been desirable if a different judgement had emerged or the debate had taken a different course. Yet the very fact that there was a public controversy shows that religious freedom is seen as a great asset. It is also an essential factor which helps to ensure that, in the future, religious freedom will not just be defined as a constitutional standard, but that it can also be implemented and safeguarded as a practical legal right.

# Religious Freedom in the Church and in Islam

Samir Khalil Samir

## Preface: The Universal Declaration of Human Rights (1948)

“Human Rights Day” is observed every year on 10 December in recollection of the “Universal Declaration of Human Rights” adopted on 10 December 1948 in the Palais de Chaillot in Paris by the 58 member states which made up the United Nations General Assembly. Two of its members were absent<sup>392</sup> while eight members abstained,<sup>393</sup> among them Saudi Arabia. The Assembly adopted a text consisting of thirty articles. Article 18 states:

*“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”*<sup>394</sup>

Article 18 thus affirms

- A threefold freedom: that of thought, conscience and religion.
- This implies the freedom to change one’s religion and to manifest that religion in public.
- This manifestation can take the form of teaching, practice, worship and observance.

This day was a great step forward for mankind.

## Position of the Catholic Church

For a long time the Catholic Church rejected the notion of religious freedom and especially the separation of Church and state.

<sup>392</sup> Honduras and Yemen

<sup>393</sup> Belorussia, Czechoslovakia, Jugoslavia, Poland, Saudi Arabia, Ukraine, Union of South Africa, USSR

<sup>394</sup> See <http://www.un.org/en/documents/udhr/>

### Leo XIII, Encyclical *Immortale Dei* (1 November 1885)

Concerning the relationship that should exist between religious and civil society, Leo XIII wrote in his Encyclical *Immortale Dei* of 1 November 1885:

“There must, accordingly, exist between these two powers a certain orderly connection, which may be compared to the union of the soul and body in man.”

“It is a public crime to act as though there were no God. So, too, is it a sin for the State not to have care for religion as a something beyond its scope, or as of no practical benefit.”

“To exclude the Church, founded by God Himself, from life, from laws, from the education of youth, from domestic society is a grave and fatal error.”

### Position of John XXIII and of Paul VI on the Declaration

Some 15 years later, on 11 April 1963, John XXIII published the Encyclical *Pacem in terris*, in paragraph 144 of which he spoke of the United Nations Universal Declaration of Human Rights as follows:

*“We are, of course, aware that some of the points in the declaration did not meet with unqualified approval in some quarters; and there was justification for this. Nevertheless, We think the document should be considered a step in the right direction, an approach toward the establishment of a juridical and political ordering of the world community.”*

*“It is a solemn recognition of the personal dignity of every human being; an assertion of everyone’s right to be free to seek out the truth, to follow moral principles, discharge the duties imposed by justice, and lead a fully human life. It also recognized other rights connected with these.”*

John XXIII said that some of the points in the declaration “did not meet with unqualified approval”, although he did not specify which ones he meant. Interestingly enough, he reformulated the rights in the following sentence, injecting a characteristically Christian element: “to be free to seek out the truth” and “to follow moral principles”.

Two years later, on 4 October 1965, Paul VI said in an address to the United Nations Organisation in New York: “*Our message is meant*

*to be, first of all, a moral and solemn ratification of this lofty institution, ... which represents the obligatory path of modern civilisation and of world peace and ... the last hope of concord and peace.*"<sup>395</sup>

### **The Second Vatican Council and Freedom of Conscience: Dignitatis Humanae**

Two months later, on 7 December 1965, Paul VI signed one of the most important documents of the Second Vatican Council, *Dignitatis Humanae*<sup>396</sup>. The conciliar declaration marks a turning point in the thinking of the Catholic Church. It resolves the latent conflict between the requisite search for the truth and freedom of conscience.

*"All men should be ... impelled by nature and also bound by a moral obligation to seek the truth, especially religious truth. They are also bound to adhere to the truth, once it is known, and to order their whole lives in accord with the demands of truth."* (2)

The preface states: *"We believe that this one true religion subsists in the Catholic and Apostolic Church."* (1) It might be deduced from this that all men are obliged to join the Catholic Church. But that is not what the document says, since *"the truth cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power."* (1) In addition it says: *"We believe that this one true religion subsists in the Catholic and Apostolic Church"* and not: *"This one true religion subsists in ..."*

Hence the truth exists (whereby any form of relativism is excluded) and man are bound to seek this truth and adhere to it. However, this is a *moral* and not a legal obligation. No compulsion can be exercised by the state or the Church, as is made perfectly clear in paragraph 2:

*"This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits."*

Later on the document states that *"man's response to God in faith must be free"* (10).

<sup>395</sup> Cf. Address to the United Nations General Assembly on 4 October 1965, paragraph 1. See <http://www.christusrex.org/www1/pope/UN-1965.html>

<sup>396</sup> See [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decl\\_19651207\\_dignitatis-humanae\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html)

## John Paul II and Freedom of Conscience

During the Angelus prayer on Sunday, 7 January 1979, the Solemnity of the Epiphany of the Lord, John Paul II dealt briefly with the “fundamental right to religious freedom”.<sup>397</sup> In paragraph 3 he says:

*“In our times people often have recourse to the principle of religious freedom. And rightly. This is one of the most fundamental human rights. The Second Vatican Council dedicated one of its documents to religious freedom. More and more often this right has a key place in legislative documents.*

*But a great deal still remains to be done for the correct operation of this principle in social, public, state, and international life. And here there is no other way; there is only this one: it is necessary to free the believer from the accusation of alienation. Precisely this accusation is the cause of the great harm done to men in the name of man’s “progress”.*

*It is necessary to let the Wise Kings go to Bethlehem. Together with them walks every man who recognizes as the definition of his humanity the truth of the opening-up of his spirit to God, the truth that is expressed in the sentence “Altiora te quaeras”.*<sup>398</sup>

*An opposite formula cannot be imposed on men. It is not possible, according to this formula, altiora te non quaeras, to understand and interpret the very principle of religious freedom, in social and public life, because then it would be distorted.”*

John Paul II accuses modern society – one need only think of an atheist, communist society – of having degraded the human ideal, of no longer inviting people to seek “things that are above”, the *altiora*, because this is a form of alienation which means that people no longer “stand with their feet on the ground”. Many societies use this as a pretext to deny religious freedom.

Twenty years later in his message to celebrate the World Day for Peace on 1 January 1999 (which, as custom dictates, was written

<sup>397</sup> See [http://www.vatican.edu/holy\\_father/john\\_paul\\_ii/angelus/1979/documents/hf\\_jp-ii\\_ang\\_19790107\\_en.html](http://www.vatican.edu/holy_father/john_paul_ii/angelus/1979/documents/hf_jp-ii_ang_19790107_en.html) or: <http://www.clerus.org/bibliaclerusonline/it/gqx.htm>

<sup>398</sup> Old Latin expression: “Seek things that are above you”, “Seek what is noble”

on 8 December 1998) John Paul II devoted paragraph 5 to “religious freedom, the very heart of human rights”. He says:<sup>399</sup>

*“Religion expresses the deepest aspirations of the human person, shapes people’s vision of the world and affects their relationships with others: basically it offers the answer to the question of the true meaning of life, both personal and communal. Religious freedom therefore constitutes the very heart of human rights.”*

*“Its inviolability is such that individuals must be recognized as having the right even to change their religion, if their conscience so demands. People are obliged to follow their conscience in all circumstances and cannot be forced to act against it.”<sup>400</sup>*

Precisely for this reason, no one can be compelled to accept a particular religion, whatever the circumstances or motives.

Here again, influenced by his experience of atheistic communism in Poland, John Paul II emphasises the “search for the true meaning of life”. Religious freedom is inviolable; it constitutes the very heart of every freedom and all human rights. In the name of freedom every person has the right to change his religion, “if his conscience so demands”. Compulsion of any kind is ruled out: “Precisely for this reason, no one can be compelled to accept a particular religion”.

