



International Association for
the Defence of Religious Liberty
Conscience and Liberty

Worldwide Human Rights & Religious Liberty

HISTORY OF LIBERTY AND RESPECT FOR DIFFERENCES

VOLUME II

Bern, Switzerland

International Association for the Defence of Religious Liberty

Conscience and Liberty

Special Edition

Volume II

WORLDWIDE HUMAN RIGHTS & RELIGIOUS LIBERTY

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Bern, Switzerland

INTERNATIONAL ASSOCIATION FOR THE DEFENCE OF RELIGIOUS LIBERTY

A non-governmental organisation granted with consultative status at the United Nations in Geneva, New York and Vienna, the European Parliament in Strasbourg and Brussels, the Council of Europe in Strasbourg, and the Organization for Security and Cooperation in Europe

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We believe that religious liberty is a God-given right, and hold that it is best exercised where separation is maintained between church and state.

We believe that legislation and other governmental acts which unite church and state are opposed to the best interests of both institutions and are potentially prejudicial to human rights.

We believe that public authorities are divinely ordained to support and protect citizens in their enjoyment of natural rights, and to rule in civil affairs; in this realm public authorities warrant respectful obedience and willing support.

We believe in the natural and inalienable right of freedom of thought, conscience and religion; this right shall include freedom to have or to adopt a religion or belief of one's choice; to change religious belief according to conscience; to manifest one's religion or belief either individually or in community with others and in public or private, in worship, observance, practice and teaching – subject only to respect for the equivalent rights of others.

We believe that religious liberty also includes the freedom to establish and operate appropriate charitable, humanitarian or educational institutions, to solicit or receive voluntary financial contributions, to observe days of rest and celebrate holidays in accordance with the precepts of one's religion, and to maintain communication with those who share the same beliefs, individually or collectively in organized communities at national and international levels.

We believe that religious liberty and the elimination of intolerance and discrimination based on religion or belief are essential in the promotion of understanding and peace among peoples.

We believe that citizens should use lawful and honorable means to prevent the reduction of religious liberty, so that all may enjoy the recognition of their freedom of conscience.

We believe that fundamental freedom is epitomized in the Golden Rule, which teaches that every human being should do to others as he would have others do to him.

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Liviu Olteanu, editor
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Introduction

Bruno Vertallier – Freedom of Conscience is not a negotiable liberty 9

Éditorial

Liviu Olteanu – Respect for Differences – Treating others,
as you would like to be treated 11

Chapter I

The Great Masters of Humanity on Liberty and Liberty of Conscience and Religion

Moses: – André Chouraqui (C&L 40/1990)	18
A Buddhist Perspective – Masoa Abe – Interfaith Relations and World Peace –	22
Confucius – M. Zhenduo (C&L 40/1990)	28
Jésus – Pierre Lanarès (C&L 40/1990)	34
Muhammad – Mohamed Talbi (C&L 40/1990)	42
Gandhi – Ramin Jahanbegloo (C&L 49/1995)	46
Voltaire – A Prayer for Men to be Tolerant (C&L n°1, 1995)	50
Luther – Windfried Noack (C&L 6/1973)	52
Jean Hus – A Letter to his Friends in Prague (C&L n°21, 1981)	59
Marie Durant – A Heroine of the Faith, Jacques Delteil (C&L n°31, 1986)	62
Roger Williams – André Maurois (C&L 1/1948)	67
Alexandre Solzhenitsyn – A Prayer	70
Gala Galaction – How Good and Pleasant it is for Brethren to Live Together in Unity - Psalm 133 -(C&L n°1, 1948)	71
John Paul II – A Solemn Appeal -(C&L n°17, 1979)	75
Hans Küng – Freedom (C & L n°19/1980)	79
Bert B. Beach – Religious Liberty – and What it is Not (C&L n°1, 1971)	80

Chapter II

Need of Education and Pluralism on Religious Liberty

E. James Vaughn – Interfaith Relations: Practical Guidelines and Steps to Living Together in Harmony	86
Liviu Olteanu – An UNESCO paradigm – Educating in Values and Religious Pluralism for a Culture of Peace in the 21st Century	97
Harri Kuhalampi & Hannu Takkula – Freedom of Religion or Belief in the European Context	115
Tiziano Rimoldi – Church and State in Italy, Portugal and Spain – the pyramidal system –	120
Ganoune Diop – Human Dignity Grounded on Creation in the Image of God – Part II - (Adventist Church)	130
Denton Lotz – Baptist Church: Why I do believe in the Separation of Church and State (C&L n°47, 1994)	152
Sergio Sierra – Religious Liberty according to Judaism (C&L n°5, 1973)	154
Gheorghe Ioan Rotaru – For the first time in the world, in the principality of Transylvania Europe: The Adoption of the Principle of Religious Freedom and its Evolution	160

Chapter III

Interview, International Conference & Documents

Interview with Ms Rita Izsak, the Special Rapporteur of the UN for Minority Issues	175
José-Miguel Serrano – In the Light of the Edict of Milan (313-2013) – Religious Liberty and Religious Minorities: Between the Balance and the Challenges	190
Madrid International Conference:	
AIDLR Written Statement submitted to the 25th Session of UN HRC	195
AIDLR Written Statement submitted to the 27th Session of UN HRC	203

Introduction: Freedom of Conscience is not a negotiable liberty

*Bruno Vertallier*¹

Dear Readers,

Freedom of Conscience is one of the most precious gifts offered to humankind. One is aware of its value only when one is deprived of it. It is like health, everything seems normal until the day when it is lost; then we say that we should have done something to preserve it. So it is, prevention is better than cure, especially when it concerns freedom of conscience because we cannot easily get it back once it has been lost. Voltaire understood and pointed out its frailty in his writings on tolerance.

Freedom of conscience goes along with religious liberty; they are almost inseparable as these liberties reach into the innermost depths of a person and become a very part of men's intimacy. Giving up on freedom of conscience or religious liberty corresponds to self-betrayal and in one way or another we know what it means to be subjected to the weight of treason. It is like a death sentence: better to disappear than endure people's looks or worse still one's own face in the mirror.

Men and women have fought against themselves in order not to betray their consciences. Marie Durand is a perfect example. She was locked up in the Constance Tower in Aigues-Mortes for thirty years to affirm her freedom of conscience and the choice of her belief. Others were sent to galleys where they died for their freedom of conscience too. Today many, whether religious or laity, are experiencing this oppression and stand firm in their conviction, showing the same determination. **Freedom of conscience is not a negotiable liberty. The right to freedom of conscience must be the prerogative of all respectful societies,** societies which respect citizens' believers, agnostics or atheists. Op-

1 Bruno Vertallier is a Doctor of Theology, President of the International Association for the Defense of Religious Liberty, and author of numerous articles concerning religion, ethics, and freedom of religion. He actively participates in many international conferences on leadership and global religious freedom. The headquarters of the IADRL are located in Bern, Switzerland.

position and deprivation of freedom of conscience in the midst of a society is comparable to a crime against humanity.

Globalization of our world allows us to be informed about everyday abuses resulting in violation of the right to freedom of conscience perpetrated in all areas of society. The religious area is one of the most blatant examples where intolerance is rampant and abuses increasing; where in the name of ideology all human aspects are lost, transformed into hatred among individuals.

Unfortunately many youngsters are trapped by sects and spiritual guides of all sorts. The responsibility of those committed to freedom of conscience and religious liberty is to promote the highlights, the values of these liberties to our young people in order to facilitate the awareness of tolerance embodied by its eternal dimensions.

The political world is no less protected. The consciences of citizens are ridiculed by some in charge, sometimes at the highest level of states, because of irresponsible behaviors which have impacted the quality of freedom of conscience of their citizens. Societal choices bring ethics and moral deviancies, which we citizens are unable to measure in the disastrous effects on generations to come.

The economic area is not spared either when there is a lack of consciousness. Many people are thus deprived of their own bearings in regard to freedom of conscience. What was considered a crime in the practice of economic rules no longer stands when facing what is at stake by complacency and in practice. Many lose their conscience and freedom. Many prefer to put their freedom of conscience under a bushel rather than lose their position, without realizing they will lose their souls. Once a virtue, freedom of conscience has become a threat.

Dear readers of "Conscience and Liberty" magazine, I hope you enjoy this reading marked with an everlasting spirit of freedom of conscience so that your courage may be emulated by others.



AIDLR President Dr. Bruno Vertallier at the religious liberty event organized by AIDLR at the UN on June 10, 2014

EDITORIAL

Respect for Differences – Treating others as you would like to be treated

Liviu Olteanu

Trilogy on Worldwide Human Rights and Religious Liberty

The volume you have in your hand “*History of Liberty and Respect for Differences*” is the *second volume* of the trilogy named: “*Worldwide Human Rights and Religious Liberty*” which also represents the title of the first volume of this special edition of the “Conscience and Liberty” magazine published in 2013 by the International Association for the Defense of Religious Liberty (AIDLR). That first volume focused on two anniversaries: 313-2013, 1700 years since the Edict of Milan, and 1949-2013, 65 years of the journal Conscience and Liberty.

The three chapters of the *first volume* stressed:

1. History of the International Association for the Defense of Religious Liberty (AIDLR) retraced by the presidents of the honorary committee, officials of the United Nations and former Secretary-Generals of AIDLR.
2. “Human Rights and Religious Freedom in the World Today: a new equilibrium or new challenges”: responses by the leading individuals of the United Nations, ambassadors and academics.
3. Freedom and Religious Liberty; one thousand, seven hundred years of history since the Edict of Milan – remembering the story to better promote freedom and peace in the world; the role of religions.

The third volume will be published in 2015 on "Peace, Religious Liberty, Tolerance and Religious Minorities".

Current volume (the second) is: "History of Liberty and Respect for Differences." What do we mean by "differences" and why is it so important to have a clear understanding of others' differences?

First of all, almost always by *difference* we understand the "quality or condition of being unlike or dissimilar"; "an instance of disparity or unlikeness," "a disagreement, a distinction or a peculiarity." But the *difference* has a positive meaning too; it is a thesaurus, a cultural heritage, religious, philosophical and so on.

Second, we have to reflect on *different perspectives* of the "history of liberty and respect for differences."

Different perspectives on respect for differences

1. I consider *liberty* to be better understood by looking back in history, but it would be wise to look forward and reflect on how to live wisely and treat or understand people, how we look to religions, beliefs, cultures, and try to understand why it is so important to have a respect for others' differences.
2. If we think about the religious, ethnic and racial conflicts which are in so many parts of the world, according to Dr. Thomas Plante, often tensions and conflicts quickly escalate between people, groups and religions and they seem to do so *due to the perceived lack of respect of one person or group relative to another*.
3. Understanding someone who differs significantly from us can prove a challenge, but *we need to learn about other cultures, religions, beliefs, customs and traditions*; this will establish and maintain harmony in our relationships and peace in the world.
4. *Respect for differences begins with acknowledging the rights, dignity and perspectives of everyone* in a thoughtful manner and then by treating others as one would like to be treated ². Practically, this is **Jesus' principle, the**

² <http://www.psychologytoday.com/blog/do-the-right-thing/201303/are-you-strong-enough-aggressively-respect-everyone>

golden rule of the Bible: “*And as you wish that others would do to you, do so to them.*”³ We have to continually learn about other cultures and religions and we can do so by spending some time joining with or talking to a person about his/her personal background, customs, religion and traditions.

5. Respect for differences means to accept things with which you don't agree, and being respectful of individuals' differences doesn't mean always agreeing with them.
6. Look for things that you have in common with the person with whom you have differences and build on these similarities to get unity. But never confuse unity with the uniformity.
7. Each one of us is like a hub of a wheel and each one of us can build relationships and friendships around ourselves that provide us with the necessary strength to achieve community understanding and respect for differences. We need to build a network of diverse and strong relationships, and by doing so will help us come together and solve problems that we have in common⁴.

As I mentioned at the Palais des Nations in Geneva on the 10th of June 2014 -at the side event organized by the International Association for the Defense of Religious Liberty (AIDLR) and co-sponsored by the Council of Europe and permanent delegations of Uruguay, Canada, Spain and Norway (I really appreciated the political support, many thanks to the UN delegations and ambassadors for it), I believe that *governments, diplomats, religious leaders, academia and non-governmental organisations* can effectively work together at *international, regional and national* levels to promote tolerance and *respect for others' differences, diversity, religion or belief* and always defend the human dignity and the principle of freedom of religion for all people.

To avoid the *fragmentation* between different approaches (we have the UN approach, the EU approach, COE approach, OSCE approach, OIC approach, different national approaches) on freedom of religion, the Special Rapporteur of the United Nations on Freedom of Religion or Belief Heiner

3 Luke 6:31 English Standard Version

4 A study of the University of Kansas: *Building relationships with people from different cultures*

Bielefeldt underlines the need for *coordination* of all actors involved in this field of human rights and religious liberty. For this reason the International Association for the Defense of Religious Liberty created and proposed this holistic framework on freedom of religion.

Chapters and distinguished authors

In the last volume of *Conscience and Liberty* “Worldwide Human Rights and Religious Liberty,” we published the articles of scholars, ambassadors, UN representatives; we still recommend to you the important and wise vision reflected in the articles of ambassadors *H.E. Laura Dupuy, H.E. Petru Dumitriu, H.E. Robert Seiple*, or the remarks of *former Secretary General of UN Kofi Annan, currently Secretary General of UN Ban Ki-moon* and other reputed scholars. We also published in the first volume an excellent interview of Professor *Heiner Bielefeldt*, the Special Rapporteur of the United Nations on Freedom of Religion and Belief; Bielefeldt’s interview contains recommendations that have a practical and special value for inter-religious affairs; it is: “*Religious Hatred - The biggest challenge of the 21st Century.*”

The three chapters of this second volume on “**History of Liberty and Respect for Differences**” looks to contribute to worldwide human rights, peace and to a better understanding between people of different religions, beliefs, philosophies and cultures.

For that purpose we put together **in the first chapter** of this book the interesting approach of “**Great Personalities**” of liberty; these personalities invented or represented different religions, churches, philosophies, cultures and models such as: *Moshe, Bouddha, Confucius, Jésus, Muhammad, Gandhi, Voltaire, Luther, Roger Williams, Jean Paul II, Hans Kung, Bert Beach*, etc.

To get positive results, we propose **in the second chapter** the “**Need of Education and Pluralism of Religious Liberty**” where the authors evaluate and underline the need for some models: *Vaughn E. James* on “Interfaith relations and living together in harmony”, *Kuhalampi and Takkula* on “EP model on religion freedom”, *Rimoldi* on “Church and State...pyramidal system, a comparative study of three European countries,” *Rotaru* challenges us on “Transylvania and the first religious freedom principle in the world,” *Olteanu* on “UNESCO paradigm, education and religious pluralism...for a culture of peace.”

Also in this chapter on “Religions and Churches as Peaceful Tools for Freedom of Religion”, we continue our investigation started in the first volume “Worldwide human rights...” where we talk about Christian persecutions, human dignity...foundations for peace among humans, the Catholic Church, the Orthodox Church, and the Muslim religion. Today, in this second volume of Conscience and Liberty, we introduce the articles of Sierra, Lotz, Diop (part II), on Judaism, Baptist and Adventist approaches.

The third chapter starts with an interview of Ms. Rita Izsak, Special Rapporteur of the United Nations on Minority Issues; you can discover behind this interview a vision and practical suggestions of a UN expert regarding the worldwide issues on religious minorities; many thanks Rita for your ample interview: “Deeply concerned by the situation of religious minorities globally.”

We also reprint here two “Written Statements” submitted in March and September 2014 to the UN HRC by AIDLR. The first written statement proposes a *holistic framework on religious liberty and religious minorities*; regarding the project initiated and proposed by AIDLR and hosted at the Law School of University Complutense of Madrid in January 2014, the professor Jose Miguel Serrano writes a short but excellent article: “In the light of the Edict of Milan in the world...” where Serrano observes correctly how “*societies are measured by their appreciation of religion.*” Later, AIDLR organized, at the Palais des Nations in Geneva at the 26th Session of the UN HRC on the 10th of June 2014, a side event where this topic of “religious liberty and religious minorities” was debated. The AIDLR communicated to the UN delegations the need to develop this topic at the Congress-Forum on religious liberty planned to take place in Geneva in 2015.

The second Written Statement is an urgent appeal to the international community to protect the Christians, Religion Minorities and innocent people.

Conclusion –Vigilance regarding Respect strengthens understanding and solves problems

History of Liberty and Respect for Differences, wants to be a voice declaring that not only does every person matter- but also that every person has the right to live his/her culture, religion, belief, holy days and ceremonies according to his/her conscience, principles, desire and will, and have to be protected by international legislation –e.g. UDHR art. 18, 19, ICCPR art.18, UN Declaration

of 1981, art 6, etc. - on freedom of religion; at the same time, each person has to be protected and respected by governments, religious leaders and communities, international and regional organizations and civil society.

Respect for differences *begins* with acknowledging the dignity, rights and perspectives of everyone and *continues* with every effort we make to build similarities and take public action when we see disrespect shown towards others; and it is *reinforced* by building honest relationships that will help to solve the problems; **often, when a person's own frustrations and fears lead to the disrespect of others; and when the respect disappears, one's own character collapses.**

People who do not give respect to others' differences, many times have personality problems, are intolerant, and potential dictators. Most often, disrespect is expressed towards another's religion or belief, and especially towards *religious minorities* or individuals belonging to minorities. Ambassador Robert Seiple underlines: Governments that ignore the religious liberty of the *minorities* or discriminate against them cannot obtain security for the majority.

Let's us not be afraid of others' differences, and let us be the champions of respect for differences and diversity. And, the RESPECT always has to be encouraged and promoted from the level of the UN, EU, COE, OIC, OSCE, Governments, Parliaments, diplomatic representatives, religious leaders, universities, NGOs, other organizations and civil society.

Vigilance regarding respect strengthens the understanding between people and the global peace.

Let us be AMBASSADORS of LIBERTY, RESPECT and PEACE!