## **Benedict XVI and Freedom of Conscience**

Not long ago Benedict XVI stated in his Message for the Celebration of the World Day for Peace entitled “Religious Freedom, the Path to Peace”<sup>401</sup> on 1 January 2011 (written on 8 December 2010):

*“All this is necessary and consistent with the respect for the dignity and worth of the human person enshrined by the world’s peoples in the 1945 Charter of the United Nations, which presents universal values and moral principles as a point of reference for the norms, institutions and systems governing coexistence on the national and international levels.” (12)*

<sup>399</sup> See [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/messages/peace/documents/hf\\_jp-ii\\_mes\\_14121998\\_xxxii-world-day-for-peace\\_ge.html](http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_14121998_xxxii-world-day-for-peace_ge.html).

<sup>400</sup> Cf. Conc. Oecum. Vat. II, Declaration on Religious Freedom *Dignitatis humanae* (3).

<sup>401</sup> See [http://www.vatican.va/holy\\_father/benedict\\_xvi/messages/peace/documents/hf\\_ben-xvi\\_mes\\_20101208\\_xliv-world-day-peace\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/messages/peace/documents/hf_ben-xvi_mes_20101208_xliv-world-day-peace_en.html)

On 28. March 2012 at the end of his journey to Cuba, Benedict XVI gave a speech on Revolution Square in Havana on the relationship between truth, freedom and rationality. This revealed his characteristic thinking with its emphasis on reason and rationality in faith, as is indicated by the following excerpts:<sup>402</sup>

*“The truth is a desire of the human person, the search for which always supposes the exercise of authentic freedom.*

*On the other hand, there are those who wrongly interpret this search for the truth, leading them to irrationality and fanaticism; they close themselves up in “their truth”, and try to impose it on others. These are like the blind scribes who, upon seeing Jesus beaten and bloody, cry out furiously, “Crucify him!” (cf. John 19:6).*

*Anyone who acts irrationally cannot become a disciple of Jesus. Faith and reason are necessary and complementary in the pursuit of truth. God created man with an innate vocation to the truth and he gave him reason for this purpose. Certainly, it is not irrationality but rather the yearning for truth which the Christian faith promotes.*

*Each man and woman has to seek the truth and to choose it when he or she finds it, even at the risk of embracing sacrifices.”*

## Islam and Freedom of Conscience

Many people say that Islam is a religion of peace (*salām*), this being indicated by its very name.<sup>403</sup> Questioned about the relationship between Islam and non-Muslims, most Muslims will say that that Islam has always treated non-Muslims very correctly because it is the religion of tolerance par excellence. There are numerous examples of this, but I will cite just one – by Saudi sheikh Dr. Salmān Ibn Fahd al-Ouda (= I-ʿAwdah), who was born on 15 December 1956. Considered to be a government spokesman and regarded as the most popular imam in Arabia, he is opposed to Bin Laden and condemns Islamic terrorism. He writes:

“Tolerance in Islam manifests itself in the way it treats other religions; in the Islamic era Jews, Christians and even angel wor-

<sup>402</sup> See [http://www.vatican.va/holy\\_father/benedict\\_xvi/homilies/2012/documents/hf\\_ben-xvi\\_hom\\_20120328\\_la-habana\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/homilies/2012/documents/hf_ben-xvi_hom_20120328_la-habana_en.html)

<sup>403</sup> Islām does, indeed, mean “to submit oneself” (in this case to God), whereas salām (like the Hebrew word shalom) means “peace” and salāma “health”. While the root SLM can be found in dozens of expressions, each word has its own distinct meaning.

shippers and fire worshippers were treated with kindness and dignity by the Muslim governors, whose protection they enjoyed. It is inconceivable that these governors would have acted like Fernando, who tortured, expelled and massacred Muslims during the Andalusian Empire; like Louis XIV, who suppressed Protestantism as a prohibited religion; or like the British who prevented Jews from settling in Great Britain for 350 years. Muslims never resorted to such measures nor did they carry out any purges even though they were in power for over a thousand years. This shows that values such as tolerance in the treatment of others are deeply rooted in Islam.”<sup>404</sup>

According to Salmān al-Ouda, Islam has never forced anyone to convert. It is easy to become a Muslim, he says:

*“Anybody can embrace Islam. You don’t need anyone’s permission to do so. All you need to do is to say and believe that there is no God apart from Allah and that Muhammad is his messenger. Once you have said those words you automatically become a Muslim.”*

It is correct that the status of Jews and Christians living among Muslims is regulated in the Koran. They need not fear for their lives and can profess their religion, provided they do so with absolute discretion, pay a fairly heavy tax and accept being humiliated.<sup>405</sup> With a few exceptions they have never been expelled or tortured. In this respect Islam has, on the whole, been more tolerant than many Christian countries have been to Jews, although this has been more for political than religious reasons.

In reality this alleged tolerance is very relative. In the Koran there is in fact no tolerance towards non-believers or those who do not believe in a single God. They have the choice of being killed or embracing Islam.

Since they believe in a single God, Jews and Christians have the right to live alongside Muslims. But they have never been accorded the same rights as Muslims. They remain subjects whose humiliating condition is regularly made clear to them (*‘an yadin wa-hum ṣāghirūn*).<sup>406</sup>

<sup>404</sup> See <http://aslim.unblog.fr/la-tolerance-en-islam/>

<sup>405</sup> Cf. [http://www.vatican.va/holy\\_father/benedict\\_xvi/homilies/2012/documents/hf\\_ben-xvi\\_hom\\_20120328\\_la-habana\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/homilies/2012/documents/hf_ben-xvi_hom_20120328_la-habana_en.html)

<sup>406</sup> Koran, Sura 9:29 on the jizya tax that non-Muslim believers are obliged to pay.

This is in line with the practice customary among the Greeks and Persians. The “metics” who lived with the indigenous population, but did not belong to the same race, had certain rights but not the same status as the native inhabitants.<sup>407</sup> Finally, there were the barbarians who had no rights at all. Islam simply transferred the system that was generally recognised in the Orient at that time to religion, which in terms of religious freedom was a retrograde step.

### Religious Freedom and Human Rights

As was indicated in the preface, the “Universal Declaration of Human Rights” was proclaimed on 10 December 1948 and on that occasion eight predominantly Muslim countries voted in favour, while Saudi Arabia abstained. Religious freedom, as it was defined at that time, is now practised in just two of those eight countries – Lebanon and Syria – whereas it has not been implemented in Afghanistan, Egypt, Iraq, Iran and Pakistan and only to a limited extent in Turkey. In other words, the Muslim world has moved backwards over the past 65 years while the rest of the world has moved forwards.

Abderrazak Sayadi, Professor of Comparative Religious and Cultural Studies at La Manouba University in Tunis, sums up the reason for Saudi Arabia’s abstention as follows:<sup>408</sup>

*“Divine right is superior to human rights and the law of God (as laid down by the Ulama, the legal scholars, in the Sharia, the religious law) is superior to human law. Human rights can only be tolerated to the extent that they are strictly subordinated to the religious laws of Islam.”*

To all intents and purposes Saudi Arabia has no constitution. The one it has comprises the Koran and the Sunna, i.e. the Islamic Sharia. In 2010 the government decided to codify the Sharia, although this has yet to take place. Most Muslim countries today are based essentially on the Sharia, the legal provisions of which have their origins in the 7th to 9th centuries. It is completely out of tune with modern thinking and determines a host of inequalities.

<sup>407</sup> See Michel Clerc, *Les Météques Athéniens. Étude sur la condition légale, la situation morale et le rôle social et économique des étrangers domiciliés à Athènes*, Paris 1893.

<sup>408</sup> See Abderrazak Sayadi, “L’islam face à la liberté de conscience” in: *Études*, Bd. 414, N° 5 (May 2011), 643-654, here 643.

A Muslim woman cannot marry a non-Muslim man; he must first officially convert to Islam. This is also the case in Europe, where the woman concerned will only receive official confirmation of her marital status from her embassy if she has previously furnished written proof that her husband-to-be has become a Muslim. If in a Christian marriage the husband converts to Islam for whatever reason, any children who are minors automatically become Muslims. They are taken away from their mother and entrusted to a Muslim family.

### **Apostasy im Islam**<sup>409</sup>

Apostasy is the rejection of one religion to embrace another. For Muslims apostasy is tantamount to a form of treason, which is punishable by death.

What does the Koran have to say on the matter? A total of fourteen verses refer to apostasy. In three verses<sup>410</sup> the verb *irtadda* is used and in eleven others<sup>411</sup> the formulation al-Kufr ba'd al-islām, i.e. "unbelief after having been a Muslim" or al-Kufr ba'd al-īmān, i.e. "unbelief after having been a believer".

What punishment is envisaged in the Koran? None on earth, but in the hereafter eternal fire or the wrath of Allah:

*"And whoever of you reverts from his religion [to disbelief] and dies while he is a disbeliever – for those, their deeds have become worthless in this world and the Hereafter, and those are the companions of the Fire, they will abide therein eternally"* (Koran Sura 2:217). *"Whoever disbelieves in Allah after his belief... except for one who is forced [to renounce his religion] while his heart is secure in faith. But those who [willingly] open their breasts to disbelief, upon them is wrath from Allah, and for them is a great punishment"* (Koran, Sura 16:106; of the fourteen verses mentioned above this is the only one that was promulgated in the Meccan period).

<sup>409</sup> Here I take the liberty of referring to one of my own articles: "Le débat autour du délit d'apostasie dans l'islam contemporain", in: John J. Donohue und Christian W. Troll (eds.), Faith, power, and violence. Muslims and Christians in a plural society, past and present, "Orientalia Christiana Analecta" 258, (Rome: Pontificio Istituto Orientale, 1998), 115-140. It includes a comprehensive bibliography.

<sup>410</sup> Koran, Sura 2:217; 5:54 and 47:25.

<sup>411</sup> Koran, Sura 2:108-109; 2:161; 3:90-91; 3:177; 4:137; 4:167; 5:73; 9:66; 9:74; 16:106 and 24:55.

In actual fact the condemnation of the apostate is more of a socio-political decision which rests on two extremely questionable hadiths and not on the Koran or the writings of the Prophet Muhammad. Nowadays it is questioned by many Muslims, but that makes no odds, as is evident from the following example. It comes from the supreme authority in Egypt, the “Fatwa Committee of Al-Azhar”, and is dated 15 January 2013.<sup>412</sup>

The question asked was: “How far does freedom of conscience go in Islam?” The answer given was: “Islam protects, guarantees and sanctifies freedom of conscience.” Perfect. Then Al-Azhar cites six Koran verses and exclaims: “Could there be any greater freedom?” It continues by saying:

*“As regards the execution of the apostate as a punishment for his apostasy, it should be borne in mind that such a punishment is similar to those laid down in various divine laws. All religions take measures to protect themselves. In Christianity, for example, there is excommunication, a punishment imposed by the popes on those who revolted against the authority of the church, no matter if they were emperors even.”*

In other words, the death sentence for apostates is comparable with excommunication from the Catholic Church! This is followed by an explanation of the Muslim position. Whoever embraces Islam “concludes a social contract with the Muslim community”. Anyone leaving the community commits an act of treason. “Treason against one’s country is punishable by death. The same applies to treason against one’s religion!” That is only logical, since “Islam is both religion and state” (*al-islām dīn wa-dawla*), as is repeatedly to be heard in the Muslim world.

The conclusion to be drawn from this is that, at the outset of the 20<sup>th</sup> century, Islamic thinking is in a state of regression.

### **Conclusion: The Concept of Citizenship and the Need for Hermeneutics**

Religious freedom and freedom of conscience are the foundation of all other freedoms.<sup>413</sup> Where they do not exist, all other freedoms suffer.

<sup>412</sup> See <http://www.islamophile.org/spip/La-liberte-de-conscience-en-Islam.html>

<sup>413</sup> Cf. John Paul II, Address to the participants in the Parliamentary Assembly of the Organisation for Security and Cooperation in Europe (10 October 2003), paragraph 1: “The defence of this right is the litmus test for the respect of all the other human rights”. [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/speeches/2003/october/documents/hf\\_jp-ii\\_spe\\_20031010\\_osce\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/speeches/2003/october/documents/hf_jp-ii_spe_20031010_osce_en.html)

We Christians in the Arab world ask for just one thing: that the constitution should make no distinction between people (men/women, Muslim/non-Muslim, Arab/Western, etc.), that it should refer simply to “citizens”. In conclusion I should like to cite what His Excellency Moncef Marzouki, President of the Republic of Tunisia, said on 27 June 2012 in Tunis to the Committee of the Oasis Foundation, to which I have the honour of belonging:<sup>414</sup>

*“Freedom of conscience must be defended because it is the foundation of a new kind of affiliation: citizenship. Religious affiliation, not membership of a national community, is now the reason for membership of a religious community.”*

That, I believe, is what the Muslim world seeks so intently. The “Arab Spring” was launched with this objective. It proved abortive because our societies were not ready for it. But the ideas it generated continue to seethe and bubble beneath the surface and in the end they will come to fruition – the sooner the better. But for that to happen the Muslim world – and in particular its religious leaders – must get to grips with modernity, not embrace it blindly, but develop an awareness of its positive features and permit change.

This requires deep reflection on the fundamental texts, a new hermeneutics. That is exactly what millions of Muslims worldwide are calling for and that is precisely what will ensure that Islam does not remain bogged down in a permanent struggle with itself and the rest of the world. The often negative image that Islam presents of itself, however, is not due solely to “Islamophobia”, as it is often called in our countries. We ourselves provide a justification for it. In the course of its history Islam has repeatedly succeeded in renewing itself. There is no reason why it should be incapable of doing so again today.

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<sup>414</sup> See <http://www.oasiscenter.eu/fr/articles/m%C3%A9tissage-de-civilisation/2012/06/27/oasis-et-tunis-la-provocation-r%C3%A9ciproque-sur-la-foi-et-la-libert%C3%A9>



# Christians among Muslims in Indonesia

## Religious Freedom in Context

Franz Magnis-Suseno

In spite of growing intolerance religious freedom is a fact in Indonesia. Ninety-five percent of the Christian communities living as a tiny minority on Java, Sumatra and other islands of Indonesia live, interact and worship freely and without any stress among their Muslim sisters and brothers. Change of religion is legal and happens in all directions. In this paper<sup>415</sup> I want to show that religious freedom should not only be defended on (extremely strong) normative grounds (as one of the most basic human rights), but it has to be promoted in relation to the social cultural context. I shall first sketch the constitutional and legal situation in Indonesia, in its historical context, show how relations between Christians and Muslims developed, then ask what common values underlie these developments, in order to advance some suggestions.

But let me first give a few demographic facts. With more than 240 Million inhabitants Indonesia is the country with the fourth biggest population in the world. With her about 210 Million Muslim (87% of the population) Indonesia is not only the country with the biggest number of Muslim, but also the biggest Muslim democracy. About 9% of all Indonesiens (21 million) are Christians, two fifth of them Catholics, the remaing 4% are (Balinese) Hindus (about 3,5 Millionen), Buddhists, Confucians, members of indigenou religions (less than a million) und others. 59% of all Indonesians, more than 140 million people, crowd on Java alone. 42% of all Indonesians, about 100 million, are Javanese, the Javanese speaking original inhabitants of Central and Eastern Java who are politically and culturally still set the tone of the country.

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<sup>415</sup> I have developed this paper from several speeches I gave and of which at least one has been published in German.

## The Constitutional Legal Situation

The basic decision which programmed Indonesia's way down her history was taken on August 18, 1945, one day after the Sukarno and Hatta proclaimed Indonesia's independence. On that day the constitutional assembly (PPKI) ratified the constitution for the young republic. As written in the preamble, the state was to be based on five principles Sukarno had first proposed and called *Pancasila*. Of which the first was "belief in one God".