AIDLR Secretary General Liviu Olteanu at the side-event organized in Geneva, during the 26th Session of UN HRC by AIDLR and co-sponsored by the Council of Europe, Uruguay, Canada, Spain, and Norway



CHAPTER

1

**The Great Masters of Humanity on Liberty
&
Liberty of Conscience and Religion**

MOSES: Prophet of Freedom¹

*André Chouraqui*²

Chronologically and because of his historical importance, Moses is the first visionary of the Bible just as Abraham remains the model of the fathers of biblical thinking. We only know Moses through the Bible: the narratives of Exodus, Leviticus, Numbers and Deuteronomy describe the epic of the liberator of his people, whom he wrenched from Egyptian slavery. This essential fact, founder of the Israelite people and thinking should be sufficient to help us see Moses as a prophet of freedom: he confronts face to face a free man, the tyrant Pharaoh, and forces him to loosen his hold and free his people. **Liberation is not just for one or a few individuals, but an exceptional if not unique case for a whole people. For the first time, freedom even constitutes the identity of man and of the people.**

However, we would be reducing the biblical thought were we to limit it to the conception we have of freedom today. The latter is bound up in Western Christian thought since the 16th century with philosophical and political dogma, which gave way to and inspires since the Renaissance the Habeas Corpus of Anglo-Saxon countries; the application of which is made in the new republic of the United States and in the Declaration of Human and Citizen Rights in France. These texts take root in the political thought of the modern world, an ideal of freedom which is in our eyes inextricably connected with the idea we have of civilization. In 1948, the General Assembly of the United Nations meeting in Paris, made this ideal universal by announcing the Universal Declaration of Human Rights: this text extends to all nations of the world and for each man is imperative to freedom.

This train of thought most certainly traces its far-off origin to the thinking of biblical prophets – and firstly to Moses – who have impregnated Chris-

1 Extract from the article published in the journal C&L n° 40, 1990, p.32.

2 André Chouraqui, Lawyer, Doctor of Public International Law at the University of Paris, philosopher, writer, author of the translation into French of the Jerusalem Bible, in charge of cultural affairs as well as the international and inter-confessional relations of the City of Jerusalem. André Chouraqui was a man of faith and of dialogue, as strong in his Jewish convictions as he was open to understanding others.

tianity since its beginning. But it would be confusing to reduce one of these trains of thought to the other. The 19th century had a tendency to confuse biblical prophets with agents of the Revolution, Gambetta with Isaiah, Proudhon with Jesus [...] The Prophets lived in a very different geographical, historical and spiritual context from what ours has become [...] For them, freedom was not a philosophical idea or a political ideal as it has become for the contemporary West.

[...] Does the thinking of a Moses, as it is exposed in the Bible, offer us a way out? In order to use it effectively, we would have to detach ourselves from the habits of the West where our thinking is formed and use our freedom of conscience to imagine a universe where man – in his glory or in his crucifixions – would cease to be the center of the universe of which, today, he threatens the survival. **It is true that Moses is the prophet of freedom, the miraculous liberator of his people. But he does not accomplish his work in the name of Human Rights by which he would demand freedom. He bases the legitimacy of his action and efficiency on *IHVH Elohim*. These names... constitute the essential message of mosaic thinking and the biblical foundation not only of freedom of conscience and human rights but also of all visible or invisible reality [...]** *YHVH* is derived from a root word meaning “being”. *IHVH* is the Being who was, who is and who will be. *Elohim* [...] is the plural form of *Eloah* from which we get Allah, the Islamic god. *Elohim*, according to him, comes from *Ail* the ram, symbol of power. These two names are the subject of the first four commandments:

« Myself, *IHVH* your *Elohim* who brought thee out of the land of *Misraïm*, the house of bondage.

It will not be for you other *Elohim* against my faces.

You shall not make unto thee any sculpture or any image [...]

Thou shalt not bow down thyself to them [...]

[...] You shall not bear the Name of *IHVH* your *Elohim* in vain. »

This Name is of vital importance. It is the only word in the Bible which is the object of special revelation to Moses, Israel’s liberator, to whom he gave the key to their liberation in his Name. Historically, this Name marks a breaking away from the world of idols. For the first time in history, man escapes from “the closed doors” of idolatry” to gain access to the transcendence of the Being.

Elohim ceases to be a created being, animal, plant, object or idea in order to become a unique and transcendent reality, creator of the entire universe, the Father of humanity. All prophetic thought comes from the awareness of the transcendent unity of the Being, source of all liberation [...] Considering the

Bible writings as a whole, the Name IHVH Elohim thus appears 11 586 time or five times per page, on average.

The Bible is thus, par excellence, the Book of IHVH Elohim and all the more likely in that Elohim who reveals himself to Moses is really unique, in the sense that he appears nowhere other than in biblical literature. Such is the essence of the Mosaic revelation and the irreversible foundation of the prophetic teachings, those to which Jesus means us to be faithful, as he came not to abolish but to accomplish the Torah of IHVH.

Man's conscience is free, and he can enjoy his freedom of conscience only as he comes face to face with the Being, received and loved in his so mysterious and prodigious nature that it is ineffable. His Name cannot be uttered without violating – that is destroying – the mystery. It is from the heart to heart confrontation of man with the mystery of the Being that the entire biblical revelation, including the New Testament, must be heard. IHVH Elohim, the prophet and apostles' only passion, is the only Being known and received in all his power, all his potentialities, single and plural, inexhaustible source of all reality and all life. **By Him, and by Him alone, man is freed from his ego and from the darkness of his conscience into the exalted light of the One who is the Creator of light.**

One millennium after Moses, the Greek philosophers, through reasoning, also came to this amazing and perturbing notion which is the basis of all conscience and freedom. For it is not man alone who can conquer or guarantee his freedom if it is not founded on a single, unifying and transcendent reality. The philosophical stand reinforces the theological and metaphysical heritage of the Mosaic inheritance. Men of all backgrounds and religions or ideologies can enjoy freedom of conscience in their own way but none of them can retain it without having, either near or far, either face to face or in reflection, the light of the Being that Moses calls by a mysterious and unutterable Name: IHVH. Without this Being, living in us, all freedom and conscience end up being swallowed up in the darkness of slavery: Moses, and after him all the Bible prophets and apostles, never tire of teaching us this and ancient or modern history confirms it by the facts of our daily experience.

[...] The Mosaic revolution is completely contained within the Name IHVH Elohim, as the first of the Ten Commandments emphasizes. This Name is the key to all human freedom; the one which opens the door to the "house of bondage" for us is made clear to us in this same text.

[...] What seems more serious to me is that with the Name IHVH Elohim, our civilizations also sacrifice the values of which this Name is the key,

not only freedom of conscience or just freedom itself, but also man's life, which these days we call his rights, so blithely sacrificed everywhere with his own life. Idols continue to claim human sacrifices. They not only glory in Bible translations where they have replaced the Name IHVH Elohim by their own but also on the battlefields of our many wars, in the physical and moral pollution of our cities, and even more strikingly in the arsenals where 100,000 atomic bombs are openly preparing the destruction of the planet. Apart from eliminating IHVH Elohim from everywhere but Bible translations, everything seems to be ready to annihilate the man he created and the earth on which he lives.

That is what Moses, if he were to be resurrected, could observe with his eyes as he surveys our planet so severely distressed and which so urgently needs a revival that will bring back respect for the Being of whom every man is a child.

Interfaith Relations and World Peace – A Buddhist Perspective³

Masao Abe⁴

I was invited to expound on the subject of “players in the culture of peace.” In this regard, it is appropriate to consider the following two questions: 1. What is true universal peace? 2. What kinds of interfaith relations can contribute to this peace?

Firstly, I will examine what is true universal peace. What kind of peace would we say is the most authentic form? In our daily life, the word “peace” is used as the opposite of the word “war.” It is common therefore to consider peace in the context of “war and peace.” Peace is then the absence of war or the cessation of hostilities. Yet people are not necessarily peaceful in spirit, even if they do not live in a state of war. True peace can only be achieved by going beyond the peace we understand as the opposite of war: that is to say peace in a political and sociological sense, as well as aspiring to a peace of the spirit, which is lodged in the depths of the human existence. Peace without war is obviously desirable, but is it not, on reflection, an unreal and fictitious peace? True peace must refer to the very foundation of peace formed in the depths of human existence. This applies not only for the peace of the individual, but also for peace in society and in the world.

In the Judeo-Christian tradition, *eirene* and *salom* mean peace. *Eirene* is the general well being for which God, the LORD alone, is the source and giver. *Salom* covers the idea of absence of war, but fundamentally it signifies a well-being or everything that contributes to wholeness and prosperity. Among Christians, peace, the sense of inner spiritual calm, appears more clearly. It reflects the serenity resulting from a strong relationship with God and sustained by grace through all kinds of torment and constraints. “From the point of view of Soteriology, peace is based on the redemptive work of God. From an eschatological

3 Article published in the C&L no.50, 1995.

4 Masao Abe, a Japanese Buddhist, was a professor of Religious Studies. He is best known for his works featuring interreligious dialogue between Buddhists and Christians, and later on Jews. He is the author of several writings about his experiences at the School of Zen Buddhism, Kyoto, Japan. buddhism, Kyoto, Japan.

view, it is a sign of God's new creation that has already begun. Teleologically, it will be fully realized when the work of the new creation is completed. It is only in a secondary sense that peace describes the relation between men and between men and God, in which case it refers to a psychological state achieved by having a part in the peace of God, which encompasses the whole universe⁵. (The Bible, Luke 2:14)

We now look at how Buddhism conceives peace. In Sanskrit, the original term corresponding to the word "peace" is *santi*, which means calm, peaceful, tranquil. We call nirvana this state of mind in which all the evil passions are destroyed. Gautama Buddha did not perform any miracles or succeed in reforming the entire Hindu society, but he patiently demonstrated wherein lay the crux of suffering in human life while waiting for people to become aware. For him, the suffering inherent in the human existence is rooted in our fundamental ignorance and our evil passions. *Santi* is nothing other than the stage whereby we overcome this ignorance and these passions. In *el Dhammapada*, one of the oldest Buddhist works of literature, we read:

"If a man were to conquer in battle a thousand enemies, and a thousand more, and if another were to master himself, it is the latter that would achieve the greatest victory because the greatest victory is the one we win over ourselves; and neither gods in heaven nor demons in hell can turn into defeat the victory of such a man."⁶

The Buddha never fought against a hostile power with a counter-power. He always sought to convince his opponents to awaken to a deeper human reality, prior to opposition and conflict. This fundamental attitude is well reflected in the following words:

"It is not through hatred that hatred is appeased. Hatred is only appeased by renouncing hatred. It can only be overcome through compassion. This is an eternal law⁷."

Compassion - which means "suffering together" - and related to wisdom, is the basic principle of Buddhist life. In Christianity, love and justice go hand in hand. Love without justice is not true love, and justice without love is not real justice. Similarly, in Buddhism compassion is always associated with wisdom. Compassion without wisdom is not true compassion, and wisdom without compassion is not true wisdom. This unity consisting of wisdom and compas-

5 The New International Dictionary of New Testament Theology, vol. 2, p. 780.

6 *The Dhammapada*, Penguin Classics, translated by Joan Mascaro, pg. 50.

7 *Ibid.*, pg. 5.

sion is obtained by awakening to the Buddhist truth, that is to say the truth of Anatman (selflessness) and the Act of Praṭīyasamutpāda (the law of dependent origination). The truth of selflessness shows that nothing has an existence that is substantial, durable and secure. And the law of dependent origination shows that in the universe, all the things that come and go are related to each other, and that nothing exists for itself. In Buddhism, peace in its truest form can only be established on the basis of unity of wisdom and compassion.

It thus becomes clear that for Christians as well as Buddhists, true peace cannot be conceived as the absence of war nor as the well-being and external security in their social and political dimension, but is firmly rooted in the depths of human existence. A genuine world peace can be established solely on the basis of the internal security of mankind. In this regard, the difference between Christianity and Buddhism is that, for Christians, internal security is based on the redemptive work of God, while for Buddhists it is the awakening to lack of self that constitutes the true self.

We have searched thus far to define what is true world peace. We now turn to the second problem, namely: What types of interfaith relations can contribute to this true world peace? One of the serious problems facing all religions today is that of religious pluralism. Historically, virtually no religion could exist completely apart from others. Locally, they have almost always been in a situation of pluralism. The problem of religious pluralism however has changed qualitatively. Because of the considerable advances in technology, the modern world has seen its dimensions shrink rapidly. Planes travel everywhere and electronic communication is almost instantaneous. East and West, North and South meet with a frequency and intensity never experienced before. The shrinking of the planet, however, does not imply a harmonious unification. On the contrary, the differences and oppositions between different value systems and ideologies are becoming more visible. How can we support this situation in a pluralistic world without nations renouncing the specific characteristics of their cultures and religions? It is this urgent problem that humanity is facing today.

In this context, religious pluralism poses a particular challenge on the journey to a unity based on integration. In fact, all religions, by their nature, claim possession of absolute truth and therefore frequently find themselves in conflict with each other. There is a tragic irony that these religions, which typically preach peace as an important objective, can clash as we have seen in the Middle East, Northern Ireland, Pakistan, Sri Lanka, etc. To contribute to world peace, all religions, the main world religions especially, should co-operate. What then is the basis for such cooperation between faiths if they cannot resist the

monopoly on truth? What kind of unity is needed to accept the pluralistic situation in which religions exist today? To answer this question, I will distinguish two types of unity or oneness: first, the monistic unity or oneness; secondly, unity or non-dualistic oneness. Personally, I argue that it is the latter which could create a real common ground in response to the contemporary pluralistic situation in which religions exist in the world. How do these non-dualistic and monistic unities differ from each other? I would like to explain it in four points:

1. The monistic unit is created to the extent that it is distinguished and has distanced itself *vis-à-vis* the dualistic duality and pluralistic multiplicity. Monism excludes any form of dualism and pluralism and is therefore opposed to them. It is precisely because of this opposition that the monistic character unit is neither a singular unity nor an absolute unity. To achieve true unity, we must not only overcome the dualism and pluralism, but also monistic unity itself. We can claim that we have achieved non-dualistic unity because, at this stage, we are completely free from any form of dualism, including the dualism between monism and dualism or pluralism.

2. If monism is monotheistic, unity is made real through a God who is master of the universe, whose laws govern the lives of men and whose being has only a vague resemblance to the beings living in the world. Although the monotheistic God is accessible through prayer and present among men through love and mercy, His transcendent character is undeniable. The monotheistic God is somehow “somewhere above us,” neither quite here nor actually present at this moment in time. In contrast, the non-dualistic unity is the basis or the source and made right here at this very moment from which our life and our business can actually start. When we go beyond the monotheistic unity, we arrive at a stage that is not one, not two, not many, but being referred appropriately as the “zero point or insubstantial vacuum.” Since “zero” is free from any form of dualism or pluralism, true unity can be achieved by reaching the “zero.” The monotheistic unity is a kind of unity that lacks the implementation of “zero,” while the non-dualistic unity is a kind of unity that is based on the achievement of “zero.”

3. True unity that can be achieved through the implementation of the “zero” should not be perceived objectively. If it is objectified or conceptualized in any form, it is not true unity. An objectified unity is just something we call “unity.” To achieve and fully realize true unity, it is necessary to completely overcome its conceptualization and objectification. True unity is achieved not only

objectively, surpassing even the “zero” objectified as an end or a goal. Therefore, beyond the “zero” understood as an end means that we turn away from an objective approach, linked to a goal in order to turn to an immediate non-objective approach, that is to say, from a monotheistic unity towards a non-dualistic unity. The monotheistic unity is a unity prior to the realization of the “zero”, while the non-dualistic unity is unity through and beyond the implementation of the “zero.”

4. The monotheistic unity is something located somewhere “above us.” It does not immediately include two or more entities or everything. Even if it can understand all things, it is more or less separated from the particularity and multiplicity of real entities in the world. We must see the reason in the fact that the monotheistic God is a personal God who commands and directs men. The non-dualistic unity, however, which is based on the realization of “zero”, includes all individual things as they are, with no modifications. In fact, in the non-dualistic unity the conceptualization and objectification were overcome completely and radically. There is no separation between the non-dualistic unity and individual things. At this point, what is unique just as that which is multiple becomes non-dualistic.

The design of the monotheistic unity does not *entirely* accept the distinct character of each religion united on this point, because of the lack of the “zero” or non-substantial vacuum. In contrast, the non-dualistic unity which makes possible the distinct or unique character of each religion without limitation, is due precisely to the completion of “zero” or empty. We must see the reason is that the non-dualistic unit is completely free of conceptualization and objectification and is devoid of any substance. In this non-dualistic unity, all world religions with their uniqueness are dynamically united without being reduced to a single principle. This does not constitute an uncritical acceptance of the pluralistic situation experienced by religions. On the contrary, the non-dualistic unity makes possible a critical acceptance and creative reconstruction of world religions because each of them is understood in the non-dualistic unity, not only from the outside but from the depths of itself through dynamic laws from a position without a position, that is to say from a position entirely free from any particular and absolute position.

I will provide an example of how world religions can be understood in terms of a non-dualistic unity, in a manner that promotes universal peace. When the divine is durable and substantial, it becomes authoritarian, dominant and intolerant. In contrast, when the divine, God or Buddha, is understood as

a self-negation relationship and not substance, it becomes compassion, love and tolerance.

If the monotheistic religions such as Judaism, Christianity and Islam put more emphasis on self-denial and the non-substantive aspect of God rather than his self-assertive and authoritarian character; that is to say, if these religions understood the absolute unity of God in terms of a non-dualistic unity rather than in terms of monotheistic unity, they would perhaps be able to overcome the serious conflicts with other faiths and establish a more solid interfaith cooperation to contribute to world peace. Also, if Buddhism teaches monotheistic religions to recognize the importance of justice, and if it were to become accustomed to linking its notion of compassion not only to the idea of wisdom but also of justice, it would approach Judaism, Christianity, and Islam and take a more active part in the establishment of universal peace.

To conclude, I would declare that universal peace, in its truest sense, can only be established based on the largest religious security and that the true and dynamic cooperation between faiths, an essential factor of universal peace, can only be achieved through the realization of the non-dualistic unity of all religions.

CONFUCIUS: In Praise of Benevolence⁹

*Ma Zhenduo*¹⁰

In China and elsewhere in East Asia, Confucius is a household name. For over two thousand years, the greatest thinker and educator of ancient China has nurtured the Chinese people with his teachings and cultivated in them their honest, gentle, generous and tolerant character. [...]

Confucius is the symbol of traditional Chinese culture.

[...] What Confucius imparted to his students were some practical knowledge and skills in ancient China, namely: Li (rites and propriety), Yue (music), archery, charioteering, writing, and mathematics; all referred to under the title) “the six arts”. [...] The school of thought established by Confucius is called “Ru Xue”, or Confucianism. It is generally agreed among Chinese scholars that “Ru Xue” or Confucianism is a philosophy system.

[...] Ru Xue was founded [...] on the basis of developing the doctrines of “Li-Yue”. In a sense, it is the revelation of the spiritual essence of the “Li-Yue Culture”. So the characteristics of Confucianism, the fundamental issues it deals with as well as its nature can only be found by tracing it back to its roots – ‘the Li Yue culture’.

8 Confucius or Qiu or Zhong Ni (551-479 B.C.) – Extract from the article published in the journal C&L n° 2, 1990, p.47.

9 Some of the terms (or words) used by Confucius and expanded upon in the text cover a spectrum of meanings and so are difficult, if not impossible, to be translated into single, equivalent English words. For example, Li-Yue are the two most frequently occurring words. Sometimes, they refer to the concrete regulations of Li and Yue, while at other times they are discussed in an abstract sense, as an ethical concept or principle. To simply translate them into their relevant meanings according to each context will not only give an incomplete meaning, but will also cause a lot of confusion, for the reader will not know that those different words are actually from the same Chinese word. To avoid this, their phonetic spellings are used to be immediately followed by an approximate English translation in brackets. But it should be borne in mind that those translations are only approximate for easy comprehension or reference. The actual meaning is usually broader, and the reader should read out their real meaning in accordance with the context.

10 Ma Zhenduo, Researcher at the Institute of Philosophy of the Chinese Academy of Social Sciences (CASS).

[...]The functions of this Li-Yue culture were to preserve the differences in social status among members of the society so that the state was governed in an orderly manner without causing confusion and, on the other hand, to maintain harmony within the social community. By combining two contradictory functions – differentiating and uniting - together, the Li-Yue culture classified people into different social strata, while at the same time kept them in tune. As “The Book of Yue” said: “Yue (music) strikes consonance, while Li (rites) stresses differences. **Consonance asks for closeness and harmony, and differences call for mutual respect.** When Yue prevails things go easy, whereas when Li prevails differences must be observed. The functions of Li and Yue are to fit the occasion. Everybody, the nobles and commoners, are equal before Li and Yi (righteousness), and the superiors and inferiors will be in harmony as Yue is set in tune.” Specifically, Li is used to classify people into superiors and inferiors, nobles and commons, while Yue is used to harmonize the relationship between them. However, to describe the functions of Li and Yue separately as differentiating and uniting refers only to their main functions. As it is said, “the best use of Li is to contribute to harmony.” So in practice, Li was also used to unite people while Yue sometimes performed the functions of its opposite, too.

[...]The humanist nature of Li-Yue and his search for the humanist truth embodied in it influenced Confucius to take a different road in his thinking than that of the development of the European philosophies. The earliest philosophers of ancient Greece were almost without exception natural scientists – astronomers, mathematicians, etc. So their philosophies were all based on natural sciences, whereas Confucius was a humanist or, in other words, a philosopher of humanity.

As far as its form is concerned, the Li-Yue culture is a regulatory culture. Under the feudal patriarchal clan hierarchy system, it prescribed the relationship between members of the society and the norms of their actions. This also determined some other features of Confucius’ humanist philosophy. Since the principles of Li and Yue are by nature humane, this philosophy of Confucius’, evidently, could not be a pure objective cognition of the truth of man and life, but rather could only be a norm and ideal for life. It did not seek to find out the whats and whys of life, but rather to define what kind of a road a man’s life should follow. Some scholars maintain that Confucius’ doctrine is an idealist one.

[...]The kernel of the humanist doctrine of Confucius concerns his thinking on Ren (benevolence)¹¹.

[...]**One of his students, Fan Chi, asked what benevolence means. Confucius answered, “To love other men”.** This love (benevolence) is different from “indiscriminate love” advocated later by Mo Zi (founder of another school of thought). It is a love with differentiations. With the concept of benevolence, he accurately summed up the fundamental spirit of Li-Yue – harmony but with a difference.

[...]**The most valuable part of Confucius’ thinking on benevolence is that he regarded benevolence as the nature of man. What is the nature of man? [...] he said, « Benevolence- that is man ». Man being man, it was because he was able to love others, and while pursuing his goals he was able to think that others, too, might have their pursuits; so in realizing his own pursuits, he would help others to realize their goals.** From his own unwillingness to be subjected to sufferings and misfortunes, he would assume that others, too, do not want to be subjected to that fate, so he would not impose sufferings and misfortunes onto others. “Benevolence, that is man” – a sublime state of man, a criterion that man must live up to.

Confucius believed that man was not born a man. He became a man only when he attained benevolence. [...] If one lost benevolence, he then was no longer a man. This concept of Confucius was not to debase man. On the contrary, it would make a person develop a sense of dignity and nobleness to be a true and benevolent man. It would make those who lacked benevolence to wake up to themselves, and those who had become men to cherish that honor, to value the acquired benevolence even more important than life, and so would “rather die for benevolence”, instead of sacrificing it to drag out an ignoble existence.

[...] The so-called Sheng Reni is a man who gives the fullest extent to benevolence so that the love derived from it will touch everybody in the world – someone who can « extend his benevolence to the people and relieve the masses ». Such a state is extremely difficult to reach... However, man should never stop endeavoring to reach such a sublime state of manhood.

[...]**Of all the virtues derived from benevolence, Confucius paid particular attention to Yi (righteousness, moral principles), and on its basis gradually developed his school of ethics of duties and obligations.**

11 Benevolence: Literally translated from the Chinese word “Ren”, but its real meaning is broader as it also represents a state of mind. So in the text when Confucius said “to attain (or acquire) Ren”, he probably meant “to reach such a lofty state of mind as to be able to extend benevolence to others even at the expense of oneself”.

[...] Man must act righteously, and not as he wants. Moral conduct comes from decisions made on the basis of Yi.

[...] Confucius believed that benevolence was acquired. His reply to the question of how a man could attain benevolence is still enlightening even to this day on finding an answer to the question of the formation of morality. He stated that to attain benevolence, one must retrain his natural instincts and accept the wishes of the social group which was embodied in Li (rites). That is to say, he must subject himself to the norms of social ethics and abide by the rules of Li. **Through repeated practice, the norms of social ethics would gradually strike root in the hearts of the people and become an innate character of man.** He concisely summarized this process of inner development of Li into benevolence as “to deny oneself and return to (abide by) Li, that is benevolence”. He saw the great difficulties at the initial stage for one to restrain his natural instincts and desires and observe the norms of social conduct, but to attain benevolence one had to work through these difficulties. He said, **“Benevolence is acquired after enduring great difficulties”**.

“To deny oneself and return to (abide by) Li, that is benevolence.” [...] In the first place, this proposition fairly satisfactorily solved the problem of the origin of moral reasoning and moral concepts without resorting to the hypothesis of divinity or aprioristic human nature. Secondly, it explained the development of one’s innate character in the context of a relationship between the individual and group, i.e. in the context of social relations. Without an inner development of Li – the norm of social ethics, it was impossible to acquire Ren (benevolence) simply by self-cultivation. Thirdly, it emphasized the role of implementing the norms of ethics in the development of Ren. The cognition embodied in the proposition “to deny oneself and return to (abide by) Li” still carries some value even from the point of view of modern ethics.

Confucius humanist doctrine is composed of two parts: one is the way to “self-development”, the other is the way to “bring peace and contentment to the people.”

[...] **To bring peace and contentment to others » means that after one attained benevolence, he should gradually extend his love from his daily contacts to the broad masses, so that they would live and work in peace and contentment.** The doctrine of bringing peace and contentment to others are principles of government for the monarchs.

[...] Confucius’ doctrine of easy and benevolent government is a reflection of his thinking “benevolence is to love all men” in the persons of monarchs and rulers. He advocated that rulers should extend their benevolence to the

masses, the so-called benevolent rule. So long as a ruler pursued benevolent government, he would win the support of the broad masses like the pole-star attracting other stars to turn around it, thus establishing harmony between the ruler and his subjects, while maintaining the differences in their social status, and attaining an eternal peace for the country. So to institute benevolent government means, in effect, that the monarch practices humanism.

Whether a monarch would practice benevolent government depended first and foremost on whether he was a gentleman, a man with a benevolent heart. Confucius believed that politics was to rectify people. Only when he himself acted in the correct way could a monarch set other people right. Whether he could win the love and support of the people, and whether a country is administered well, the key did not lie with the masses but with the ruler.

What, then, are the specific measures of “ruling with benevolence”? In providing an answer to this question, Confucius returned the concept of Ren (benevolence) back to where it came from – Li and Yue (the rites and music). He thought that in practice, benevolent rule was to provide peace and contentment to the people by observing Li and Yue. He opposed the use of laws and decrees to guide people and employment of punishment to prohibit them, believing that though such practice might prevent them from committing crimes because of fear, it might also result in the loss of their sense of shame. He proposed that rulers should educate their people in ethics and virtues, and restrict them with Li (rites, proprieties). That would imbue the people with a sense of shame, so that they would conscientiously take the correct road in life.

[...] However he didn't reject out right the use of punishment in administration, only that it must not be used as the chief means. If punishment was used as the main instrument of government, it would not be a benevolent rule but a despotic one, and it would by no means bring contentment and tranquility to the people.

[...] Confucius attached great importance to the role of correct ranks and titles in state affairs. He always believed it was the basis for benevolent government and the rule of Li (rites). A student asked him, “The duke of the state of Wei is inviting you to administer his state affairs. How would you proceed?” He replied, “First and foremost, to set each one's status and title right.” In his view, only when the status and titles of different people were accurately determined (set right), could it be possible to carry out the Li-Yue system and other administrative orders, because people would then know how to act.

Today, ancient China is developing rapidly into a modern society, and the mental attitude of its people is also undergoing tremendous changes. Some

components of Confucius' humanist doctrines, particularly those concerning his theory on how to rule the people will be discarded, but those that have eternal values such as his thinking of extending love of oneself to love of others, his theory on ethics that takes Yi (righteousness) as the proceeding point of virtues and his idea on harmony, etc., will continue to remain in the hearts of the Chinese people. [...]

JESUS and Freedom of Conscience and of Religion¹²

*Pierre Lanarès*¹³

One definition is indispensable: “The term ‘religious liberty’ is from now on held in high esteem because it has become the title of a schoolmaster’s document [...] For those who take the expression literally, ‘religious liberty’ means the individual’s total autonomy in his religious choices.”¹⁴ This is how J. Hamer, expert at Vatican Council II expresses it.

In the Universal Declaration of Human Rights, we read in article 18: « 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. » More recently, the “Declaration on the Elimination of All forms of Intolerance and Discrimination Based on Religion or Belief” of 25 November 1981, reaffirms the same principle in more or less the same terms.

At first glance, these three texts seem very close to one another. We will now present the ideas and life-style of Jesus in the light of this principle. We will use His own words as recorded in the Gospels of Matthew, Mark, Luke and John.

I – RELIGIOUS LIBERTY – FOUNDATION OF HUMAN DIGNITY

Jesus declared: “I speak not my own words but the words my Father taught me.” (John 8:36). His teaching is therefore in keeping with Old Testament teaching which is often quoted. So, in the first pages of Genesis, the creation account tells us precisely how man was created in the image of God, that is, free.

12 Extract from the article published in the journal C&L n° 2, 1990, p.60.

13 Pierre Lanarès, Doctor of Law, former Associate Secretary-General of the IADLR.

14 John Hamer O.P. The History of the Text. In *Vatican II, Religious Liberty*, page 103, cerf 1969.

Man can choose to act according to principles which will favor his fulfilment, such as those presented by God, but he can also choose to have a different attitude by accepting the consequences. A freedom which has no means of expression is no longer a freedom. God gave man the possibility of rejecting him by warning him that **all freedom implies responsibility**: “Of every tree of the garden thou mayest freely eat: but the tree of the knowledge of good and evil, thou shalt not eat of it: for in the day that thou eatest thereof thou shalt surely die.” (Genesis 2:16,17)

This freedom characterized by love implied the love of man for his Creator. Doubt was sown in Adam and Eve’s heart and they suffered the promised consequences. **Freedom without love is a source of confrontations and constraints in religious life as in everyday life.**

The contrast between fidelity and revolt very quickly manifested itself in Adam’s sons. Cain offers a sacrifice in his own way and it is not accepted. Abel respects the principles established by God: the sacrifice of an animal to symbolize that of the promised liberator (Genesis 3:15) for the salvation of humanity. It is approved by God. Cain revolts and protests. Jealous of the success of his brother, he kills him. It is the first case of religious persecution at the beginning of humanity, when the persecutor suffered no injury from his brother’s attitude but found in his example the condemnation for his own infidelity (Genesis 4). During the centuries, throughout the world, the same causes produce the same effects (the parable of the tenants, Matthew 21:33-46). Jesus was subject to the same temptations as Cain and Abel but he did not yield; he was put to death, not because he had acted badly but because his love and devotion were a permanent reproach for those who made religion a burden. **Religion is in fact a bond between God, who in his love grants freedom to his creatures, and man, who, thanks to his freedom, by love, shows his faith and his obedience to the only one able to allow him fulfilment and eternity.**

II – THE TEACHING OF JESUS

Jesus gave a precise command: “Go ye therefore and teach all nations, baptizing them in the name of the Father, Son and Holy Ghost: Teaching them to observe all things whatsoever I have commanded you.” (Matthew 28: 19,20) We know how much proselytism can be a source of tension and persecution. The Ecumenical Council of Churches has written a declaration on this subject.

Jesus established some very clear principles which we will examine.

1. No constraints

A/ «If any man would come after me, let him take up his cross and follow me.» (Luke 9:23) This text shows that conversion is an individual decision: *if anyone*.

B/ «Him that cometh unto me I will in no wise cast out. (John 6.37) Jesus and those who follow him reject any attitude of discrimination, be it *political, social, religious*.

C/ Jesus respects the freedom to not follow his instructions. (Matthew 19.21)

D/ Jesus gives to all who follow him the possibility of rejecting or betraying him. (John 6.66, 67 - John 13.27)

This concept is opposite to the one which holds that a person is bound to the religious community into which he was born, by his parents' decision or by his personal choice. Questioning is always possible to bring one's life in harmony with one's spiritual experience. Jesus' attitude is certainly extraordinary and exemplary.

2. No judging of others

Jesus considered every human being as a person, independently of any political or religious label. He clarifies: «Judge not, that ye be not judged, for with what judgment ye judge, ye shall be judged.» (Matthew 7.1,2) This absence of condemnation of others is illustrated by the parable of the tares (Matthew 13.24-40) [...] **We are in no position to judge the motive of our fellow men and consequently we must respect and trust them [...] and leave God to judge them on their responsibility. Jesus used no constraints on his disciples. He never made anyone follow him. The only force he uses is love.**

3. No violence

When the Apostle Peter uses his sword and injures a servant to defend his Master who is just being arrested, Jesus says to him «Put up thy sword into the sheath» (John 18:10), he heals the wound made by his disciple and he adds: «For all they that take the sword shall perish by the sword. (Matthew 26:52) Elsewhere he says clearly that he could have used heavenly power but he rejects the use of force. When his disciples, James and John, shocked by the hostility of the Samaritans who refused to receive them, said to Jesus: "Wilt thou that we

command fire to come down from heaven?” Jesus reprimanded them saying: “Ye know not what manner of spirit ye are of [...] and they went to another village.” (Luke 9:54-56)

4. No moral constraints

Whosoever shall not receive you, nor hear your words when ye depart out of that house or city, shake off the dust of your feet (Matthew 10:14). **Disciples must respect the freedom of those to whom they present their message of hope and love.** Their listeners are free to reject them. [...]

III – THE BEHAVIOUR OF JESUS

1. Towards men

Jesus’ mission is clearly portrayed by the Old Testament prophets and by Jesus himself. **He is the liberator of his people, not from the Roman political occupation but from the spiritual slavery of sin:** «God so loved the world that he gave his only begotten son that whosoever believeth in him should not perish but have everlasting life» (John 16) [...] Jesus presents himself as an example to be followed: «I have given you an example that ye should do as I have done to you». (John 13:15)

2. Towards authority

[...] Jesus’ attitude is complex and presents a few aspects.

a) Recognition of the existence of political authority: “Render unto Caesar that which is Caesar’s and unto God that which is God’s”. (Matthew 22.21) This declaration concerns the payment of tax, but it establishes a principle. “He had provided a directive within everyone’s reach which built politics on its true foundations and which would bring about a liberating separation.”¹⁵

Jesus does not place the two powers on the same level. God’s power is total, sovereign, eternal. Man is invited to commit himself in love and without reservation to be completely faithful to him. “Thou shalt love the Lord your God, with all your heart and with all your soul and with all your mind and with all your strength”. (Mark 12:30)

15 R. Coste, *Theology of Religious Liberty*, Duculot 1969, page 75.

Caesar, the symbol of political authority, has a *limited* power, in administering social relations, a *transitory* power, up to the establishment of the kingdom of God, and a *delegated* power. When Pilate said to Jesus: “Knowest thou not that I have power to crucify thee, and have power to release thee?” (John 19:10). “Thou couldest have no power at all against me, except it were given thee from above”. (John 19.11)

Permanent and priority citizen allegiance must be kept for God for “we must obey God rather than men” (Acts 5:29). If Caesar goes beyond the limits of authority conferred upon him over the human beings in his care, he will engender conflicts between his dominating will and man’s freedom of conscience. Caesar’s existence is part of God’s will for man’s good, but it does not justify the existence of a totalitarian Caesar. Caesar is still responsible before the one who delegated him his power. The existence of even bad authority is better than anarchy. God, respecting man’s freedom to give himself over to corruption and violence, controls the course of history. The prophecies give many examples of this. [...]

b) Respect for authority: Jesus does not contest the authority of the Sanhedrin who tries to get rid of him by using false witness accounts. He calmly and serenely defends himself. “If I have spoken evil, bear witness of the evil; but if well, why smites thou me?” (John 18:23) he said to the high priest’s officer. [...]

c) Loyalty: He refuses to reply even when he knows that his words would serve to kill his enemies.

d) Submission: Jesus accepts the consequences of decisions made by religious authorities and by Pilate, but not without showing them their responsibility.

e) Love: Jesus’ behavior before authority reveals not a forceful approach but a witness of love. [...] In the presence of the Roman soldiers who unjustly crucify him, he prays that they might not suffer the consequences of their disobedience of political authority. “Father, forgive them for they know not what they do” (Luke 23:34). [...]

f) Resistance: Throughout his ministry he denounces deviations from religious authority. [...]

IV – JESUS AND PERSECUTION

[...] Jesus warned his disciples that they would meet hostility: «If they have persecuted me, they will also persecute you» (John 15:20). He

declares: “The time cometh that whosoever killeth you will think that he doeth God service” (John 16:2). That was fulfilled in Saul of Tarsus, who became Paul, but alas throughout the centuries how many Christians would have other Christians die to honor God?