This was in fact a crucial decision, because it meant that Indonesia was not to be based on Islam. In fact, Islam gets no special position in the constitution in spite of being the by far biggest religion by far in Indonesia. But Indonesia's founding fathers took this generous decision for the sake of the unity of the country. They clearly wanted to make sure that there should be no discrimination among Indonesia's citizens on the basis of their religious convictions.

Although in daily life discriminations, of course, always happen, but the principle of non-discrimination has up to this date not been questioned. In fact, non-Muslims have held office in high positions in the country. Religious freedom itself is recognized in sentence 2 of § 29 of the constitution, stipulating that "the state guarantees the freedom of every inhabitant to embrace their respective religion and to worship according to their religion and belief." Although this paragraph was accepted through the whole spectrum of Indonesian political parties, the attempt to enter the whole § 18 of the Universal Declaration of Human Rights<sup>416</sup> in a new constitution failed two times. After the fall of Suharto, the Constitutional Assembly under the leadership of former Muhammadiyah<sup>417</sup> chairman Amin Rais made amendments to the "Constitution of 1945", among others incorporating almost the whole paragraph 18 of the Universal Declaration of Human Rights Declaration of 1948 into it.<sup>418</sup>

<sup>416</sup> § 18 of UdoHR: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

<sup>417</sup> Muhammadiyah is with almost 30 Million members the second biggest Islamic civil society organization in Indonesia (and probably in the world).

<sup>418</sup> § 26 E runs: "(1) Each person is free to embrace a religion and to worship according to his/her religion.... (2) Each person has the right to freedom to believe in a faith, to express (his/her) ideas and attitudes, according to his/her conscience."

But these fundamental safeguards of religious freedom are partly eroded by legislature and ordinances. In response to Muslim fears of “christianization” a decree by the Ministries of the Interior, of Religion and of Defence made the building of churches quite difficult. This decree was somewhat amended by a new ordinance in 2008, but it can still take many years until a new church can be built. Many districts and municipalities have issued ordinances obliging people to conform to certain elements of the Islamic shariah.

Extremely critical is the situation of so called heretical groups (“ajaran sesat”). Since about eight years the small Indonesian Achmadiyah community and the still smaller community of Shia Muslims have come under attack, their mosques and even houses have been destroyed, and there have been people killed while state protection is virtually non-existent. The legal background is a blasphemy law from 1965 – which was upheld as recently as in 2010 by the Constitutional Court against a challenge by NGOs – which “acknowledges” six religions (Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism) and makes any teaching in contradiction to the teachings of these six religion *eo ipso* an act of blasphemy. Only the Christians supported the petition to abolish this law while the other, much smaller minority religions accepted the argumentation of the spokesman for the Muslims, that without such a law all religious minorities would be in danger. Christians on the other hand fear that persecution of “unlawful” minorities could later spread to “lawful” minorities.

### **How Christian – Muslim Relations Developed**

The starting point of Christian – Muslim relations in Indonesia could not have been bleaker. Christians came, missionizing, together with the Portuguese and the Dutch. Islam was, of course, regarded as the old enemy, and these feelings were reciprocated from the Muslim side. There always existed deep suspicions and prejudices between the Christian and Muslim communities. We have a very difficult common history which became part of our collective identities, a history of crusades and colonialism, of Arabs and Turks entering Europe. Muslims and Christians were deeply suspicious of each other. If, then, a conflict involving Christians and Muslims breaks out, it may feed on these suspicions and prejudices, regardless from what actually caused it.

It was the Indonesian independence movement and four years of freedom struggle against the Dutch (1945-1949) which brought Indonesian Muslims and Christians together.<sup>419</sup> From this time on there existed very close relations between Muslim and non-Muslim politicians in Indonesia, while the Indonesian military from the beginning did not allow religion to influence their decisions. During the 1950<sup>s</sup> cordial relations developed particularly between leaders of the big reformist Muslim Masyumi party and the Catholic party, united by their conviction that Indonesia had to be democratic, and their common suspicions about the true intentions of the ever growing communist party. During the 60<sup>s</sup>, before and after the decisive events of 1965 and 1966 (the leftist coup d'état, the subsequent annihilation of the Indonesian communist party, the rise to power of Suharto and the fall of Sukarno), this friendship continued in the close (anti-communist, later Suharto critical) collaboration between the Muslims Student Association (HMI) and the Catholic Students Association (PMKRI).

But outside the political domain communications between pious Muslim (the *santris*) and Christians were almost non-existent. Christians found their political and cultural allies among the so called "nationalists" (who, politically, were represented by non-Muslim parties), particularly the Javanese *abangan*<sup>420</sup> (the majority of the Javanese who were only very superficially Islamized and culturally far away from orthodox Islam both of the "traditionalist" and the "modernist" variant), who absolutely did not want any imposition of religious law on the country. Thus they strongly supported Suharto who supported private practice of Islam, but suppressed political Islam with a strong hand. The motto of the Christians was "Pancasila state" ("referring to the five principles on which Indonesia has to be built) against all tendencies in the direction of an Islamic state, while

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<sup>419</sup> Sukarno, Indonesia's first president, was a close friend of Mgr. A. Sugijapranata, archbishop of Semarang, the capital of the province of Central Java. In 1947 when the Dutch returned to Indonesia and tried to subjugate Indonesia again, Sugijapranata took up residence in Yogyakarta, then the capital of the free Republic of Indonesia under Sukarno, instead of staying in Dutch controlled Semarang. Sugijapranata was, after his death, declared a national hero by Sukarno. The airport of Yogyakarta is named after Adisutjipto, a Catholic and national hero because of his exploits against the Dutch in his small DC3, the first aircraft of the Republic; he was shot down in 1947. The second Indonesian prime-minister, Amir Sjarifuddin (1947-18), was a Protestant as was Simatupang, the first chief of the general staff of the Indonesian Army.

<sup>420</sup> Regarding the "abangan" see Geertz, C. 1960, *The Religion of Java*, Glencoe: *The Free Press*.

Nadlatul Ulama (NU) and Muhammadiyah, the two big Muslim organizations, were regarded with suspicion.

### Change of Attitudes

But things began to change. From the beginning of the 70s a small group of Catholic intellectuals began to doubt the general Catholic line of holding on to Suharto, believing that the military would ensure that Indonesia would not become an Islamic state. These Catholic dissidents were appalled about the ongoing human right violations, and they were convinced that in the long run Christians would only be safe in Indonesia if they developed trusting relations with Muslims. From there developed, especially through collaboration in NGOs, a growing network of inter-relations between, mostly young, Christian and Muslim Indonesians with the same political, social and cultural ideals.

Of great influence was a growing number of open minded, pluralistic Muslim personalities – not from the *abangan*, but from the “*santri*” faction. Change began slowly, especially through the towering figure of Abdurrachman Wahid (later to become the fourth president of Indonesia) who combined a completely modern openness and commitment to religious freedom with being deeply rooted in Javanese Islam. As grandchild of K. H. Hashim Azhari, the founder of NU, he enjoyed an extremely high standing among the *santri* all over the country. He was open minded, with an inborn contempt for narrowness. At my Driyarkara School in Jakarta we had already close relations with him in the 70<sup>th</sup>. Later he became chairman of Nadlatul Ulama for 15 years where he has promoted a modern, open minded Islam among NU’s youth who now form the cutting edge of Indonesian Muslim intellectuals. Then there was the theologian Nurcholish Madjid. Nurcholish provoked a controversy with his 1970 assertion that Islam demanded secularization. Up to the end – when he had become the most famous Indonesian Muslim theologian<sup>421</sup> – he was hated by hardliners. Nurcholish declared that whoever surrenders to the Absolute according to his or her conviction was a Muslim – Islam meaning “surrender” – and therefore could go to heaven. Through his Paramadina people’s academy he transmitted intellectual formation,

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<sup>421</sup> He was the one chosen in the evening of May 20 1998 to tell Suharto that it was time to step down.

an open tolerant modern Islam, to thousands of Muslim intellectuals. Here also has to be mentioned the fact that the Islamic State Universities (IAIN) have since the 70s taught an open and dialogue minded Islam.

Although the 90s saw growing discrimination against Christians, relations nevertheless slowly intensified, very much supported by Abdurrachman Wahid whose influence within the Muslim community still grew. During the 90s visits by Catholic and Protestant ministers at pesantrens, "live-ins" by Christian students at Islamic places and the other way around, became more frequent. All our Catholic bishops do now know Muslim leaders closely. Many Catholic parish priests have built up relations with local Muslim leaders, although at the grassroot level much more has still to be done. It was most astonishing that these relations did not suffer during the more than three years of brutal civil war among Christians and Muslims 1999-2002 in Eastern Indonesia.

Growing terrorist activities since 1999 only re-enforced this positive development. After the first Bali bombings in 2002 Muslim students, f. i., invited non-Muslims to a common prayer for the victims of the bombing. Hasyim Muzadi, the head of NU, founded a "National Morality Forum", headed by himself and Cardinal Darmaatmadja, where the heads of the most important Indonesian religions were included. Only 10 hours after the terrible Christmas bombings in 2000 a group of high profile Muslims invited Christians and Muslims to form an "Indonesian Peace Forum" that went to the highest authorities of the country demanding that the bombings should be thoroughly investigated (they weren't).<sup>422</sup>

### Basic Common Values

Our Indonesian experiences show that openness and communication, and, by implication, appreciation of the Muslims, were the key factors making positive relations between Christian minorities and the huge Muslim majority possible. Of extreme importance is, of course, the official state philosophy of *Pancasila* which implicitly recognizes equal standing of all religions. That the Second Vatican

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<sup>422</sup> Among us was Benny Bikki, a hard-line Muslim and the brother of the Muslims leader Amir Bikki killed in the Tanjung Priok massacre 1984, as was Hidayat Nur Wahid, leader of the Muslim Brotherhood leaning Justice and Welfare Party (PKS).

Council officially recognized the dignity of other religions, specifically extolling Islam's belief in one God, has had its influence on Catholic attitudes and, in Indonesia, is known and admired among some Muslim intellectuals.

If we ask what unites us Christians with Muslims, the answer seems twofold. The first is, of course, that even hardline Muslims in Indonesia agree that "Islam" is tolerant and "has nothing against Christians" (as Habib Rizieq Shihab, the head of the hardline *Islamic Defence Front [Fron Pembela Islam]*, told me; what they say they are against is proselytism). This attitude also includes Hindus, Buddhists and Confucians, but, as already mentioned, not groups with "deviant teachings" like Achmadiyah and the Shiites. This theological basis for tolerance is quite important. It is, indeed, a basis for communication and dialogue with Muslims without having first to make sure whether they are "hard-line", "mainstream" or "liberal".

But what really makes work for peace and progress together possible is the rootedness of Indonesian Muslims and Christians in basic human values that are anchored in Indonesia's cultural soil, like looking at others in a positive way, helping those in need, honesty, a deeply felt knowledge that envy, hatred, mistrust should not be given room in one's hearts, rejection of unjust treatment. Indonesians of all religious denominations, with the exception of hard-core fundamentalists, feel also united by the fact that "we all are Indonesians". As such we are united by political values as expressed in *Pancasila*, like social justice and solidarity, identification with Indonesia, the feeling that we should always behave in a peaceful, civilized way, that we should work together to build an Indonesia that is a peaceful, just, prosperous and progressive society. On the basis of these values we dialogue with each other: how to improve our relations, resolve problems, promote peace among us, overcome conflict. But we talk also about our common political, social and economic aspirations, about the abolition of poverty, about discrimination, about corruption. Questions like how to handle the threat of narcotics, pornography or the attraction of media manipulated consumerism worry us all. Both NU and Muhammadiyah have expressibly proclaimed that for them "the Pancasila state is the final fitting form of Government for Indonesia". On June 1 2012 12 Islamic organizations that came together at NU headquarters issued a statement, stating that "Pancasila is shariah applied to Indonesia" and that all Muslims should refrain from violence.

This means that non-Muslim Indonesians are not just tolerated, but accepted as brothers and sisters joint by fundamentally the same values and ideals.

### Some Suggestions

This situation is a challenge for the Indonesian Church. The question arises: How should we Christians go on? One temptation would be to fall back into confrontational attitudes which, alas, we find strongly developed among some (but certainly not all!) of the Protestant groups in Indonesia. The opposite to confrontation would be a relativistic misunderstanding of pluralism which considers all religions as equally legitimate ways to God, thus dissolving our fundamental belief that Jesus is God's way in the world and rejecting implicitly the task of the Church to preach the gospel to the whole world. Paternalistic attitudes of the sort: "it is our task to make Muslims more Muslim", or "better Muslims" seem equally misguided.

In my opinion, – always, of course, in accordance with the prevailing conditions – our two 'tasks' or 'vocations' in Indonesia have not changed: dialogue and mission. They are intrinsically connected, but they are not the same. Dialogue is always also mission, that is: witness to the goodness and the power of the gospel; and mission is only ethically and theologically acceptable, when it is put into practice in the spirit of dialogue.

We enter into dialogue with clear, non-negotiable Christian convictions, but we are completely open, we want to learn, we let ourselves being challenged, we are aware from the beginning that such a challenge might bring us to a deeper, possibly revolutionary new understanding of our non-negotiable convictions.

What should we dialogue about? In my opinion (which, by the way, was also voiced by Abdurrachman Wahid) we cannot dialogue about those very essential elements we have to accept that we will always differ about, like who Jesus is, what the Qur'an is. (Given conducive conditions, Muslims and Christians can *share* about such respective core beliefs). However, we can have real theological dialogue about God: for instance, if God is love, or compassion, what are the implications?; about the true nature of heaven and hell, about what God wants us to do in our lives; about sincere respect for each other and even about our understanding of mission and *dakwa* (the

Muslim term for invitation to convert to Islam). We can dialogue about moral questions, about violence, about secularism. We should – and in Indonesia we do this in fact – dialogue about the problems we face as a nation, for instance, about corruption, poverty, violence, intolerance and about how we can bring our nation forward. We should dialogue about the human and political values uniting us.

The remarkable Muslim document: ‘A Common Word between us and you’ of 2007 offers a new incentive and fresh opportunities for Christian-Muslim dialogue.

But we should not stop with dialogue. If all people can be saved, if God’s Spirit is also active in other religions, why should we still proclaim the gospel, why should we still baptize people?

Indeed, our newly-won openness to people and religions “outside” have far-reaching implications for what we understand under “mission”. Mission today cannot mean converting people. We can contribute towards opening their eyes to the beauty of Christ, but maybe they do not have to convert, or, better, we ourselves have, first of all, to convert to God all through our life; whether we are Christian or a Muslim or a Buddhist does not necessarily make a difference. Realizing in faith that non-baptized people, too, are in the embrace of God’s grace will greatly help us to face one another in a more relaxed way

But it remains true: we are commissioned to preach the gospel and to make known Christ explicitly. We are doing this by trying to be faithful witnesses to Christ, to the power and loveliness of his Gospel and to His healing powers. We give witness by our way of life, by what we say and do, trying by the grace of God, to witness to Christ’s love, humbleness and readiness to forgive, avoiding lies, deceit and injustice. We do not conceal our Catholic identity, but always endeavor to respect the sensitivities and feelings of our fellow citizens. When, then, people are attracted by this kind of witness and want to know more about its hidden source, we speak about Jesus, about our Christian and Catholic faith; we invite them to learn more about Christ and to experience the life of the Church. And if they express their desire to receive baptism, the Church in the name of Christ gladly grants it, after a period of thorough preparation.

Religious freedom is certainly a non-negotiable – although not everywhere achievable – demand. But the Church has to give witness in a way that makes this demand acceptable.