[...] The Church’s attitude was one of loyalty, of support of the authorities in secular affairs. The apostle Paul writes: “Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God” (Romans 13:1). But this submission to Caesar could not challenge fidelity to God whatever the consequences. Unfortunately, throughout the centuries the association of church and state has provoked some drama. A Catholic priest puts it this way: “In such a context of sacred Christianity, one could only be a fully-fledged citizen if one was a full church member: that is a Roman Catholic. The Western European human community should only consist of Catholics, heresy was the most frightening crime and they would dread terribly its contagion. By a similar constraint, men at this time seriously violated the evangelical requirement of freedom of faith. Let us not celebrate the merits of Medieval Christianity so soon! On this point, it was poles apart from the Gospel.¹⁶

The Declaration on “Religious Liberty” from 7 December 1965, to the Vatican Council II, is making an effort to come back to source. One can nevertheless regret that it presented religious liberty essentially from a negative angle (paragraph 2). “The Vatican Council declares that the human person has the right to religious freedom. **This freedom consists of what all men should be with no restraints be they from individuals, social groups or any human power, so that in religious matters no one be, within reasonable limits, forced to act against his conscience nor prevented from acting according to his conscience, in private or in public, alone or in the company of others. Moreover, it declares that the right to religious liberty is founded upon the very dignity of the human person as he is seen by the revealed word of God and by reason itself.**”

V – JESUS’ RELIGIOUS LIBERTY AND HUMAN RIGHTS

Today many Christians, forgetting the foundation of this freedom, consider religious liberty as a human right in the same vein as the right to belong to

¹⁶ Ibid, page 120.

a trade union or to retire. **In fact, religious liberty is not a human right among others. It is the foundation of other liberties.** Moreover, Pope John Paul II reminded Mikhail Gorbachev of this at the reception in Rome on 1 December 1989.

There is a primary confusion between fundamental, individual rights and social rights. The former are connected with the nature of man and his dignity. They require that the state intervene as little as possible. The latter imply, to the contrary, constant state intervention depending on the circumstances. **In a more and more secular world, free of the sacred, we have a tendency to consider religious liberty as a luxury which we could do well without.** We forget the acceptance or the rejection of religion brings many consequences in its train. **Freedom is not divisible. It is not only a question of being able to come together for a ceremony. There is the way of life, dietary laws, the day of rest, religious festivals, rearing of children, sharing of the convictions, organization of the community, preparation of the clergy, marriage, funerals, and many other questions which can only create great problems for a multi-confessional society.** These rights are often recognized separately, particularly by the “Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief” adopted by the General Assembly of the United Nations on 25 November 1981.

Moreover, here is a basic difference between the Christian’s religious freedom and human rights. The latter is established by a political power to preserve social peace. Its legal nature makes it very fragile and dependent upon the good will of those who establish it, interpret it or make sure it is respected.

Jesus’ religious liberty is different. It is a right which flows from a duty to act according to one’s conscience. Duty for which one is responsible before God and abandonment of which could have eternal consequences. [...] As it is impossible to change the regulations established by God, any compromise is unfaithfulness to God and to oneself, and therefore unacceptable. [...]

This freedom proclaimed by Jesus is a love relationship with the Creator and with all men to whom the freedom whose respect we ask for ourselves is granted. This love must be shown even to those who refuse to respect the freedom of others and who persecute them. This attitude certainly does not exclude recourse to legal proceedings proved by the law. Everything must be done without aggression or violence.

The Declaration of Human Rights is precious in order to establish a real and as cordial as possible dialogue between representatives of differ-

ent religions and convictions. Everything must be done for a wider sharing of these principles and a more sustained effort to obtain their respect. The disciple of Jesus, as his master, in the total respect of another's dignity, tries to understand, listens attentively, speaks kindly, facilitates everyone's freedom and accepts the consequences of being true to his conscience and the requirements of his faith in serenity and in love for God and man.

All of Jesus' teaching on true religious liberty, which constitutes a *responsible freedom* – instead of an anarchistic and often demanded freedom – an *equality* founded on natural identity, God's creature – and guaranteed by *love for our neighbor*, can be condensed into his one golden rule: "all things whatsoever ye would that men should do to you, do ye even so to them" (Matthew 7:12).

MOHAMMED: «I am a Gift of Mercy»¹⁷

*Mohammed Talbi*¹⁸

[...] All mythologies, all revelations, more or less agree on declaring a completion, or an ultimate revelation¹⁹, prepared by those preceding revelations and constituting the culminating point of the final act. In Judo-Christian tradition the instrument of this ultimate revelation of completion is the Messiah, already here for Christians in the person of Jesus-Christ, and not yet here for Jews who still wait for him. For Muslims the ultimate revelation – completion, is the Koran; and this final revelation is Mohammed.

“If God had willed, he could have made you all one nation (Ummah); but that He may try you in what has come to you. So be you forward in good marks; unto God shall you return, all together; and He will tell you of that whereon you were at variance” (Koran V, 48). Other verses take the same direction, in particular *Koran*, II, 113; III, 55; VI, 164; XVI, 92; XXII, 69; and XXXIX, 46. Thus humanity is one and multiple at the same time: “Mankind was (*wa mà karia*²⁰) only one nation (*umma wahida*), then they fell into variance (*fa-khtalafu*).” [...] The characteristic of human space is, indeed, contrary to other animal spaces – also translated in the *Koran* by the term *umma* (p. *umam*, *Koran* VI, 38) – to have the ability to differ in every sense – including **the non-senses – otherwise, there would never have been true freedom. So right from the ontological level, God gave man the ability to choose freedom, and man actually opted for this choice.**²¹

17 Extract from the article published in the journal C&L n°2, 1990, p.70.

18 Mohammed Talbi, Muslim philosopher, writer, he was a professor in the School of Literature and the Humanities at Tunis University, Tunisia. He has been a member of the *Académie universelle des cultures* in Paris since 1994.

19 See the Muslim point of view in Ali Musa Raza, *Muhammed in the Quran*, ed. Idarah-I Idahiyat-I Delli, New Delhi (India), 1980, pages 1-20.

20 *Kana* introduces a durative temporal clause into this verse, as is often the case in the *Koran*, and the term *umma*, which in general terms means a community, here means space, as when it is applied, in the *Koran* itself, to the animal kingdom.

21 See M. Talbi & M. Bucaille, *Réflexions sur le Coran*, ed. Seghers, Paris, 1989, pages 120-140.

TEACHING CENTRED ON THE FREEDOM OF CONSCIENCE AND FULFILMENT OF MAN

In the Muslim way of thinking there is no one teaching of Mohammed in the exact sense. Indeed, Mohammed is not the author of the *Koran*, as orientalism teaches. He is the mouthpiece, the speaker and the spoken to, to whom the *qul* (tell) of the Revelation is addressed in his capacity as mediator and transmitter of the Message.

Islam is thus, by fervent and conscious adherence and not a resigned and gloomy submission, a willing and active identification with God's plan, by the opening of His Message, transmitted by His ultimate Messenger, Seal of the prophets and prophecy. So this Message, which precisely would win man's willing adherence, is centred on freedom of conscience.

By virtue of *Mithaq* [...] every man, as a free and unique self, in a face to face crucial moment with God, had already freely answered this question: "Am I not Your Lord?" by a spontaneous "Yes" of witness and commitment which binds him directly and individually. All the messages transmitted by those sent of the Lord are only remembrances being reconstructed out of history into changeable, stirring times, or reminders, woven into the warp of the living being, of this predetermined, ontological and freely crucial "yes". Mohammed did not come to liberate a People, nor to usher in the Kingdom, but only to remind, in an ultimate Appeal and Repeal, the timeless *Mithaq*, bond of every being with the Being.

Hence the injunction which is solemnly addressed to him by the One who before eternity wanted man to be freely bound by bonds outside of the *Mithaq* constraints: "Then remind them: Thou art only a reminder; thou art not charged to oversee them" (*Koran LXXXVIII*, 21-22). These two verses come as a conclusion to a Sura where are equally balanced Warning, Announcement and Invitation to Meditate on creation so that man, using his reason, can clearly, freely and responsibly, choose the path his life should take. Warning, particularly, must by definition be stronger than man, absorbed in the here and now with a tendency to hide it or not take it into consideration. Invitation to reflect, warning against losing one's way and against final failure, and declaration of eternal bliss, at the end of an earthly existence during which man had chosen in his own ontological pre-existence, to have the ability to freely fulfil his own destiny, are the three facets of the manifestation of the same divine care so that the later, not forgetting the reminder, cannot prevail in the case of loss, over any

argument against the Lord. "Messengers we have already told thee of before, and Messengers we have not told thee of; and unto Moses God spoke directly – Messengers bearing good tidings, and warning, so that mankind might have no argument against God after the Messengers; God is All-mighty, All-wise" (*Koran IV*, 165). In summary, God having authorized human liberty and having integrated it into His plan, does not shut himself away in a supremely autistic indifference. He remains the Very Near (*al-Qarib*) and the most Merciful of the merciful.

The Merciful guide [...] reminds, calls to reflection and meditation, but his mercy never ends to save man from himself to the extent of the constraint: God respects the *Mithaq* of freedom which binds him to man, and the model of creation flows from it. To his ultimate Messenger, charged with transmitting the ultimate Reminder (*Dhikra*), to humanity, he addresses this warning which defines his mission and places limits upon it: "And if thy Lord had willed, whoever is in the earth would have believed, all of them, all together. Wouldst thou then constrain the people, until they are believers? It is not for any soul to believe save by the leave of God; and He lays abomination upon those who have no understanding" (*Koran X*, 99-100). If – it is minor evidence – nothing is done in the Universe or more modestly on Earth, including having access to faith, "if it is not with the permission" of the Creator (*gada'*), that is conforming to the Plan he set at creation and to his laws, it is evident that God does not *willingly* use force to get men to believe *mechanically*. If he had wanted to include this constraint in His plan, nothing is easier for the Almighty and "everyone on Earth would have believed." So if God did not use force, all the more reason for His Messenger not to. In other words, God wanted of man, who can reason, more than to mechanically obey and passively find his way by being forced by more than submission, and he chose a plan of creation ruled by cause and effect. And it is for this reason that "He lays abomination upon those who have no understanding," those who can reason and who don't. To their peril, of course!

[...] Certainly, trend is no longer the last authority. But even so he did teach us that sincerity is not always sincere, and that the proverb which says that the road to hell is paved with good intentions is not without foundation. There is always "a sickness" in our hearts, which makes us constantly search through vigilant examination for ways to prevent it from growing. It is not easy to really believe. Do we ever fully believe? Faith, real faith, is demanding. It is a constant tension between eradicating evil from our hearts and sticking with the ideal. Made pure, it brings out the best in man, and by so doing fulfils him.

[...] To help us, God sends us Signs which, even in the strictness of Self-Abasement, are signs of Mercy and care for man, a man who, given to his own reasoning, or dimly enlightened by a faith obscured by inconsistency and unawareness, runs the risk of misusing his freedom, of being an oblivious « abettor of disorder » while claiming to be a “reformer”! We don’t know – alas – that too much and better as far as science liberates, more and more, and more quickly, what is powerful in us, the best as well as the worst. Hence, the necessity of a constant, more vigilant studying of the Signs of the Merciful who shows Mercy. His messengers, carriers of Reminders and Ideals always have something to teach us, to fulfil us.

GANDHI and the Struggle for Non-Violence²²

By Ramin Jahanbegloo²³

It is impossible to discuss the subject of tolerance today without referring to the thought and action of Mohandas Karamchand Gandhi (1869-1948), known to the world as Mahatma (“great soul”). Yet the word tolerance appears only rarely in his works even though his whole life proved him to be a man of exemplary tolerance. This paradox is an indication of the difficulty of the concept.

According to Gandhi, to affirm one’s tolerance is to establish a hierarchy between one’s own position and that of others. “I do not like the word tolerance,” he wrote in a letter to his followers in 1930 while he was imprisoned at Yeravda Mandir, “but could not think of a better one.” Tolerance may imply a gratuitous assumption of the inferiority of other faiths to one’s own, whereas ahimsa (non-violence) teaches us to entertain the same respect for the religious faiths of others as we accord to our own, thus admitting the imperfection of the latter. This admission will readily be made by a seeker of truth, who follows the law of love.

If we had attained the full vision of truth, we would no longer be mere seekers, but would have become one with God, for Truth is God. But being only seekers, we prosecute our quest, and are conscious of our imperfection.”

Here we touch on one of the basic principles of Gandhi’s philosophy. We are in an area of spiritual theory in which the very concept of tolerance is situated, not in relation to a given political or religious context, but in relation to a belief in the liberty of human conscience. **Gandhi demands more than just respect for another human being: he seeks to encourage the quest for truth, whilst being convinced that this quest is inseparable from obedience to the law of love.** Thus, for Gandhi, it is impossible to evoke the concept of tolerance

22 Extract from the article published in the journal C&L n° 1, 1995, p.95.

23 Iranian philosopher, specialist on Mahatma Gandhi. Author, most notably “Hegel and the French Revolution” published in Tehran in 1990, and of a series of interviews with Isaiah Berlin, the great historian of ideas, Isaiah Berlin, *En Toutes Libertés*, Félin edition, Paris, 1990. As a journalist, he collaborated on various reviews, producing “Spirit and Studies.”

without affirming the notion of truth. **This is a crucial point, but it is even more important to understand that truth can only be respected through the path of non-violence.**

The terms “non-violence” and “truth” are so closely allied as to be virtually interchangeable. “Ahimsa and truth”, wrote Gandhi, “are so intertwined that it is practically impossible to disentangle and separate them. They are like the two sides of a coin, or rather a smooth unstamped metallic disc. Who can say which side is the obverse and which the reverse?”

“Nevertheless, ahimsa is the means; truth is the end. Means to be means must always be within our reach and so ahimsa is our supreme duty. If we take care of the means, we are bound to reach the end sooner or later. When once we have grasped this point, final victory is beyond question.”

The seed and the Tree

Gandhi does not seek to establish a rational explanation of the world on the basis of the notion of truth, or to favor a traditional line of thought. “Truth resides in every human heart”, he declares, “and one has to search for it there [...] **But no one has a right to coerce others to act according to his own view of truth.**” It is, therefore, impossible to separate religious life from political life, as is shown by the way in which Gandhi organized his struggle both against British repression and against the injustice done to the untouchables by the Indian caste system. Following the Socratic example, Gandhi bravely confronted the spirit of tyranny and intolerance of his contemporaries with no other weapons than fasting and prayer. **“The only tyrant I accept is the ‘still small voice’ within me, and even though I have to face the prospect of a minority of one, I humbly believe I have the courage to be in such a hopeless minority.”**

By acting on the basis of these principles, the Mahatma rid himself of all political reservations. On the contrary, the standpoint he adopted aimed to ensure the victory of the humanitarian approach over the political approach, which seeks to put ideological values before the values of the community. His unwavering concern for truth and for the equality of all citizens led him to revolt against tricks and lies which he judged to be ignoble means to noble ends. **“Your belief that there is no connection between the means and the ends is a great mistake,” he wrote.** “Through that mistake even men who have been considered religious have committed grievous crimes. Your reasoning is the same as saying that we can get a rose through planting a noxious weed [...] The means may be likened to a seed, the end to a tree; and there is just the same inviolable

connection between the means and the end as there is between the seed and the tree.”

And he continued: “I am more concerned with preventing the brutalization of human nature than with the prevention of the sufferings of my own people. I know that people who voluntarily undergo a course of suffering raise themselves and the whole of humanity; but **I also know that people who become brutalized in their desperate efforts to get victory over their opponents or to exploit weaker nations or weaker men, not only drag down themselves but mankind also.**”

In other words, the “political virtue” of non-violence (which Gandhi sees as the ultimate virtue) stems from the fact that it unites the members of the community by stressing the role of the individual and by underlining the decisive effect of that catharsis, or purification, that we must exercise upon our bodies and our minds. Thus our capacity to play a part in public affairs and to judge what is just and what is unjust is entirely dependent upon the individual and collective practice of non-violence. **The finest lesson we can learn from the philosophy of Gandhi is that, for the individual and the community, policies that make power the criterion of truth can only lead to disastrous consequences.**

The Worldwide Influence of Gandhi

Fully aware of the dangers of political power but also of the democratic duty he had to fulfill in India, Gandhi declared: «If I seem to take part in politics, it is only because politics encircle us today like the coil of a snake from which one cannot get out, no matter how much one tries. I wish, therefore, to wrestle with the snake [...] **My work will be finished, if I succeed in carrying conviction to the human family that every man or woman, however weak in body, is the guardian of his or her self-respect and liberty. This defense avails, even though the whole world may be against the individual resister.**”

The influence of Gandhi’s teachings has been felt throughout the world. Martin Luther King’s struggle for the rights of black Americans is a particularly notable example of it. From the Montgomery bus boycott in 1955 to the march on Washington in 1963, King adopted Gandhi’s non-violent techniques in all his protest actions.

Martin Luther King described Gandhi’s influence in his book *Strength to Love*: “The whole Gandhian concept of satyagraha was profoundly significant for me. As I delved deeper into the philosophy of Gandhi, my skepticism con-

cerning the power of love gradually diminished, and I came to see for the first time that the Christian doctrine of love, operating through the Gandhian method of non-violence, is one of the most potent weapons available to an oppressed people in their struggle for freedom." He added: "If humanity is to progress, Gandhi is inescapable."

In 1968, the year of his death, these prophetic words of Martin Luther King were borne out in the non-violent resistance of the people of Czechoslovakia to the Soviet invasion. From then on, non-violence was inseparably linked to the various political and intellectual movements that for ten years bubbled up in the Eastern countries. As Lech Walesa declared in the 1980s, when he headed the Polish Solidarity trade union whose strikes brought about the downfall of the totalitarian regime in his country: "**The only way we can oppose violence is to refuse to use it ourselves [...]. We have no other weapons than truth and faith.**"

The people of the Philippines also adopted the non-violent option in 1986 in their campaign of civil disobedience against dictatorial rule. Since then, various forms of non-violent action in Latin America, South Africa and the Middle East have shown the topicality and the relevance of the Gandhian heritage in the fight for freedom and justice.

VOLTAIRE: A prayer for Men to be Tolerant²⁴

By Voltaire

Who then, after having read this prayer, an extract from his "Treatise on Tolerance," could continue to view Voltaire as a bitter skeptic, an ironic atheist whose reputation has lived on even to this day?

What touching sensibility, what deep love for a pitiful humanity, what generosity of spirit radiate from this forgotten page!