# Religious Freedom Means the Right of the Other: Practical Experiences and Liberating Effects of the Christian Religion for a Mayan Woman from Guatemala

Inés Pérez Hernández

## Religious Context

As they searched for a framework to serve and promote the dignity of the Mayan people, in the historical and politico-economic context of the seventies, the Christian religion nurtured the hopes held by young Mayan men and women of injecting dignity into the life of their peoples, hopes that were not immune to the tensions between their own culture and that of Christianity, but which explored the potential for dignity offered by Liberation Theology.

Within this context, there are still manifestations here and there of historical oppression and intolerant evangelism in the face of the different spiritual experience of the Maya, denying the divine nature of what our ancestors called and still call God. Amid this suffering and pain, some missionaries and indigenous individuals began seeking to discover the essence of the Gospel as preached by Jesus, which does not reject or exclude cultures. The passion of Jesus for children, the poor and all humanity encourages us to revive our historical passion for defending the life of all creation: women and men, plants and animals, rivers and forests ... the whole cosmos.

And thus there arose an experience of life in between those two realities, which finds its concrete expression in the daily practice of serving and experiencing God Mother-Father.

The experience of God Mother-Father (Chuch Qajaw)<sup>423</sup> in Maya spirituality is expressed through signs and symbols specific

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<sup>423</sup> Mother-Father in the Maya-Quiché language.

to our culture, as witnessed, for example, in reflections between Catholic leaders of Christian Maya and Christian Maya priests in their efforts to share the internalization and experience of Maya spirituality. Meditation is fundamentally based on the Popol Wuj, which is regarded as a supremely important document and as the sacred Book of the Maya.

If we take as our starting-point the teachings of the Church Magisterium, God is revealed in the cultures of peoples (*Ad Gentes*, 6). We Maya are conscious that the Popol Wuj is a revelation of God, because it tells us what was said by the Creator and Architect; it is history and prophesy (Preamble to Popol Wuj).

#### Names or manifestations of God in Maya culture:<sup>424</sup>

Aj Raxa Laq	Lord of the Calabash. Heart of the Earth.	God present and agent in the Cosmos, on Earth and in history
Aj Raxa Tz'el	Lord of the Blue Calabash. Lord of the Sky.	God present and agent in Heaven, in the Transcendent
Alom	God Mother	Divine essence, referring to the female quality which conceives
K'ajolom	God Father	Divine essence, referring to the male quality which engenders
Tz'aqol	Creator/builder	Divine attributes of the Creator
B'itol	Architect/Form-Giver	Divine attributes referring to the concrete actions of God.
Q'ukumatz <sup>425</sup>	Feathered serpent	Attributes of God who mediates and transcends in concrete history. Reality that unites Earth and Heaven.
Ixmukane	Old Woman, Grandmother	She who shelters and protects. The oldest divine, feminine Root. The Wise Woman.

<sup>424</sup> Notes from a retreat for indigenous priests from Guatemala and El Salvador in 2005.

<sup>425</sup> Translation in the Mayan language of the name Q'uq'kamatz=feathered serpent=history that is transcended. God that unites Heaven with Earth.

Ixpiyakok	Old Man, Grandfather	He who shelters and protects, our oldest masculine Root. The Wise Man.
U K'u'x Cho	Heart of the lagoon	Power of God in the life force that is stillness.
U K'u'x Palo	Heart of the sea	Energy of God in the force of impetuosity.

These examples serve to illustrate that the Popol Wuj uses a mythical, symbolic language, and so the cultural significance of these words differs from their immediate meaning. To understand this mode, we must reach out beyond the meaning of words to the rich, deeper significance of the mythical, symbolic language used in Mayan culture.

### **The Right to Spirituality**

Being a Christian should not entail renouncing the principles, values and spirituality of one's own culture. Although Maya Christians have made efforts to share and pursue dialogue within the religious and cultural framework of a multi-ethnic country such as Guatemala, they have never resorted to anger, nor demanded their right to experience God in their own way with their own signs, symbols and language. Rather, many have renounced any such personal right to demand these things, and to live God Mother-Father in their way, to love and feel God, other humans and the cosmos.

The experiences of Maya Christians range from treating what is theirs as invisible to adapting what was particular to others. Spirituality is lived as a function of otherness, and it often leads them to renounce their own culture and to imitate the unknown and abstract.

Expressing the religious experience of the Maya people means manifesting God's encounter with culture, which is where dialogue with the cosmos (nature-world) is established and people continue all their lives to encounter their own identity. In this framework for spirituality, God Mother-Father communicates with the people – for communication takes place within the culture of the people. God can only be grasped and understood by using the language of the people, by God adapting to the people's mode of comprehension. For example, a Maya who stands on the Earth, touches the Earth, kisses

the Earth, sows seed in the Earth, knows that the Earth is not merely the Earth, but that it contains the presence of God Mother (Qanan, qa tu')<sup>426</sup>, and so people are able to manifest the material presence of God in concrete ways that are closely linked to their daily lives.

Maya spirituality today is intimately linked to a way of seeing the world (cosmic view) and a way of seeing one's self within this world-cosmos or reality that surrounds us. For the Maya, God is Chuchqajaw, Alom, K'ajolom, Tz'aqol, B'tol (Mother-Father, Conceiver, Engenderer, Creator, Builder, Architect, Form-Giver) of Heaven and Earth. God is Mama and Papa, and hence a God rooted in domestic experience. God as mother, as father, sows us as seed in this world so that we can grow like shoots of corn. God is present in every reality of life and of the cosmos, and is manifest in the natural reality of the world, for the Earth is God's face and also the face of humanity.

Maya civilization is thousands of years old, and it has its own values and principles rooted in its very spirituality. Hence, being a Maya Christian implies the sum of two spiritual realities. This should enrich and strengthen the humanity of men and women here and today, just as contributing this venture in dialogue, respect and tolerance is imperative to meeting one another and living our lives to the full, as described by Jesus in the Gospel of St John: "*I came that they may have life, and have it abundantly*", which we describe in Quiché as "*Le utz k'aslemal*" (good living).

Our sacred book, the Popol Wuj<sup>427</sup>, is a clear testimony to the way we understand our origins and our life. It is a magnificent description and account of how the creation of all Heaven and Earth was accomplished: the four corners, the four sides, the staking out with rope, the four angles, the division, the rope stretching into Heaven and Earth; into the four corners, into the four sides, by Tz'aqol Bitol, Mother-Father of living existence, Giver of breath, Giver of the Heart. Creator and Pulse of light, of eternity; of daughters born in brightness, of sons born in brightness.

### Synthesis of Faith

By paying simple testimony, this little contribution seeks to share the way we experience God Mother-Father, drawing on both

<sup>426</sup> In Quiché this means: our mother who nurses us.

<sup>427</sup> Popol Wuj, translated into Spanish by Sam Colop, published by F & G Editores.

Maya and Christian principles and cultural values, for the values of God's Christian Kingdom are not divorced from the conception and experience of Alom, K'ajolom; Tz'aqol, B'itol (conceiver, engenderer; builder, creator); this is the same presence of God in the cosmos, the same God of Israel, Isaac, and Abraham, and the God revealed to us by Jesus Christ.

This way of conceiving God is liberating, not oppressive; it makes us respectful and more tolerant, for as Raimon Panikkar, the renowned initiator of inter-religious dialogue, tells us: "...God is something so great, so great, that he cannot be contained by a single religion, just as every belief, every religion and every spirituality speaks and reflects a little of God, manifested through actions of respect, justice, truth ... *commitment to the people*.

This commitment is lived in spiritual activities, whether they are celebratory, or serve dialogue in the face of ideologies, institutions and individuals who enslave and dominate peoples in the name of God. It is not by offending others with my beliefs that I live my life to the full, but by listening to them and sharing the abundance of the Kingdom that is present among the indigenous peoples. We should not cease to acknowledge that there are communities which have internalized the historical consequences of an intolerant evangelism. Many have accepted burying, burning or abandoning forever their ancestral beliefs in order to survive. Converting to the Gospel and the Church was synonymous with no longer recognizing the religious world of the indigenous communities.