In a century split between the recent memory of strict fanaticism and the decadent excesses of libertinism?

Voltaire surely appears to be the incredibly human great thinker of which our country can remain proud.

This prayer should be that of all believers who acknowledge the freedom of conscience.

No longer then do I address myself to men but to you, God of all beings, of all worlds, and of all ages; if it may be permitted weak creatures, lost in immensity and imperceptible to the rest of the universe, to dare to ask something of you, you who have given everything, and whose decrees are immutable as they are eternal. Deign to look with pity on the errors attached to our nature; let not these errors prove ruinous to us. You have not given us hearts to hate ourselves with, and hands to kill one another. Grant then that we may mutually aid each other to support the burden of a painful and transitory life; that the trifling differences in the garments that cover our frail bodies, in our insufficient languages, in our ridiculous customs, in our imperfect laws, in our idle opinions, in all our conditions so disproportionate in our eyes, and so equal in yours, that all the little variations that differentiate the atoms called men not be signs of hatred and persecution; that those who light candles in broad daylight to worship you bear with those who content themselves with the light of your sun; that those who dress themselves in a white robe to say that we must love you do

24 <http://www.constitution.org/volt/tolerance.htm>

not detest those who say the same thing in cloaks of black wool; that it may be all the same to adore you in a dialect formed from an ancient or a modern language; that those whose coat is colored red or violet, who rule over a little parcel of a little heap of mud of this world, and who possess a few round fragments of a certain metal, enjoy without pride what they call grandeur and riches, and may others look on them without envy: for you know that there is nothing in all these vanities to inspire envy or pride.

May all men remember that they are brothers! May they hold in horror tyranny exerted over souls, just as they do the violence which forcibly seizes the products of peaceful industry! And if the scourge of war is inevitable, let us not hate one another, let us not destroy one another in the midst of peace, and let us use the moment of our existence to bless, in a thousand different languages, from Siam to California, your goodness which has given us this moment.

LUTHER and Religious Liberty²⁵

Winfried Noack²⁶

Whoever takes up the cause of religious freedom should always expect to have it rejected, and not only by an authoritarian state, but also by some churches that lay claim to absolute authority. The fact that the latter situation is far from being rare, it seemed appropriate to interview a grand *homo religious* on the subject. We have settled on Martin Luther, Father of the Reformation. Given our intention to consider his position with respect to religious freedom, we cannot fail to take a closer look at his inner being.

To begin with, we will quote a remark recorded in the personal diary of Kierkegaard: "Luther is a sick person of extreme importance to Christianity." By these words, Kierkegaard is no doubt alluding to the many sufferings of the future reformer, sufferings that made him hope for healing, which could only have meant his salvation. We will reveal what was undoubtedly the nature of these sufferings and how he overcame them.

It is said that one day the young Luther found himself in the choir of the monastery of Erfurt, when he suddenly threw himself to the ground shouting with all his might: "This is not me! This is not me!" Who was it that he was shouting at in this vehement manner full of accumulated aggression, and what did this cry signify?

We know the answer to the first question: Luther had entered the monastery against the wishes of his father. The latter, Hans Luder, was an extremely successful, ambitious and harsh man. He liked to flaunt his allegiances. He displayed a brutal form of authority towards his son in order to make him feel like his moral inferior. He wanted blind submission from his son, whilst distancing him from his mother. Despite his efforts, this despotic father could not display his moral superiority in a convincing manner. In spite of his social advancement, he could not conceal his former transgressions and certain dirty dealings, nor his lack of self-control in his sexual demeanour, his alcoholism and his irascible temper, not forgetting the sadistic behaviour.

25 Article published in the journal C&L n°6, 1973, p.72

26 Winfried Noack, Doctor of History at the University of Mayence Gutenberg, Professor at the Faculty of Theology at Friedensau University.

The young Martin Luther found himself in a quandary because he could not love his father, nor could he separate himself from him. A subconscious hatred and yet at the same time an indissoluble tie forced him to flee to the monastery at the age of twenty-one. This escape allowed the young *magister* to distance himself from his father without being obliged to separate from him (since the monastery bears the *imago* [likeness] of a father).

All of a sudden, the exclamation "This is not me" becomes feasible. He was simultaneously the son of his father and the continuator of his ambitious projects, but he was also someone else. Who? The history of Luther the monk becomes confused with that of his identity crisis. How to resolve this? If the era allowed other youngsters of the same age to discover their identities, it offered nothing of the sort for Luther. The Mediaeval customs offered young men only two options.

The first was the Thomist option. Thomas Aquinas taught the graded structure of existence. This structure resembled a pyramid with God at the summit. In this construction, hierarchically organized; everything that exists is in its place. Every element is linked to the others and thus in a monistic sequence, everything descends causally from God.

Ockhamism could have been the second option. For William of Ockham, an unbridgeable gulf exists between mankind and God. Human beings cannot reach God through reason. God is distant, hidden, arbitrary, and since He is the absolute authority and as such the originator of all things, man cannot do otherwise but believe in Him. Man can do nothing but believe Him. However, since God arbitrarily calls or rejects, no man knows if he has received grace. Now, man in turn is himself essentially his own authority. He can therefore choose good, thus rendering himself worthy of God's grace. This option would have been of no more help to Luther in the search for his identity. The Ockhamistic God corresponded exactly with his father: someone to be feared and obeyed, and not easy to be free of. Luther sought a father he could accept. In Staupitz he met such a person.

This kindly man, disposed of a vast experience and influence by the mysticism of the *devotion moderna*, became for Luther a physician for his soul. Through his positive image of a father, he was able to change the *imago* of a father held by Luther, which he had transferred onto God. Thanks to Staupitz – the experience of the possibility of an authentic father (positive paternal transfer) – Luther acquired the ability to create within himself a new image of God.

We have frequently highlighted, justifiably so, that Luther happened upon the apostle Paul via mysticism, after having been an Augustinian, without

his path passing along the humanist route. Mysticism effectively became a key experience for the reformer. What did it signify for this young man? The mystic detaches himself from the world through the means of asceticism and, through contemplation, turns towards the divine. He seeks to intensify this contemplation in such a manner that it makes an appearance, *visio*. Subsequently, after an even greater intensification, the soul can "overflow", leave the body in *ekstasis*, speed towards God and become one with Him in *unio*. With which God? With the betrothed, the beloved, the loving God! A speculative new image of a father began to emerge for Luther. God is not only a pure Being, nor simple dynamic choice, but also a loving Father with whom the soul can unite without need for either Church or sacramental mediation. This piety is individualistic in the extreme. It consists of a pure human-God relation, as much as a one to one relation. In this way, Luther was able to find his true father. The separation with Hans Luder became possible: Luther was able to find the path that would reveal to him his identity thanks to an all-loving God.

This transposition of the father image allowed two other healing processes to begin. For one, Martin Luther could finally stop obeying Hans Luder for now he owed his obedience to his new, far greater, Father. For another, he was able to transform his negative consciousness, which was nothing more than complex paternal orders and prohibitions, into a positive consciousness that provided him with all sorts of creative goals. Yet as his attachment to his earthly father faded, his servile fixation with transgression vaporised and Martin Luther could act freely. Furthermore, as he detached himself from his father, the image of his mother blossomed within him and a primitive trust was reborn. Thus assertiveness and aspiration took hold of his being and his self-confidence grew. The dissipation of his self-retrograded and he did not delay in finding his true identity.

In the mysticism of the *Devotio Moderna* and in the "German Theology," it is not primarily about God but of the union with Jesus-Christ. But beware, here Christ is not merely the ideal that we do well to imitate nor was He the one who offered Himself as a substitute for us, not even the mediator who "died for us" "in our place". Within mysticism, man is so united with Christ that He dies every day "within me." Luther adopted this concept. He transferred the primitive and external sacrifice of the mass to the interior of the human being. Thus Christ becomes the substance of his identity, this same Christ who, as we have already said, is neither father nor mother but simply a man.

Thus Luther overcame his identity crisis. A fully mature man entered public life. In 1517, he attached his eighty theses to the doorway of the *Schloss-*

kirche in Wittenberg. Fully mature, we have just stated. – So, who was he? He had resolved the father-son fixation and converted this relationship into a positive link within himself. He had transmuted his sense of fault into a positive consciousness and was once again capable of initiative. His rediscovery of his maternal links renewed and affirmed his confidence, and he accepted his image as a man, finding his identity within the man Jesus-Christ.

Certain of his identity, liberated from within, big and strong, is thus how he confronted the Emperor and the Empire at Worms in 1521. He withstood his banishment not because of a dogmatic system or a tradition but because of his personal conviction. The conscience which he claimed was no longer his father's will extended through time, but his own inner freedom, hard-won, and acquired, allowed him to testify fully.

This figure, namely Luther at the Diet of Worms, became a myth. It did not cease to present itself within the heart of the youth of subsequent centuries, and to offer itself to them as a major opportunity. It was a new way to find one's identity. And Luther constantly became the identity of young people who sought themselves and whose sole research consisted of a liberated consciousness that could help them to become themselves. A consciousness based on a foundation of primitive trust and goodness, knowingly fully engaged. Thus Luther begat youth who in their turn begat freedom.

Of course, Luther himself spoke on the subject of freedom. But what he wrote had less impact on his contemporaries than the manner in which he lived. We will come back to this.

In his treatise, *Libertate Christiana* (1520), it shows that the Christian is free because God had freed him from sin and established a one to one relationship with him. It is true that a Christian can also be free in the German-legal sense of the term; that is to say to be a part of a state which confers freedom and privileges upon him. **But authentic freedom is that which bestows upon me the right to live in a manner that glorifies God.** This freedom can exist in no matter what state. This freedom can exist in any state. Thus, not only are there certain freedoms due to each state, but each state also has certain duties to fulfill that are endorsed by God. If man were entirely spiritual and if his life were united to Christ, he would be absolutely free. But since he is also carnal, he is subject to God's law and the rules of his country.

The relationship with God is, as we have seen, a one to one rapport established by Jesus Christ. Thereafter heresy became a decision of conscience and could no longer be considered as an objective disobedience in matters of faith. Therefore heresy should have in principle gone unpunished. In fact, only

the ruling princes were entitled to freedom of conscience. The “Protestant principle,” namely the autonomy of conscience, remained an aristocratic privilege. In practice, the ruling princes designated heresy or to be more precise, the individual way in which everyone lives his piety, a form of rebellion.

Since Luther incorporated the reigning princes into the Church, as well as the Christian state (actually the ratio of powers was reversed), they identified themselves with a decision of faith – which suited them very much – and forced their subjects into submitting to the princely conscience. It is true that only one solution offered itself to the individual conscience: emigration. This word sounds very harsh. Yet in fact it was real progress, for the historical landscape in Europe ceased to be a theatre of burning pyres and instead had processions of exiles as a backdrop.

True freedom of religion arrived when the Baptists and spiritualists (except Müntzer) demanded state neutrality in matters of faith. They were prepared to suffer. Their conception of the church was a spiritualist one and a deep scepticism resided within them with regards towards any dogmatism. An individualistic piety of such a genre bore a tolerance absolutely parallel, it is true, to early humanism. In turn, this tolerance established itself throughout history thanks to the only Baptist Calvinist when he came to reign in the Anglo-Saxon countries.

A second piece of evidence shows us how Luther was ready to grant freedom to the individual: “Only when I am free, he said, am I authorized to resist in order to defend my freedom.” What was his position regarding the right to resist?

It is a known fact that Luther developed his doctrine of the two main rules in his writings titled: *Von weltlicher Obrigkeit, wie weit man ihr Gehorsam schuldig sei* (1523) (*How much obedience is owed to temporal authority*), trans. Labor et Fides (1957), and *Ob Kriegsleute auch in seligem stande within können* (1526) (*Can soldiers be in a state of grace?*, Ibid.).

If this doctrine did not constitute a system, nevertheless his fundamental thoughts were very clear. Primarily, a spiritual kingdom exists that educates men in piety and righteousness in light of eternal life. This progression is achieved by means of the Word, without constraint. This spiritual kingdom guides souls. Preachers are its representatives; he who obeys the word will save his soul.

Beside the spiritual realm is found the temporal realm. It maintains peace and order on the earth, punishes the wicked and rewards the good in accordance with the standards of justice. The sword symbolises the means by which it reigns, in other words, the temporal power dispenses justice, punishes,

governs, administers and wages war. So it exercises its power, but only on the body, life, property and the state. It is visible in the person of the emperor, princes, municipal councillors, knights, officials and heads of household. Everyone is obliged to obey. A reward will not be a long time waiting, being able to taste earthly prosperity.

But it is important to note that Luther was later brought to differentiate this temporal power. It has been demonstrated convincingly that under the conditions created by the fight that led to his reform for survival, Luther learned to distinguish between three forms of temporal authorities: The fair authority, the tyrannical authority and the evil authority.

The just reign cares about peace and order in accordance with the wise and divine laws: it respects the divine law passed on and does not overstep its boundaries. It takes care of its subjects, helping, feeding and saving them. In turn they must obey. The tyrannical reign exceeds its powers; it operates in the spiritual realm, in the realm of faith. Similarly it despises - even if not entirely - the divine law, the transmitted and reasonable law, the natural law. It wages unjust wars. Christians must obey such authority in all temporal affairs. But from the moment it demands obedience by ordering him to commit injustice and even break the commandments of God, the Christian should disobey and refuse to serve in the army. He will stand firm through the Word and suffer for his faith.

Finally, there exists a diabolical authority comparable to a "werewolf". It exchanges all legal requirements changing the law into injustice and vice versa. It requires adoration and deifies itself. Obedience is equivalent to Satan-worship. Therefore complete disobedience is appropriate in this case. All subjects should arm themselves and resist according to the law of self-defence. It is permitted in this situation to kill the "werewolf" and its allies, its servants and its aides.

This is how in truth Luther no longer considered opposition to the tyrant as resistance to authorities. For the demonic tyrannical government no longer represented authority itself. It would be appropriate for it to be on a par with an ordinary murderer. And the right to self-defence is valid in the presence of one or the other.

In fact, this universal right of resistance to evil authority advocated by Lutheranism was practised in a very restricted manner. Like the autonomy of conscience, the right to resist remained a privilege of princes. Ultimately, only obedience and the vocation of suffering remained for the "common man."

If finally, we compare the young Luther's doctrine of freedom and resistance, i.e. the person with his teaching, it does not seem difficult for us to

pass judgement. His doctrine has little to do with what we now call “religious freedom.” This freedom signifies freedom of faith and confession as much for the individual as for entire groups and not only in private but publicly and visibly. Tolerance, freedom, the right to resist as well as equality before the law (which is what small communities are still hoping for in vain) are necessarily related to this freedom. It must be recognized that in this regard Luther did not teach anything much. We owe much more on this subject to his contemporaries Hutten, Erasmus, and the Baptists. But Luther, as a mature man, just as he stood at the Diet of Worms, played off his autonomy and inner freedom against banishment and death – now that is an imperishable myth. What myth? That of an adult man inwardly free based on the maternal foundation of primitive confidence. Knowingly rooted in the absolute. Having become capable of generating creativity and of a journey on an open road leading to the future. This is an identity that can serve as an example to men through all time.

JEAN HUS: A Letter to his Friends in Prague²⁷

Jean Hus

I must warn you, my beloved ones, not to let yourselves be frightened by the sentence of those who condemned my books to the flames: remember that the Israelites burned the writings of the prophet Jeremiah, yet without avoiding the fate that he had predicted for them: God even commanded that after the destruction by fire of this prophecy, a new and more extensive prophecy would be written, which was indeed done: while Jeremiah dictated in prison, Baruch wrote, as stated in Chapter XXXV and XLV of Jeremiah. It is also written in the book of Maccabees that ungodly men burned the law of God and killed those who were its custodians. Under the new covenant, they burned the saints together with the holy books of the divine law. The Cardinals condemned to the flames several books of St. Gregory, and they would have burned them all if his servant Peter had not preserved them. Two councils of priests condemned Saint Chrysostom as a heretic, but God brought their falsehood to light after the death of the man who was dubbed Saint John, *the golden-mouthed*.

Knowing these things, may fear not prevent you from reading my books and not delivering them to my enemies to be burnt. Remember what the Lord said: “For then there will be great distress, unequaled from the beginning of the world until now—and never to be equaled again. If those days had not been cut short, no one would survive, but for the sake of the elect those days will be shortened.” (Matt 24:21,22). Consider this, my beloved ones, and stand firm. The Council of Constance will not reach as far as Bohemia; many who are a part of this will die before they succeed in tearing my books away from you. The majority will be scattered in all directions like storks, and they will realize at the approach of winter what it is they will have done during the summer²⁸. Consider that they have halted the Pope, their leader, worthy of death for hei-

²⁷ Letters from John Hus, written during his exile while in jail. Paris, éd. Delay, 1846. Article published in the journal C&L n° 21, 1981.

²⁸ Jean Hus (or Huss) was a theologian and a Czech religious reformer. Excommunicated for heresy, he was burned at the stake in July 1415.

nous crimes. Be of good courage, and respond to those preachers who would preach to you that the Pope is God on earth, that he can sell sacraments, as the canonists would say, that he is the head of the Church in his saintly administration, that he is the heart of the Church in his spiritual invigoration, that he is the source from which springs every virtue and everything good, that he is the sun for the holy Church, the guaranteed sanctuary where it is important that every Christian may find a refuge; yet already his head appears to be severed by a sword; already this earthly God is enchained, already his sins uncovered, this gushing spring dried up, this divine sun fallen into obscurity, this heart torn out and withered up so that no one may seek asylum within. The Council has condemned its leader, its own head, for having sold indulgences, bishoprics and all things. But among those who condemned him, were a large number of buyers who in turn have themselves been involved in this disgraceful trafficking. Among them was Bishop John Litomyssel, who twice tried to buy the bishopric of Prague, but others prevailed over him. O corrupt men! Why did they not first pull out the plank from their own eye, since it is written in their own laws: "Whoever buys a title for money will forfeit it"? Sellers, buyers and all those who involved in this shameful accord, will be condemned just as Saint Peter condemned Simon who wished to purchase the power of the Holy Spirit from him.