Nevertheless, there are many indigenous people who did not renounce the God present in the two realities, and who for many years – in secret or on the margins of an evolving society – preserved the great gift and revelation of God present in the indigenous cultures. Faith that has been tested in suffering and exclusion must challenge the injustices, the marginality and the intolerance found in many members of the Catholic Church and other Pentecostal Churches. Past and present, there have been painful attitudes that systematically demonize and seek to eradicate the identity and spirituality of the Maya peoples by claiming that they are incompatible with Christianity.

This experience proposes that we live God in our own cultures, for God came that we may have life and have it to the

full.<sup>428</sup> This message confirms that God also dwells among the Maya. The faces of God Mother-Father were jealously guarded by the Maya people who went underground after the invasion. Now this experience is reappearing with marvellous new shoots cultivated during the harsh winter of our history of evangelization.

Nowadays we wish to share as Maya Christians and to declare that we live, recognize and sense God in various manifestations in the cosmos of which we are part (we see, hear, sense God in the sacred fire, in the air, in the water, and God suckles us with the fruits of Mother Earth), in the manifold actions of God's energy, in the events of life – a birth, a wedding, a death. We want to share this sacred new shoot with all respect, but we are not prepared to maintain a battlefield in our hearts. To avoid schizophrenia and syncretism, some of us have initiated a process of spiritual therapy that has prompted us to formulate a synthesis of our faith, by means of open, respectful inter-religious dialogue, within the very bosom of the Church and outside it. It is not free of tensions, but we have placed our trust in the experience of God Mother-Father, who will help us to re-engage a world of greater humanity.

This action of sharing and offering is also an action of “teaching, illuminating and relating”, as Sam Colop translates that which is “hidden and revealed”<sup>429</sup> by the Creator, Form-Giver... and as Ricardo Falla has described: “There is a need for perpetuators, women and men who carry this action forward”... the action of revealing what is hidden. We may wonder whether we have the ability to give light to such immense ineffability. Do we see ourselves as those who can carry forward the immense revelatory power of life? Or is the reverse the case? Must we cease being Maya in order to be Christian? Can we be Christian and continue to be Maya? To believe in the Christian God, must the Maya renounce his or her culture and conception of a God Mother-Father?

This little reflection has arisen among Maya who assume subjecthood, who have chosen to speak in various arenas, not to ask for charity or crumbs of justice, but to demand respect for our collective rights to live our faith and our life, participating fully in the construction of a better world. We wish to put behind us a clandestine

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<sup>428</sup> John 10:10.

<sup>429</sup> Popol Wuj, Chapter 1, page 1, Sam Colop, F & G Editores.

existence and the fear of living our faith in the Maya-Christian way. We want to recover the right to belong to our ethnic community and open ourselves to respectful dialogue with the Church and those movements that demonize our way of being and of living God.

To support this reflection, here are some quotes from section 5 of the indigenous contributions to the Churches on the occasion of the Quincentenary of Evangelization.<sup>430</sup>

“Within the Church, we of indigenous origin refuse to be considered as pagans and idol-worshippers who must be conquered by faith. We are not enemies of the Church or opponents of the Christian faith...” “Consequently, in order to be Christian and to exercise ministry in the Church, we should not be obliged to renounce the religious experience of our peoples, for all such pressure achieves is to deprive us of any possibility for personal self-affirmation, to make us schizophrenic and force us to don masks to cover our true identity...” “There is a need to put into practice what the Church documents argue: that conversion to the Christian faith does not mean destroying the cultural and religious identity of those who are converted, but completing the fullness of their identity through the Gospel” (cf. John Paul II, *Redemptor Hominis* 12).

We understand Theology, more than anything else, as the particular experience of God by individuals, communities and peoples. Just as there is a biblical theology, so we Maya also have a theology which enables us to see the experience of God in our lives, with our own communications, writings and celebrations. We also have a conversation, a book, or a ritual celebration of the experience of God within us and with us. We have multiple names for God, whom we experience as That which is the Source of Life, the Source of History.<sup>431</sup> In the Popol Wuj there are thirteen names for God. Some of these were listed above. Some of the names consist of a single word, while others are composed of two or more terms, and in Maya culture the number thirteen is profoundly symbolic.

In the Mayan cosmic view, the universe as a whole has the dynamics of a cross, because everything was formed and divided into four parts ... four angles ... four corners. The cosmos, both divine

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<sup>430</sup> missing

<sup>431</sup> Popol Wuj, Chapter 1, page 1, Sam Colop, 2nd edition, F & G Editores.

and sacred, has a sacred character that comes directly from God, for this was how it was proclaimed by the Creator and Form-Giver. This is how the Maya experienced God.

This is my experience of living as a Maya Christian, which liberates and transforms me and grants dignity to my life and that of my people. Out of this feeling I see the urgent need for reflection and dialogue about this reality which, rather than dividing and harming us, will help us to unite as sisters and brothers in one humanity.<sup>432</sup>

Heart of Heaven, Heart of Earth,  
 your sacred path leads from east to west.  
 You are born and die each day  
 to show us the way.  
 You are the light  
 that guides us up the slopes and down.

Creator and Form-Giver of our paths,  
 give us the strength and energy  
 to begin this journey today.  
 Show us the resources,  
 the route and the state of the terrain,  
 as we search for clear and level pathways  
 that respond to our peoples  
 as they seek realization.

Mother-Father of all generations,  
 you who guides us towards the goals of our wandering,  
 we ask you to accompany us to our destination,  
 to reconcile the different visions  
 in our quest for the new.  
 May the force of innovation always be unity!

Clear and adorn our paths  
 with the blood of our martyrs,  
 guide us with the experience of our elders,  
 protect us from confrontations,  
 give us the wisdom of your wise women and wise men.

<sup>432</sup> This prayer has been used at various meetings of the National Committee for Indigenous Priesthood of the Conference of Bishops of Guatemala and at national meetings of lay priests. The author is unknown.

# Appendix



## Index of Authors

*Michael Amaladoss*, SJ, b. 1936, Dr. theol. habil., was Professor of Systematic Theology at the Vidyajyoti Institute of Religious Studies in New Delhi, Director at the Institute for Dialogue with Cultures and Religions in Chennai (India) and President of the International Association of Mission Studies (IAMS).(michamal@gmail.com)

*Francis Anekwe Oborji* from Nigeria is a Catholic diocesan priest and Professor of Missiology at the Pontificia Università Urbaniana in Rome. He is a founding member of the International Association of Catholic Missiologists (IACM) and the author of many books and essays on mission theology and evangelisation in Africa, including *Concepts of Mission* (2006) und *Towards a Christian Theology of African Religion* (2005). (foborji@hotmail.com)

*Emmanuel Asi*, b. 1949, has been a diocesan priest in the Archdiocese of Lahore in Pakistan since 1974. He graduated in Biblical Studies in Rome and from 1981 to 1990 taught this subject in Karachi at Christ the King National Theological Seminary, whose rector he was for five years. As a Third World contextual theologian and member of the Ecumenical Association of Third World Theologians (EATWOT) he founded Maktaba-e-Anaveem Pakistan (MAP) in 1989, the Women Theological Forum (WTF) in 1992 and the Theological Institute for Laity (TIL) in 1996. He has been General Secretary of the Catholic Bible Commission Pakistan (CBCP) since 2002. He has written numerous articles and books. (cbibcpak@gmail.com)

*Heiner Bielefeldt*, b. 1958, studied Philosophy, Catholic Theology and History and gained a doctorate and habilitated in Philosophy. After lecturing at various universities he headed the German Institute for Human Rights from 2003 to 2009. Since September 2009 he has held the Chair in Human Rights and Human Rights

Policy at the Friedrich-Alexander-Universität Erlangen-Nürnberg. Since August 2010 he has also held the honorary position of UN Special Rapporteur on freedom of religion or belief. (heiner.bielefeldt@fau.de)