The sellers are anathema to them and they have condemned them, but they themselves are those doing the buying; they have given a free reign to this deal, yet they remain unpunished! What can I tell you? They traffic these goods even into their own homes! In Constance, there is a bishop who has made a purchase, another who has sold, and the Pope, in order to have approved of the trade, received money from both parties [...] If God had said to the members of this Council: 'Let him who is without sin pronounce judgement on Pope John, then without a shadow of a doubt, they would have withdrawn themselves one after the other. Why genuflect before him in times gone past? Why would they have kissed his feet? Why call him most holy when they saw him as a heretic, a hardened sinner? For that is how they were already speaking about him in public. Why did the cardinals elevate him to Pope, knowing that he had killed the Holy Father (his predecessor)²⁹; and since becoming pope, why have they suffered him trafficking holy relics? Did they not form this council in order to advise of what is just, and are they not as guilty as him of these crimes, since they tolerated in him the vices that they all had in common? Why did no one dare

29 See "The Reformers before the Reformation", volume 1 book 1.

to oppose him before his escape from Constance? They all feared him as their most holy father; but when, with permission from God, secular powers seized him, then they conspired together and determined that he would not escape death. For certain, already the malice, abomination and immorality of the Antichrist have been revealed in the Pope and other members of the council. The faithful servants of God may now understand the words of the Saviour who said: "When you see the abomination which causes desolation as predicted by the prophet Daniel [...]" Certainly, the supreme abomination is pride, avarice, simony in barren lands, that is to say in the principalities where one encounters neither goodness nor humility nor any virtue as can be found presently in those destined for high office and honours. [...] Oh! How I have longed to be able to bring to light all the iniquities that I have witnessed in order that the faithful servants of God may be on their guard against them! But I trust that the Lord will send even more energetic champions once I am gone, and there are now already those who are better placed to uncover all the evil of the Antichrist; those who will risk their souls with death for the sake of the truth of our Saviour, Jesus Christ, who will provide you and me with eternal bliss.

I write this letter on the feast day of John the Baptist, in prison and in chains, as I consider that Saint John was beheaded in his prison for the Word of God.

A Heroine of the Faith: Marie Durant³⁰

Jacques Delteil³¹

I - The historical context of Marie Durand's birth and her childhood

Marie Durand was born in 1715 in the hamlet of Bouchet-de-Pranles, near Privas in the Ardeches. Her father, Etienne Durand, was a consular clerk, and he came from a well-to-do family. He held very strong religious beliefs [...]

During the 16th century the Reformation had gone through a rapid development. But Privas, a Protestant stronghold, had fallen in 1629. Moreover, since 1685, Protestantism had been banned in France. And yet the resistance was being organized - it went through dreadful suffering which would only end a hundred years later when the longed-for freedom was finally granted. From 1686 some little-known preachers had tried to organize worship services here and there, a practice which had been banned. However, a vast number of Huguenots were forced to leave France because of persecution. They went to different countries but mainly to Switzerland, Germany, Holland and England. Along with their skills they also took their fervent faith. During that time the Intendent, named Basville, applied himself to systematically turn the south to Catholicism. The persecution of the fanatics/zealots increased. In 1689, massacres took place around Bouchet-de-Pranles, in the locality of Serre. That is how some of Marie Durand's companions were imprisoned, accused of being seers/clairvoyants. During those dark years divination appears to have been the only force, due to its extreme characteristics, able to rally the masses to support which was doomed to fail.

However, this active resistance that incontestably saved Protestantism would bring about terrible consequences. The Protestant uprising took place in July 1702. At that time Pierre, Marie Durand's brother, was only two years old. This was a period of dual upbringing -whereby some feigned obedience to the

30 Extract from the article published in the journal C&L n° 31, 1986, p.59.

31 Jacques Delteil, Lawyer and President of the History of Protestantism Society of Montpellier.

orders of civic and religious authorities whilst leading a spiritual life at home and within the clandestine congregations. Antoine Court, born in 1695, was beginning to play an important role within the synods and the reorganization of Protestantism (he was against women preachers). Protestants came to the meetings. Pierre Durand shared in the Protestant struggles; he went to Lausanne to study for the ministry. His friend Pierre Rouvier went to Bern, also in Switzerland. Marie and Pierre Durand's mother was also arrested during a meeting. She was sent to the citadel in Montpellier; nothing more is known about her, only that she died in 1726.

[...] 1726 was marked by further arrests. The clergy obtained a devastating declaration from public authorities, whereby they reinstated all the measures that Louis XIV had taken against his Protestant subjects. Women were sent to the Tower of Constance. [...] In 1728 two more prophetesses/clairvoyants arrived, showing the importance of the part played by the women of St Fortunat in the resistance: they were Marie Vernes and Antoinette Gonin.

The life of Protestant churches unfolded in the Desert - baptisms and marriages were performed. Marie Durand was 13 years old when, on the 18th September 1728, the news spread from Bouchet-de-Pranles that her father was being pursued. Etienne Durand was nearly 80 years old when he was arrested in February 1729. He was led to the Fort de Brescou, where he remained for more than 14 years. Marie Durand found herself alone in Bouchet-de-Pranles. Meanwhile her brother Pierre, now a pastor, continued his spiritual life serving the churches of the Desert. He participated in several missionary journeys and pastoral activities, and performed numerous marriages and baptisms. On 9th April 1730, Lafare, a military commandant in the Bas Languedoc, issued legal proceedings which sent nine women to Aigues Mortes. They had been caught at a meeting led by the preacher Francois Roux. On 31st May 1730, at the age of 15, Marie Durand married Mathieu Serres, who was older than she. The couple was arrested on the 14th July 1730.

II - Marie Durand's arrest and her life in the Tower of Constance

Marie Durand was arrested because she was "a minister's sister". Arrests continued through the spring of 1730. Two women from Vernoux were brought to Aigues mortes - Isabeau Constance and Marie Trascal-Jullian (who was pregnant at the time). She was to give birth to a little girl in that prison on the 3rd May 1730. Marie Durand was seized by order of de la Deveze, who

demanded she be led to the Tower and that her husband be taken to the Fort of Brescou where he joined his father-in-law, Etienne Durand. "Officially, the women were reduced to only bread to eat and straw to sleep on." In 1726, the Major of Aigues Mortes, in describing the situation, wrote: "The sixteen women prisoners have neither straw nor sacking to keep them from the dampness that causes everything to rot."

For Marie Durand, the long ordeal was only beginning. But her faith was strong and sound. For 38 years in that prison she would stand and carve the word "Resist" on the main coping of the upstairs room. We know that Pierre Durand's mother-in-law was also arrested and kept in the Tower on the 18th March 1731, while his wife and children escaped to Lausanne. We also know that Marie Durand fell victim to bouts of malaria due to the climate in the Tower. In 1728, Antoinette Gonin recants her faith. On Tuesday, 12 February 1732, Pierre Durand is apprehended and taken to Tournan. In his last letter, he stressed "My race is almost finished, very soon the gospel I have preached will be fulfilled in my life." On 22 April 1732 judgment is passed. The intendant comes to prison to question him again. The Catholic priest put pressure on him to make him recant even up to the last minute. He responds to him by saying: "I have far better reasons to recant than those you are claiming, and these force me to die with faith in the true religion." Pastor Durand was tortured on the esplanade in Montpellier on 22 April 1732, in front of a vast crowd. A relative of his tells us that seeing his strength and courage, one could only conclude that he had "Heaven in his soul and that before he entered Paradise he was filled with the Holy Spirit, an example to everyone." De Bernage wrote to Cardinal Fleury that Pierre Durant had been executed and that he had died "without repenting".

In the Tower, Marie Durand was deeply moved by the news of her brother's victorious death, refusing to recant to the Roman church. For Marie Durand, a martyr's crown shone on one of her relative's memory. More than ever, she would persevere in the faith. The Languedoc region had been shaken by this glorious death. "Pierre Durand's death had kindled their zeal." That is how in May 1733, four incumbents came out of the Vivarais to take the place of Pierre Durand.

On 31 December 1736, Marie Durand drew up a list of her companions: there were 20 of them, sixteen of them having arrived since 1724. At the beginning of 1737 they were joined by two women from the Vivarais [...] On 3 March Marie Vey-Goutet arrived, as well as Isabeau Menet-Fioles; they were each accompanied by a child. The latter wrote to her sister in autumn 1737: "I consider myself blessed that God has found me worthy to suffer for His Holy

Name.” She adds: “Be assured that all the threats in the world would not make me abandon the gift of faith. I have a very good friend, Demoiselle Durand.” In January 1738, persecutions started again. “The Tower of Constance is a prison where they send those on whom they want to inflict a slow death, without splendor, deprived of sunshine, as if buried in a tomb, in the cold darkness. We know that on 27 March 1740 there were 31 women prisoners.”

One could live an ungodly life without attracting the prince’s wrath, but he could not tolerate any public display of a religion that was not his own and the heretics became rebels. The choice was either to recant or to spend the rest of one’s life in the Tower. The vast majority of the prisoners remained faithful to their Biblical beliefs. And yet, in 1742, in the church at Aigues Mortes, Marguerite Maury abjures, as well as Elizabeth Michel and Suzanne Daumezan-Mauran declaring that they “renounced the heresies of Luther and Calvin.” In spite of that, a few months later, Suzanne Daumezan-Mauran had her second marriage blessed by a Desert pastor; she had remained faithful after all.

Seven more arrests on 27 June 1742 [...]. Persecution rages against Protestantism. 1745-1746 sees the death of 3 pastors [...] In the Tower, its wearing effect of years, bouts of sickness, the sight of souls that weaken, but Marie Durant is there to comfort and encourage, sharing the Biblical message. She sent a list of the prisoners to Paul Rabaut who was actively working for their freedom. In 1758, Rabaut wrote a petition to the king requesting the release of the prisoners. [...]

III - The release of Marie Durant and her last days in Bouchet-de-Pranles

[...] In March 1761, there were still 20 surviving women prisoners. As soon as he arrived in March 1766, Fitz James, the new military commandant, frees two of the detainees. The church at Nimes sent 160 pounds for the women prisoners, Marie Durant acknowledges receipt with the church deacon [...] The prisoner support committee from Amsterdam sent 500 pounds for the detainees. On the 26 August 1764, Marie Durant again wrote to Paul Raibaut who was fast becoming her confidant: “In the name of Divine Mercy, give us all the help possible to snatch us from this awful grave. All my companions send their respect” [...]

[...] On the 14 April 1768, after having spent 38 years in detention, Marie Durant is finally released. In the first instance she goes to Saint-Jean-du-Gard before returning to Bouchet-de-Pranles. Yet, on the 12 September, there

are five women still detained in the Tower. One of them would be pardoned, two would die and the last two, Chassefiere (80 years old) and Suzanne Pages, would be released the day after Christmas. The Tower would then be closed! One of the detainees, Marie Vey-Goutet, would retire with Marie at Bouchet where they spent their lives discreetly in prayer and in the practise of their faith. This kind of discretion is so characteristic of heroes. Friends from Geneva came to the help of the prisoners. They all had monetary problems, especially Marie Durand: adversity seemed to pursue this poor woman. She was helped by the Consistory of Amsterdam. She wrote: "Let it suffice for me to say that my life has been a web of trials and tribulation that have reduced me close to destitution. But I always kept silent because that is what the Lord Himself did.

[...] In September 1766, God snatched **Marie Durand** from the trials and tribulations of this earth. **She had made her contribution to the freedom of conscience, to the right to be different**, for the right of Protestantism to exist. The heroine's faith had survived in spite of so much suffering and she remained faithful to the end. Having spent 38 years in the Tower, she demonstrated resistance inspired by heavenly light and patience in waiting. She is the incarnation of one of the purest figures of the Protestant faith. Her struggle has been to the glory and honor of God alone.

Roger Williams and Religious Liberty³²

*Roger Williams' life is one of those which is honoured by
Humanity.*

*What loftiness of soul, what nobility of conscience did
not these men possess in order to impose during the most
intolerant of times the concepts which are the foundation of
today's democratic societies.*

*The prestigious writer, André Maurois, reminisces in
the following few pages about this wonderful figure who
deserves to be better known.*

Of all the civil liberties, religious liberty is one of the most necessary; nothing is more painful for a man than to have a faith imposed upon him by force; nothing can be more tyrannical than believers when they believe themselves compelled in the name of God. The United States enjoys, and was one of the first to enjoy, a total freedom of conscience, but it could well have been otherwise. The Puritans who founded the colony of Massachusetts, destined for incredible prosperity, were far from tolerant. They were aristocrats and theocrats; they intended to establish an authoritarian state where the authority was religious. They admitted and even hoped that the religious ministers should also be the state leaders. They had left England in order to establish a holy community, where it was permitted for them to pray as they wished; but they had no desire to offer that freedom to other religious groups.

It was therefore a spiritual tyranny whereby the earthly manifestation was sufficiently forbidding. The Puritan ministers formed an oligarchy for which the authority of the Bible afforded great powers. They only granted the right to participate in political deliberations to members of the church. In effect, they had substituted the landed gentry, who governed England, for an oligarchy of theologians. This did not suit the free spirited, more than one of which be-

32 Article published in the journal C&L n° 1, 1948, p.5.

lieved that civil powers had no authority over men's consciences, and that civil government should only occupy itself with civil matters. Of these dissidents, none was more convinced of this and none carried out a more enduring feat than Roger Williams.

He was a young Englishman who had been, in the Star Chamber, secretary to the great jurist Sir Edward Coke. The latter helped to inspire in Williams a respect for justice and for freedom, but Williams was also influenced by the Baptists, who were hostile to any persecution of religious minorities. "No man," wrote one of them in 1615, "should be persecuted for his religion, whether true or false, provided he declares himself loyal to his king." Roger Williams came to Boston in 1631 because he was persecuted by Laud, Archbishop of Canterbury, for his Puritan beliefs. He discovered his Puritan brothers, already installed a year ago in Boston and Salem, and was welcomed with open arms. They suggested that he replace a pastor who was leaving to return to England. But upon discovering that the Boston church was not yet separated from the Church of England, and that its leaders hoped to give civil magistrates the right to punish offenses against the first four commandments (that is to say, against religion), he declared that the civil powers had no authority over matters of conscience, which astonished the New England Puritans for whom the Bible was their code, in fact the only code.

The church in Salem, which clung to its independence, seized the opportunity to teach the Boston church a lesson and put in a call to the young pastor. There he taught that all men, as children of God, are equal and brothers; that a royal charter had no authority over lands which were in reality owned by the native Indians; that the church and the state should be separate; that limiting the right to vote on civil matters, to the members of the church, would be like choosing a doctor for one's religious convictions; and finally that any persecution for matters of conscience "is clearly and lamentably contrary to the doctrines of Jesus Christ." In effect he broke away from the doctrines of the Boston Puritans and aligned himself with those of the Plymouth Brethren who were much more tolerant. Banned for the first time by Salem, he travelled to Plymouth and there he evangelised to the Indians and made many friends among them.

Recalled to Salem, he was definitively banned in Massachusetts by an order of the General Court, because he refused to take an oath of allegiance that sanctioned the right of the magistrates to impose obedience of the first four commandments by force. In principle, an exiled person was obliged to return to England, but Williams chose to go into still wilder territories located south of the Plymouth Colony and there he founded a colony of his own. There he cre-

ated the town of Providence, and little by little the State of Rhode Island. The name of Providence was a thanksgiving to God for the help he received in his distress. Thus an act of intolerance i.e. the banishment of Williams became the source of all tolerance in the United States. Since the new state granted full freedom to everyone to believe what he wanted, and even not to believe, all those with concerned consciences rushed over there. Soon the population became so large that the Massachusetts government feared the vengeance of Williams and offered him a seat on the Council of Massachusetts. Williams naturally refused. The independence of Rhode Island was the key to spiritual freedoms, but he never fought Massachusetts, he repaid evil with good, and even intervened to establish peace between the Indians and the colony of Massachusetts Bay.

He never compromised on his principles. Within his colony, no one was denied or considered ineligible from an employ because of his religious convictions. His small republic gained admiration the world over and sheltered persecuted people of all sects. Contrary to what was happening in Boston, everyone was free to attend or not attend church on Sundays, to not pay taxes for the upkeep of the church, and to marry as they wished. Roger Williams desired that his little commune become the model for all other governments. And it became so. Supported by his friend Henry Vane, he obtained a royal charter in 1662 that, after the War of Independence, made Rhode Island one of the states of the New Republic. Even though this state was small in area, it exerted a major influence on the future of the United States and freedom of conscience, for it was the steadfastness of Rhode Island which imposed the addition to the U.S. Constitution of a Bill of Rights, which assured religious tolerance by prohibiting Congress from making any law to establish a religion or prohibit exercising a religion. Religious beliefs thus became, as Byron would say later, a matter that concerned only man and his Creator. This crucial result was essentially due to the energies of one man: Roger Williams. One might say he overcame, firstly through the example set in his little colony, and then by that of the United States, one of the biggest causes of misery and persecution that has blighted the lives of humanity.

*André MAUROIS³³
of the Académie française*

33 André Maurois, writer, is the nom de plume of Emile Salomon Wilhelm Herzog; a Frenchman, he was born of a family of Jewish Alsatian drapers. In 1998, he entered the French Academy.

A Prayer by Alexander Solzhenitsyn³⁴

How easy it is for me to live with You, Lord my God.
How easy it is to believe in You!
When my mind reels and I am assailed by doubt,
or when my mind weakens –
when the most intelligent people
cannot think beyond this evening
and do not know what must be done tomorrow.
It is then, Lord, that You convey to me
the clear assurance that you exist,
and that you alone will see to it that the paths
leading toward good will not be closed.
At the peak of earthly renown
I look back with amazement at that road
of hopelessness
which has led me here,
where even I have been able
to send far and wide among mankind
reflections of your glory!
For as long as is needed,
You will provide me with the means.
And whatever I fail to accomplish
You surely have allotted unto others.

34 Compiled by Natalie Davison from "<http://ishmaelite.blogspot.co.uk/2008/02/two-prayers-by-solzhenitsyn.html>" and "<http://anglicanprayer.wordpress.com/2008/08/04/a-prayer-by-solzhenitsyn/>

GALA GALACTION: How Good and Pleasant it is for Brethren to live Together in Unity – Psalm 133³⁵

*Gala Galaction*³⁶

Here is a cry of love by an Orthodox Catholic for his brothers, for all his brothers. Beyond the petty laws and harsh exclusiveness which have, for a long time, lit the pyres and scorched the scaffolds, is the genuine Christian who is faithful to the word of God appealing for harmony between all men and for the freedom of all consciences. He is the faithful interpreter of the great voice of the Gospel.

It is possible that religious liberty, or at least religious tolerance, found its origins in the thinking and laws of Rome; but for those of us who benefit from it nowadays, it appears to have always existed and it is with difficulty that we imagine the world at the time of the religious persecutions.

For me, religious liberty translates into the ability to worship God according to the law of my parents, and the obligation to respect my neighbor who serves his own god according to the precepts of his ancestors. Nevertheless, this simplistic expression and this theoretical fact encounter significant obstacles and solicits a certain amount of discrimination.

Is it possible for a man to remain quiet amid his peers who profess to another belief, when he is convinced that his faith is the only true faith, the only rational one? Is it possible for him to contain within himself the frothing convictions, ready to spill out like lava from an erupting crater? Is it possible for him to hold to the rules of religious tolerance, when he comes face to face with the heathens in Africa, having newly arrived from Europe with a heart bursting with Christ Jesus and the teachings of the Bible?

It is clearly extremely difficult to believe fervently, to confess one's faith zealously in a church and to remain unmoved by the beliefs of another

35 Extract from the article published in the journal C&L n° 1, 1948, p.63-66.

36 Gala Galaction was the nom de plume of Grégoire Pisculescu. He was an Orthodox priest, professor of theology, and a translator of the Bible into Romanian.

persuasion. And yet, one cannot conceive the inability to freely express one's faith wherever we are and whatever it may be!

Of course, religious intolerance is not only this, but every sincere person placed in front of this dilemma will seek at great lengths to gain access to the "great virtues" which alone are the sole means for him to retain a respect for the religious beliefs of others. I believe that these virtues cannot be found anywhere else other than in the thirteenth chapter of the first epistle to the Corinthians:

"Love never fails. But whether there are prophecies, they will fail; whether there are tongues, they will cease; whether there is knowledge, it will vanish away. For we know in part and we prophesize in part. But when that which is perfect has come, then that which is in part will be done away. When I was a child, I spoke as a child, I understood as a child, I thought as a child; but when I became a man, I put away childish things. For now we see in a mirror, dimly, but then face to face. Now I know in part, but then I shall know just as I also am known. And now abide faith, hope, love, these three; but the greatest of these is love." (1 Corinthians 13: 8-13 NKJV.)

Here is the divine virtue, here the supreme stumbling block to our denominational intolerance and to the impetuous momentum to our proselytizing. We should be convinced, as was Saint Paul that prophecies will fail and scientific knowledge will disappear. We should believe, like him, that our current knowledge, even if it materialized into a solemn profession of faith, is still fragmentary. When the Day of the Final Judgment arrives, all that we believe and profess today will count for very little. We see today as in a mirror dimly, but on that day we will see Him face to face. But in order to attain these great heights, we must possess that virtue of the great apostle: Charity.

Charity prevails over everything. "Love one another. By this all will know that you are my disciples, if you have love for one another." (John 13: 34,35.)

One thousand, nine hundred forty-seven years after the birth of Christ, the world of believers stands divided. There are the Orthodox, the Roman-Catholics, the Protestants, the Lutherans, and the Calvinists, to speak only of the mainstream. We are the sons of a single set of parents and yet, we come into the world divided by our churches! Who is to blame? Who will bear the burden of this division of the Church which was formerly One, Holy, Universal and Apostolic?

It would be futile to try to solve this problem. But we could minimize the disastrous consequences, reconciling us according to the principles of St.

Paul and the belief that on the Day of Judgment we shall be delivered from the burden of our current ignorance, because then we will understand everything.

In order to accomplish this, one condition needs to be fulfilled: Believe and confess that “He will return in all His glory to judge the living and the dead and that his Kingdom will have no end, because I believe in the resurrection of the dead and Eternal Life...” (Symbol of Faith).

It is around the following three principles that all those who call themselves Christians and who want to remain so should unite: the return of Christ; the Last Judgment; Eternal Life.

I once wrote the following on the subject of the orthodoxy of my Eastern-Greek Church: “Orthodoxy is the happy reunion of the Jesus Eucharist with all those he has redeemed with his blood: the Saints, the Martyrs, all the Heroes of the Holy Church, our intercessors, the Holy Angels and all the righteous now dead, including our parents and brothers, in the hope of the resurrection.”

It is clearly here that our Christianity is judged, that of the Orthodox, the Roman Catholics and the Protestants of every variety.

« If in this life only we have hope in Christ, we are of all men the most pitiable. But now Christ is risen from the dead, and has become the first fruits of those who have fallen asleep. » (1 Corinthians 15: 19,20.)

Saint Paul assures us that justice is more important than faith or hope. In being charitable, it is normal that we should support each other and that we would limit our zeal regarding the different religious beliefs amongst us. We have to think that this tolerance will end because on the Day of Judgment our eyes will be opened and we will understand many things that now seem incomprehensible. Faith in the Lord’s promise needs to be the “ultima ratio” of our conduct towards those who belong to foreign churches: “And behold, I am coming quickly, and My reward is with Me, to give to everyone according to his work.” (Revelation 22:12.)

“The Lord is not slow in keeping his promise, as some understand slowness. Instead he is patient with you, not wanting anyone to perish, but everyone to come to repentance. But the day of the Lord will come like a thief [...] For according to his promise, the heavens will disappear with a roar; the elements will be destroyed by fire, and the earth and everything done in it will be laid bare.” (2 Peter 3:9-10.)

“But in keeping with his promise we are looking forward to a new heaven and a new earth, where righteousness dwells.” (2 Peter 3:13.)

It is impossible to explain why we have become so different to each other. Why, when we are in possession of the same scriptures, do we interpret them so

differently and why do we practice so many different religions? And yet it seems to me that the distinguishing sign that pertains to all those who believe in the divinity of the person of Jesus Christ remains today, tomorrow as it has always been: "MARANATHA! Our Lord is coming!"

In reading and re-reading the epistles of the divine Apostle Paul, his parable relating to the parts of the human body, as found in Chapter XII of the first epistle to the Corinthians, imposes itself on us to the point of obsession: here it relates to the diversity of the spiritual gifts, which are imparted in such a way that each of us, as a member of the Church, serves the Holy Spirit with distinct abilities according to what has been granted to us. "For to one is given the word of wisdom through the Spirit, to another the word of knowledge through the same Spirit, to another faith by the same Spirit, to another gifts of healing by the same Spirit, to another the working of miracles, to another prophecy..." (1 Corinthians 12: 8-10.) "For as the body is one and has many members, but all the members of that one body, being many, are one body, so also is Christ." (1 Corinthians 12:12.)

"But now indeed there are many members, yet one body. And the eye cannot say to the hand, 'I have no need of you'; nor again the head to the feet, 'I have no need of you.' No, much rather, those members of the body which seem to be weaker are necessary. Now you are the body of Christ, and members individually." (1 Corinthians 12:20-22, 27.)

Can we afford to apply this parable to our current situation and believe that however diverse and numerous we may be, we nevertheless form, not a Christian disorder, but the harmonious and secret body of Jesus Christ?

If the Orthodox Church did not exist, where would be its wise discrimination between what we have to render to God and what we should render to Caesar?

If the Roman Catholic Church were missing, where would be its admirable organization and the abundant fruits of its charity?

If Protestantism had never made an appearance, where would be the magnificent Biblical Sciences and the huge amounts of research dedicated to the Holy Scriptures?

Let us deepen the meaning of the parable of Saint Paul and let us improve our interdenominational charity. In this way perhaps, the younger generation – the last visionaries, the last apostles – will make headway with the Truth and the proclamation of the message. In this respect, I am not embarrassed in liking Adventists and the fervor of their waiting: "Even so, come Lord Jesus." (Revelation 22:20.)

JOHN PAUL II: A Solemn Appeal³⁷

John Paul II

The signal occasion of the thirtieth anniversary of the Universal Declaration of Human Rights gives the Holy See the opportunity of proclaiming once again to people and to nations its constant interest and solicitude for fundamental human rights whose expression we find clearly taught in the Gospel message itself.

With this in mind I want to greet you, Mr. Secretary-General, and through you the President and members of the General Assembly of the United Nations who have gathered to commemorate this anniversary. **I want to express to all of you my firm agreement to “the continuing commitment of the United Nations Organization to promote in an ever clearer, more authoritative and more effective manner, respect for the fundamental rights of man”** (Paul VI, *Message for the XXVth Anniversary of the Declaration of Human Rights*, 10 December 1973: AAS 65 (1973), p. 674).

In these past thirty years significant steps have been taken and some outstanding efforts made to create and support the juridical instruments which would protect the ideals set out in this Declaration.

Two years ago the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights came into effect. By them, the United Nations marked a significant step forward in making effective one of the basic principles which it has adopted as its own from the very foundation of the organization: namely, to establish juridically binding means for promoting the human rights of individuals and for protecting their fundamental liberties.

Certainly, it would be a desirable goal to have more and more states adopt these covenants in order that the content of the Universal Declaration can become ever more operative in the world. **In this way the Declaration would find greater echo as the expression of the firm will of people everywhere**

37 Article published in the journal C&L n° 17, 1979, p.5. Letter addressed to the Secretary General of the United Nations, M. Kurt Waldheim, for the XXXe anniversary of the Universal Declaration of Human Rights. *L'Osservatore Romano*, French edition, December 19, 1978 – http://www.vatican.va/holy_father/john_paul_ii/letters/1978/documents/hf_jp-ii_let_19781202_waldheim_en.html

to promote by legal safeguards the rights of all men and women without discrimination of race, sex, language or religion.

It should be noted that the Holy See—consistent with its own identity and at various levels—has always sought to be a faithful collaborator with the United Nations in all those initiatives which would further this noble but difficult task. The Holy See has always appreciated, lauded, and supported the efforts of the United Nations endeavoring to guarantee in an ever more efficient way the full and just protection of the basic rights and freedoms of the human person.

If a review of the past thirty years gives us all reason for real satisfaction at the many advances that have been made in this field, still we cannot ignore that the world we live in today offers too many examples of situations of injustice and oppression. One is bound to observe a seemingly growing divergence between the meaningful declarations of the United Nations and the sometimes massive increase of human rights violations in all parts of society and of the world. This can only sadden us and leave us dissatisfied at the current state of affairs.

Who can deny that today individual persons and civil powers violate basic rights of the human person with impunity: rights such as the right to be born, the right to life, the right to responsible procreation, to work, to peace, to freedom and social justice, the right to participate in the decisions that affect people and nations?

And what can be said when we face the various forms of collective violence like racial discrimination against individuals and groups, the use of physical and psychological torture perpetrated against prisoners or political dissenters? The list grows when we turn to the instances of the abduction of persons for political reasons and look at the acts of kidnapping for material gain which attack so dramatically family life and the social fabric.

In the world as we find it today what criteria can we use to see that the rights of all persons are protected? What basis can we offer as the soil in which individual and social rights might grow? Unquestionably that basis is the dignity of the human person. **Pope John XXIII explained this in *Pacem in Terris*: “Any well-regulated and profitable association of men in society demands the acceptance of one fundamental principle: that each individual is truly a person.**

As such he has rights and duties which together flow as a direct consequence from his nature. **These rights and duties are universal and inviolable and therefore altogether inalienable.”**

Quite similar is the preamble of the Universal Declaration itself when it says: **“The recognition of the inherent dignity and of the equal and inalienable**

rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

It is in this dignity of the person that human rights find their immediate source. And it is respect for this dignity that gives birth to their effective protection. The human person, even when he or she errors, always maintains inherent dignity and never forfeits his or her personal dignity (John XXIII, *Pacem in Terris*, 158).

For believers, it is by allowing God to speak to man that one can contribute more truly to the strengthening of the consciousness that every human being has of his or her destiny, and to the awareness that all rights derive from the dignity of the person who is firmly rooted in God.

I now wish to speak of these rights themselves as sanctioned by the Declaration, and especially of one of them which undoubtedly occupies a central position: the right to freedom of thought, of conscience and of religion (cf. *Universal Declaration of Human Rights*, Art. 18).

Allow me to call the attention of the Assembly to the importance and the gravity of a problem still today very keenly felt and suffered. **I mean the problem of religious freedom, which is at the basis of all other freedoms and is inseparably tied to them all by reason of that very dignity which is the human person.**

True freedom is the salient characteristic of humanity: it is the fount from which human dignity flows; it is “the exceptional sign of the divine image within man” (*Gaudium et Spes*, 17). It is offered to us and conferred on us as our own mission.

Today men and women have an increased consciousness of the social dimension of life and as a result have become ever more sensitive to the principle of freedom of thought, of conscience and of religion. However, with sadness and deeply felt regret we also have to admit that unfortunately, in the words of the Second Vatican Council, in its Declaration on Religious Freedom, “forms of government still exist under which, even though freedom of religious worship receives constitutional recognition, the powers of government are engaged in the effort to deter citizens from the profession of religion and to make life difficult and dangerous for religious communities” (*Dignitatis Humanae*, 15).

The Church strives to be the interpreter of the thirst modern men and women have for dignity. **So I would solemnly ask that, in every place and by everyone, religious freedom be respected for every person and for all peoples.** I am moved to make this solemn appeal because of the profound

conviction that, even aside from the desire to serve God, the common good of society itself “may profit by the moral qualities of justice and peace which have their origin in man’s faithfulness to God and to his holy will” (*Dignitatis Humanae*, 6). **The free exercise of religion benefits both individuals and governments. Therefore the obligation to respect religious freedom falls on everyone, both private citizens and legitimate civil authority.**

Why then is repressive and discriminatory action practiced against vast numbers of citizens, who have had to suffer all sort of oppression, even death, simply in order to preserve their spiritual values, yet who despite all this have never ceased to cooperate in everything that serves the true civil and social progress of their country? Should they not be the objects of admiration and praise rather than considered as suspect and criminals?

My Predecessor Paul VI raised this question: “Can a state fruitfully call for entire trust and collaboration while, by a kind of ‘negative confessionism,’ it proclaims itself atheist and while declaring that it respects within a certain framework individual beliefs takes up positions against the faith of part of its citizens?” (Paul VI, *Address to the Diplomatic Corps*, 14 January 1978: AAS 70 [1978] 170).

Justice, wisdom and realism all demand that the baneful positions of secularism be overcome, particularly the erroneous reduction of the religious fact to the purely private sphere. **Every person must be given the opportunity within the context of our life together to profess his or her faith and belief, alone or with others, in private and in public.**

There is one last point which deserves attention. **While insisting—and rightly so—on the vindication of human rights, every individual has the obligation to exercise his basic rights in a responsible and ethically justified manner. Every man and woman has the duty to respect in others the rights claimed for oneself. Furthermore, we must all contribute our share to the building up of a society that makes possible and feasible the enjoyment of rights and the discharge of the duties inherent in those rights.**

To conclude this message, I wish to extend to you, Mr. Secretary-General, and to all those who, in whatever capacity, serve in your organization, my heartfelt good wishes, with the hope that the United Nations will continue tirelessly to promote everywhere the defense of the human person and of his dignity in the spirit of the Universal Declaration.

From the Vatican, 2 December 1978.

(Emphasis Added)

HANS KÜNG: Freedom³⁸

Hans Küng³⁹

Freedom is both a gift and an obligation for the Church. In every situation, the Church can and should be a community of free people. If the Church wants to serve the cause of Christ Jesus, it can never be an authoritarian institute or play the role of Grand Inquisitor. For this liberty, its members must be released: released from the slavery represented by the letter of the law, the burden of guilt, the fear of death; released for life, for meaning, for service, for love. They must be people who need only submit themselves to God alone and therefore not to faceless authorities or to other men.

Where we find freedom absent, God's Spirit himself is also absent. Although it should be fulfilled within the life of the individual, this freedom should not remain, within the Church, an easy moral invitation most often intended for other people. It should be practised in the creation of the ecclesial community, within its institutions and organisation, in order that the character they exhibit can in no way be considered oppressive or repressive.

Nobody within the church has the right to manipulate, to stifle, or much less remove the basic freedom of God's children, whether openly or insidiously: no-one has the right to establish, in place of the kingdom of God, the dominion of man over man. In the Church, specifically, this liberty should be manifest in the freedom of speech (frankness) and by the effective freedom to behave or to renounce (freedom of movement, liberality in the widest sense of the term), but also and at the same time within its institutions and ecclesial constitutions: the Church should be the very location of freedom and at the same time the defender of freedom in the world.

I believe in the sun, though it does not shine!

I believe in love, though I have not found it;

I believe in God, though I do not see Him.

38 « On Being a Christian » published by (Seuil) - Article published in the journal C&L n° 19, 1980.

39 Hans Küng, Swiss theologian, writer, professor and director of the Institute of Ecumenical Studies of Tübingen until 1996. In 2001 he received the Planetary Consciousness Prize for his production featuring interreligious dialogue throughout the world.

BERT B. BEACH **– Religious Liberty –** **and What it is Not⁴⁰**

Bert B. Beach⁴¹

The path of religious freedom is fraught with many ideological traps, but since this is the route that many wish to pursue, it is important to recognize some of these philosophical pitfalls. **Religious freedom is a human right so fundamental and so sacred that we must do our utmost to grasp it with all of our understanding. In addition, one must retain an open mind since a change of context can often lead to changes in the way we view and discuss religious freedom.**

We must therefore make as clear a distinction as possible between the basic ideological principles and the transitory elements that determine geography, constitutions or history. Moreover, it is incumbent upon all those involved in the study of the permanent principles of religious liberty to set aside any prejudice and personal preference.

Certain false conceptions about religious liberty provoke conflict. In order to better comprehend what religious liberty actually is, it is useful to comprehend what *it is not*.

We can discern seven fairly common errors that are all the result, at least to some extent, of a fundamental misunderstanding. This assumption would imply an exemption of moral duties and would free man from the connections and attachments of religious responsibility.

1. It is not freedom with regards to God, as many materialists and atheists believe. History shows us that in the nineteenth century, in a period when political liberalism was in vogue - especially in European society – the concept of religious liberty was frequently identified with materialism, agnosticism, free thinking and the rejection of the sovereignty of an all-transcending God. According to this school of thought, each individual needed to liberate

40 Study published in the *Conscience and Liberty* no. 1, 1971.

41 Beverly Bert Beach is the former Secretary General of the IRLA (International Religious Liberty Association, USA)

himself from the religious tyranny of a God who had been created by man. Thus religious liberty became synonymous with emancipation from complete obedience to a Supreme Being, who was demanding yet imaginary, and achieving independence from him.

On the contrary, religious freedom implies independence from men, from a religious point of view, in order to more effectively ensure dependence upon God. It offers liberation from the intrusion of human agents or from any government interference, specifically in order to guarantee as best as possible, the free acknowledgement, by man, of the Divine sovereignty. This principle is in accordance with the Biblical view: “One must obey God rather than obey man” (Acts 4:19). The Christian firmly believes that he has an inalienable moral duty towards a supremely loving God.