*Lucas Cerviño*, b. 1977 in Tucumán (Argentina), is a missiologist. His final thesis has been published under the title *Otra misión es posible. Dialogar desde espacios sapienciales e interculturales* (Cochabamba 2009). He has worked as a lecturer at the Instituto Latinoamericano de Misionología de la Universidad Católica Boliviana (UCB). He is a member of the Comité Internacional de la Red Universitaria para el Estudio de la Fraternidad (RUEF). He is currently doing his doctorate at the Institut de Teologia Fundamental, Catalunya (Spain). (lucascervino@yahoo.com.ar)

*George Ehusani* is a priest in the Nigerian diocese of Lokoja and has worked as General Secretary of the Catholic Bishops' Conference of Nigeria. A theologian by training, his social work, sermons and publications have made him a defender of human dignity, the right to good governance, justice, peace and integrated development in his country. As Director of the Lux Terra Leadership Foundation he set up the Psycho-Spiritual Institute for the African Church in cooperation with missio in 2012. (ehusani@yahoo.com)

*Diego Irrázaval*, b. 1942, headed the Instituto de Estudios Aymaras (IDEA) in Peru. From 2001 to 2006 he was President of the Ecumenical Association of Third World Theologians (EATWOT). He currently teaches at the Institute of Religious Sciences of the Universidad Católica Silva Henríquez (UCSH) in Chile. (diegoira@hotmail.com)

*Samir Khalil Samir*, SJ, b. 1938, DDr., is an Egyptian Islamic scholar, Semitist, Orientalist and Catholic theologian. He established twenty schools for reading and writing in Egypt and then taught for twelve years at the Pontifical Oriental Institute in Rome. In 1986 during the civil war he moved to Lebanon and taught at Saint Joseph University (USJ) in Beirut, where he founded the Research and Documentation Centre for Arabic Christianity (CEDRAC), which collects literature on the Christian heritage in the Middle East. He is a Professor at the Pontifical Oriental Institute in Rome and at the Jesuit Faculty of Theology and Philosophy in Paris. He holds the same position at the Maqasid

Institute in Beirut, where he teaches imams about Christianity. He is also a lecturer in Muslim studies at the Institut Supérieur des sciences religieuses (ISSR) in USJ. Pope Benedict XVI appointed him Consultor to the General Secretariat of the Synod of Bishops in 2009. (samirkhsj@hotmail.fr)

*Klaus Krämer*, b. 1964, Dr. theol. habil., is President of the Pontifical Mission Society *missio* and President of the Missionary Childhood Association in Aachen. (praesident@missio-aachen.de)

*Daniel Legutke*, b. 1973, Dr. phil., studied History and Literature in Leiden (Netherlands) and Berlin and took a doctorate at the Humboldt-Universität zu Berlin. He is an adviser on human rights with the German Commission for Peace and Justice. His work focuses on the human right to freedom of religion or belief as well as on human rights and human dignity. He is also concerned with the work of the UN Human Rights Council. (D.Legutke@dbk.de)

*Eleazar López Hernández*, b. 1948, is from the Zapotec people of Mexico. Having studied Humanities, Philosophy and Theology, he was ordained a priest in 1974. A founding member of the Movement of Mexican Indigenous Priests, he has been involved in indigenous pastoral work in Abia Yala (Latin America) since 1970. He has been one of the heads of the National Centre for Indigenous Missions Support (CENAMI) in Mexico since 1976. López is regarded as the father of Teología India, was an adviser in the Chiapas conflict and has published in Latin American and European theological journals. (identidadreligiosa@cenami.org)

*Felix Machado*, b. 1948 in Vasai (India), graduated in Philosophy and Theology and did his PhD on “Systematic Theology from the Perspective of Indology and Religions in India” at Fordham University in New York in 1984. From 1984 to 1993 Felix Machado taught at St. Pius X College in Mumbai. From 1993 to 2008 he was Undersecretary at the Pontifical Council for Interreligious Dialogue of the Roman Curia in Rome. He was appointed Bishop of Nashik in 2008. Felix Machado is Chairman of the Commission for Ecumenism and Interreligious Dialogue of the Catholic Bishops’ Conference of India (CBCI), the Conference of Catholic Bishops of India (CCBI) and the Federation of Asian Bishops’ Conferences (FABC). (archbp.48@gmail.com)

*Franz Magnis-Suseno*, SJ, b. 1936 in Silesia, has worked in Indonesia since 1961 and is an Emeritus Professor of Philosophy in Jakarta. He took a degree in Philosophy, Theology and Politics and was awarded a doctorate in Philosophy in 1973 in Munich. He has published, mostly in Indonesian, on ethics, political philosophy and Javan culture. (magnis@dnet.net.id)

*Christoph Marcinkowski*, b. 1964 in Berlin, Dr. phil., is an expert in Islamic studies and a specialist in Asian affairs. Since January 2013 has been head of the Human Rights and Religious Freedom Office at missio Aachen. He has held guest professorships and fellowships in Malaysia, Singapore, Bahrain and the USA (including Columbia University, New York, and the Middle East Institute, Washington DC). Between 1995 and 2012 he was a teacher and researcher in Kuala Lumpur (including at Islamic institutions) and Singapore. (cwm\_marcinkowski@yahoo.de)

*Inés Pérez Hernández*, Maya-K'iché, studied Catholic Theology. She has been working for 30 years with representatives of indigenous peoples on the defence of their rights and an appraisal of their lives. (inesperez45@hotmail.com)

*Daniel Franklin E. Pilario* is a member of the Order of Vincentian Fathers in the Philippines, where he is currently Dean and Professor at the St. Vincent School of Theology at Adamson University in Quezon City. He has published *Back to the Rough Grounds of Praxis: Exploring Theological Method with Pierre Bourdieu* (1985) as well as various articles and is co-editor of several anthologies, for example *The Ambiguity of Sacrifice* (2013), *Faith in Action* (2014) and *Second Plenary Council of the Philippines after Twenty Years* (in the press). He is a member of the editorial team of several philosophical and theological journals. His research focuses on social theory, theological history, inculturation, inter-religious dialogue and theological methods. (danielfranklinpilario@yahoo.com)

*Francisco Javier Porras Sánchez*, b. 1971, studied Philosophy at the Universidad Popular Autónoma del Estado de Puebla (Mexico), taught Religious Sciences at the Instituto de Investigaciones Dr. José María Luis Mora and took a doctorate in Politics and International Studies at the University of Warwick (Great Britain). He is currently a professor at the Instituto Mora y Coordinador

de la División de Ciencias Sociales y Jurídicas en el Centro de Investigación Social Avanzada (CISAV) in Querétaro. (francisco.porras@cisav.org)

*Henri Teissier*, b. 1929, studied Theology and Arab Literature in France and Cairo and was awarded an honorary doctorate by the Université Catholique de Paris. Having been ordained a priest for the diocese of Algiers in 1955, he was the director of various research institutions in Algeria and Cairo up to 1972. The Bishop of Oran and coadjutor archbishop to Cardinal Leon-Étienne Duval, he was also President of Arab Caritas International. From 1988 to 2008 Teissier was Archbishop of Algiers and President of the Regional Episcopal Conference of North Africa (C.E.R.N.A.). He has a keen research interest in Islamic-Christian dialogue. (henriteissierdz@yahoo.fr)

*Klaus Vellguth*, b. 1965, Dr. theol. habil., Dr. phil., Dr. rer. pol., is head of the Theological Research Department at missio in Aachen, Professor of Missiology and Director of the Institute of Missiology (IMW) at the Theologisch – Philosophische Hochschule Vallendar. (k.vellguth@missio.de)

*Hans Vöcking*, b. 1940, is a member of the Congregation of the White Fathers. Having worked for eight years in Algeria, he returned to Germany in 1979 where he built up the Christian Islamic Encounter and Documentation Centre (CIBEDO). He was a professor at the Pontifical Institute of Arab and Islamic Studies in Rome for five years, an adviser on Islamic issues for the Commission of the Bishops' Conferences of the European Community (COMECE) in Brussels and responsible for the field of Muslims in Europe with the Council of European Bishops' Conferences (CCEE) for 28 years. (voecking.hans@afrikamissionare.de)



## Index of Translators

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