2. It is not a freedom with regards to men. Certain free-thinkers want to interpret it as a complete emancipation from any external control exerted by the family, school, the government or society in general, as if this freedom did not imply any obligation to the community in which we live, nor any responsibility towards society. Even in the delicate arena of religious liberty, an honest citizen would never argue in favor of an unrestricted and absolute independence. “Not one of us lives for ourselves, and not one of us dies for ourselves.” (Romans 14.7.) This declaration takes on a very practical importance. Truly, we all form part of humanity. It is clear that the exercise of religious freedom requires moderating standards. No one lives in total isolation: our actions affect others. The rights that we demand may harm those rights being zealously guarded by another. **Religious freedom has two aspects: first, the freedom to believe and to hold religious opinions; and secondly, the freedom to act within society according to one’s beliefs. Freedom of opinion itself is absolute because it has little or no social consequences, but the freedom to express one’s beliefs through one’s deeds falls within the social context.** There are few who would refuse the authorities the right to intervene to protect society from the rituals or practices that put morality in danger or violate the rights of others. Minorities not only have rights, they also have a responsibility towards their peers. Providing generous provisions for the religious freedom of minorities is what constitutes the essence of the greatness of a country. However, these rights do not exist in a social vacuum and cannot be properly realized outside the scope of the rights of the majority and the wellbeing of others. Credit is due to societies able to find a healthy and dynamic balance between the rights and the conscience of the individual and the rights and welfare of everyone.

3. It is not freedom with regards to self. Some would see religious freedom as the absolute right of the individual to believe exactly according to his choice. While religious freedom implies an unqualified civil or legal right to believe according to one's personal desire, it nevertheless does not signify freedom towards oneself with regards to the essential moral obligation to obey one's conscience. Man has received from God a responsibility with regards to human dignity. He must endeavor to form his conscience according to righteousness and to comply with what it says. The Bible says: "For whatever is not from faith is sin" (Rom. 14:23). True religious loyalty consists of faithfulness to oneself. It is a serious violation not only of the moral duty to oneself but also of the civil law to use the constitutionally guaranteed freedom of conscience to violate this very conscience. As Dr. Carrillo de Albornoz noted, if the authority of the society or the government was able to prove, with absolute certainty, the bad faith of a person and the violation of his conscience, the individual in question could hardly demand the right to religious freedom within society. But obviously this is impossible, and it is precisely for this reason that freedom of conscience is such an essential human right. Only God knows our hearts and no human tribunal could ever judge our consciences.

4. It is not freedom with regards to the authority of the Church. Some uninformed people consider religious freedom as a total independence from organized religion and in direct opposition to the authority or control of the Church. They argue that the true principle of freedom is to shake off the ecclesiastical "yoke." The whim of the individual must be paramount. Some Marxists encourage this kind of religious freedom not so much to exalt the personal freedom of action but rather to replace the alleged oppressive power of the Church with the all-powerful authority of the State.

Of course, historical evidence of blatant abuses of ecclesiastical power abound. Clerical pressure, physical and psychological coercion, blackmail, ecclesiastical sanctions and secret denunciations have enslaved the human spirit, corrupted the Christian ministry and distorted the image of the Church. Anything in opposition definitely does not have a role in a religious society. While the human response to God's call and his search for truth must be free, a form of authority is necessary for there to be an "ecclesia" uniting those who seek God. Some internal ecclesiastical discipline is essential, but this authority should push the creative action and rely on a constructive vision instead of being restrictive by prescribing security measures and having negative founding principles.

5. **It is not freedom with regards to State control.** Those who support the concept of religious freedom advocate total independence from the government. They see a large wall separating the Church from any State control, and they refuse to recognize legitimate government authority. However the epistle to the Romans clearly shows that “the authorities that exist have been instituted by God” and thus a legitimate government is a “divine institution.” The State has a legitimate power, even in issues related to the functioning of the Church. It has the right and duty to monitor society and to promote the wellbeing of men by maintaining public order and morality, and by safeguarding an impartial justice towards all its citizens.

True religious freedom requires that the State does not interfere in the religious beliefs of its citizens: it is a closed area (which Mr. Carrillo de Albornoz called “pure religious freedom”) **where it has no authority.** On the other hand, religious activities and state jurisdiction overlap each other in many cases. **If sometimes the separation between Church and State must be inviolable, it may at other times be permeable and allow legitimate collaboration without excluding those same government regulations.** Often, some activities of the Church can hardly be separated from the rights or initiatives that emerge from government authorities. Think of denominational schools and education laws, building regulations, the financial operations of the Church and all government laws that affect them - to name only a few areas of common influence where an absolute separation is out of the question.

Obviously the public authority, in the interest of justice, harmony and general wellbeing, must be able to regulate or restrict certain actions whose motives are religious. However, as stated by Mr. Philip Wogaman: **“The State can regulate only actions, never the communication of a point of view”** (Protestant Faith and Religious Liberty, p 190.).

In some unfortunate historical cases, religious liberty has been used as a cloak, very convenient for hiding the dagger of subversion and infidelity, or for concealing a resistance to the lawful authority of the state. Citizenship is not opposed to loyalty to God.

6. **It is not freedom to maintain animosity and religious conflicts.** In the name of religious liberty many practicing people attack, slander and falsely accuse other faiths. They absolutely invest in the right to believe, preach, teach and live according to one’s beliefs and one’s message without any external constraint. They do not provide any excuses for thoughtlessly disparaging and attacking other churches and their followers. It is not a weapon to use in

the wars of words or an authorization to create division, rivalries or disputes. Neither does it form part of the theatre of interfaith disputes. We live in the age of ecumenism, whether we approve or not. The use of dishonest, selfish and intimidating methods of persuasion represents a corruption of legitimate denominational testimony and is nothing less than a moral violation of religious freedom. **On the contrary, it is the *sine qua non* condition of peaceful and sincere human interfaith relations.** Christians would like to instantly condemn any action that borders on dishonesty. But such behavior more often arises from a moral obligation, and it is not within the jurisdiction of the civil government to decide whether the testimony of a Church is suitable or not, unless its methods of evangelism violate non-religious legal standards such as laws relating to defamation.

7. It is not the freedom to be indifferent or skeptical. The supporters of this point of view tend to think that there is very little difference between what we believe in and if we believe. They state that religious beliefs hold no importance and that religious differences are all relative. Some opponents of religious liberty rightly fear the rust of indifference or the mildew of skepticism. It is true that God alone is absolute. He transcends each of his manifestations. There is no place for relativism when it concerns the divine reality that ought to herald every Christian doctrine. We can grasp this reality through the saving love of God, in such a way that through being born again, through conversion, his children can live a completely changed life. This is a categorical imperative. This living reality leaves no room for vapid indifference or skepticism. This is a matter of great importance.

Of course, true religious liberty gives everyone the right to completely reject one or all religions and even be indifferent to religious convictions. However, the purpose of this principle is not to promote religious apathy or irreligion; rather, it is the most secure platform on which we can stand in the individual and collective pursuit of fundamental reality and religious identity.



CHAPTER

2

**Need of Education and Pluralism
on Religious Liberty**

Interfaith Relations: Practical Guidelines and Steps to Living Together in Harmony

*James E. Vaughn*¹

I. INTRODUCTION

Generally, religious practitioners believe that their practice of religion will eventually lead them – and the world at large – into a better place, a better form of existence. For the Christian, the Jew and the Muslim, this better place is “Heaven,” a literal, physical place where the inhabitants will experience no more pain, no more sorrow, no more hunger, no more crime, no more hate; a place where all people will live in eternal bliss and harmony. For the Hindu, this better place is found in the attainment of *Moksha*, the liberation from all forms of evil attained after varying numbers of post-death reincarnations. For the Buddhist, depending on the branch of Buddhism practiced by the adherent, the better place is found in the attainment of *Nirvana* and/or *Bodhi*, a place of awakening or enlightenment after a series of involuntary rebirths.

Notwithstanding the ultimate goal of religious practice, religion has, through the years, been the source of much strife, disharmony, violence and bloodshed. This, in itself, is not strange. Indeed, the very doctrines and teachings of most religious faiths require adherents to behave in ways that to others appear unseemly. For example:

- ✦ Christians believe that Jesus is the only way to salvation. Moreover, Jesus commissioned these Christians in Matthew 28: 19-20 to go teach all nations, “baptizing them in the name of the Father, and of the Son, and of the Holy Ghost.”² According to Christians, Jesus instructed them to teach all people to “observe all things whatsoever I have commanded you: and lo, I am with you always, even unto the end of the world.”³ In light of

1 James E. Vaughn, Professor of Law, Texas Tech University School of Law, Texas, USA.

2 Matt. 28:19, King James Version.

3 Matt. 28:20.

this Great Commission, if Christians are to practice what they preach, they must offer the Gospel of Jesus Christ to everyone. Indeed, someone who claims to be a Christian but who does not preach and teach that Jesus Christ is the only way to the living God and that Heaven or eternal life can be found only by one's adherence to the teachings of the Bible would soon find himself excluded from the communion of Christian believers.

- ✦ This Christian belief in the Great Commission puts Christianity at odds with Islam. A true follower of Islam believes that, in order to be obedient to Allah, he or she must promote the teachings of the Qur'an and Hadith, including those passages that give explicit instructions to deal harshly with nonbelievers, especially Christians and Jews.⁴ An Islamic adherent who disobeys the Qur'an and Hadith by neglecting those passages may justifiably be labeled a hypocrite and unbeliever.
- ✦ While Christians and Muslims could well claim to have holy mandates to spread or defend their faiths, dedicated followers of Hinduism, Buddhism, Rastafarianism, and every other religious practice justifiably feel that their faith is real and true. Yet, the practice of many of these "isms" involves practices that both Christians and Muslims must oppose and speak against if they are to follow the Bible or the Qur'an.

In light of these realities, it might be understandable that the practice of religion has not resulted in peace and harmony on Planet Earth. Yet, peace and harmony is just what we need on Earth, and religion is the best tool for achieving this peace and harmony. This paper will propose a path to achieving this goal. The paper is divided into five parts. Part II will briefly examine the current state of global interfaith relations. As this section will show, religious harmony does not currently exist on Planet Earth. Part III will discuss the efforts made by three countries – India, Singapore and Senegal – to achieve religious harmony. Part IV will propose a five-part pathway to achieving religious harmony. Part V, the Conclusion, will contend that mankind will never achieve religious harmony until all religious adherents are willing to give to each religious faith

4 See, e.g., Qur'an (9:30), Qur'an (66:9), Bukhari (52:177), Tabari 7:97, Tabari 9:69.

the same amount of respect they expect for their own. Until that time comes, all talk of religious harmony is useless and in vain.

II. CURRENT STATE OF INTERFAITH RELATIONS: DISTRUST AND DISHARMONY

Notwithstanding the undeniable progress made in the attainment of religious harmony, Planet Earth is still experiencing religious conflict and disharmony. During 2013, the media reported religious conflict in at least ten countries:

- ♦ Burma;
- ♦ The Central African Republic;
- ♦ Egypt;
- ♦ Iraq;
- ♦ Lebanon;
- ♦ Myanmar;
- ♦ Nigeria;
- ♦ Pakistan;
- ♦ The Philippines; and
- Syria.⁵

In fact, in one of its final broadcasts of 2013, National Public Radio (NPR) reported on the inter-religious tensions in Africa, particularly the Christian-Muslim clashes that have left many dead in Nigeria and the Central African Republic.⁶ While NPR was exposing the brutal religious strife in those two African countries, Euronews was reporting that the European Union (EU) would be meeting in January 2014 to finalize the deployment of peace-keeping troops to the Central African Republic. On January 20, the EU announced that it would indeed be sending “hundreds of troops to help stabilize the Central African Republic.”⁷ Those troops joined 1,600 previously sent by

5 Euronews. Religious Conflict, <http://www.euronews.com/tag/religious-conflict/> (accessed January 4, 2014).

6 Ofeibea Quist-Arcton. In Conflict-Torn Africa, Senegal Shows a Way to Religious Harmony, <http://www.npr.org/2013/12/28/257822199/on-conflict> (accessed January 4, 2014).

7 Adrian Croft, *EU to Deploy 500 Troops in Central African republic Following 'Genocide' Warning*, The Independent, January 21, 2014, <http://www.independent.co.uk/news/world/africa/eu-to-deploy-500-troops-in-central-african-republic-after-genocide-warning-9073178.html> (accessed February 21, 2014).

France to stop massacres between Muslim and Christian militias in its former colony.⁸

The EU's intervention has not quelled the violence. On February 20, United Nations (UN) Secretary-General, Ban Ki-Moon, appealed to the international community to send an additional 3,000 troops and police to the Central African Republic "to combat worsening sectarian violence" until a likely UN peacekeeping force is established.⁹

While the EU and UN intend to use military strength to force religious harmony unto the warring factions of the Central African Republic, other nations have sought to enforce harmony upon their people through statutory or constitutional provisions. Part III discusses these efforts and their results – or lack thereof.

III. CONSTITUTIONAL, STATUTORY AND OTHER GOVERNMENTAL ATTEMPTS AT ENFORCING RELIGIOUS HARMONY

Recognizing that religious harmony could reap tremendous economic and social benefits for their people, some nations have turned to legislation to enforce the principle. Theoretically, India is at the forefront of this movement.

A. India's Constitutional Mandate for Religious Harmony

Exiled Tibetan religious leader, The Dalai Lama, is on record expressing his opinion that India is a model of religious harmony.¹⁰ According to the Dalai Lama, non-violence and religious harmony are the two treasures of India. I feel people should learn religious harmony and non-violence from India. The country is a role model for non-violence and religious harmony.¹¹

At least one other observer has also claimed that India is a bulwark of religious harmony.¹² Singh bases his claim on the fact that the Indian Constitu-

8 *Id.*

9 Michelle Nicholls, *U.N. Chief Wants 3,000 More Troops for Central African Republic*, Reuters, February 20, 2014: <http://www.reuters.com/article/2014/02/21/us-centralafrican-un-idUSBREA-1J21R20140221> (accessed February 21, 2014).

10 *World Should Emulate India's Religious Harmony and Non-Violence*, Tibetan Government Official Media Release, Feb. 19, 2011.

11 *Id.*

12 Abihav Singh. *Need for Religious Harmony in 21st Century*, Religious Harmony Foundation, <http://>

tion “declares the nation to be a secular republic that must uphold the right of citizens to freely worship and propagate any religion or faith.”¹³

History reveals that in 1976, India amended its Constitution to include the assertion that India is a secular nation.¹⁴ However, the term “secularism” in India does not have the same meaning it does in the West. Rather than mirroring the Western concept of separation of Church and State, the Indian concept of “secularism” envisions the equal treatment of all religions by the State. Indeed, Indian secularism implies the acceptance of religious laws as binding on the State, and equal participation of the state in different religions. Indian laws regarding the secular nature of the State implicitly require the State and its institutions to recognize and accept all religions, enforce religious laws instead of parliamentary laws, and respect pluralism.¹⁵

Notwithstanding the 1976 amendment to the Indian Constitution, India has for many years been a hotbed of religious strife. Sikhs have often been at odds with Hindus, Hindus have often been at loggerheads with Muslims, and Hindu Nationalists have often violently attacked Christians. In such an environment, one can only conclude that notwithstanding the secular and religiously tolerant Indian Constitution and broad religious representation in various aspects of society including the government, India continues to experience sporadic and sometimes serious acts of religious violence. It appears, therefore, that making religious harmony constitutional has nothing to do with the actual attainment of such religious harmony.

B. Declaration of Religious Harmony and Statutory Law in Singapore

Like its Indian counterpart, the Singaporean government has attempted to enact legislation addressing the matter of religious harmony. This has come in two forms: (1) the Declaration of Religious Harmony, and (2) the Maintenance of Religious Harmony Act. Although the Maintenance of Religious Harmony Act preceded the Declaration of Religious Harmony, this paper will first

www.religious.harmony.org/abihav-singh-need-of-religious-harmony-in-21st-century/ (accessed January 5, 2014).

13 *Id.*

14 Government of India, The Constitution (Forty-Second Amendment) Act, 1976.

15 Christophe Jaffrelot. *A Skewed Secularism?* Hindustan Times, May 15, 2011, <http://www.sacw.net/article2081.html> (accessed January 5, 2014).

address the Declaration, essentially because while one may chronicle violations of the Act, one cannot do the same about the Declaration.

1. The Declaration of Religious Harmony

On October 14, 2002, then-Singaporean Prime Minister, Goh Chok Tong, unveiled a draft Code on Religious Harmony. Mr. Tong and the drafters envisioned that the document would outline the principles that would help to strengthen inter-religious harmony in Singapore.

Following the unveiling of the Code, a working committee consulted with various stakeholders and the general public to generate ideas for the ultimate document, the Declaration of Religious Harmony. In February 2003, the Committee submitted the Declaration to the government. Available in four official languages, the Declaration affirms the values that the government believes have helped to maintain religious harmony in Singapore. According to the government, the Declaration “serves as a reminder of the need for continued efforts to develop stronger bonds across religions in Singapore.”¹⁶ Subsequently, the Inter-Religious Harmony Circle (“IRHC”), a group comprising representatives of the religious groups involved in the working committee, sought to promote the Declaration. The IRHC encouraged Singaporeans to recite the Declaration during the week that Racial Harmony Day (July 21) is observed every year.¹⁷

Following is the full text of the Declaration:

DECLARATION OF RELIGIOUS HARMONY

We, the people in Singapore, declare that religious harmony is vital for peace, progress and prosperity in our multi-racial and multi-religious Nation.

We resolve to strengthen religious harmony through mutual tolerance, confidence, respect, and understanding.

We shall always:

Recognise the secular nature of our State,

Promote cohesion within our society,

Respect each other’s freedom of religion,

Grow our common space while respecting our diversity,

Foster inter-religious communications,

and thereby ensure that religion will not be abused to create conflict and disharmony in Singapore.¹⁸

16 Government of Singapore Press Release, *Declaration of Religious Harmony*, June 9, 2003.

17 *Id.*

18 Government of Singapore Press Release, *Declaration of Religious Harmony*, June 9, 2003.

2. The Maintenance of Religious Harmony Act

On November 9, 1990, the Singaporean legislature passed the Maintenance of Religious Harmony Act¹⁹ ("MRHA"). The statute took effect on March 31, 1992. The Act provides for the maintenance of religious harmony in Singapore. It empowers the Minister for Home Affairs to issue a restraining order against a person who is in a position of authority in any religious group or institution if the Minister is satisfied that the person has committed or is attempting to commit any of the following acts: causing feelings of enmity, hatred, ill-will or hostility between different religious groups; or promoting a political cause, carrying out subversive activities, or exciting disaffection against the President or the Government under the guise of propagating or practicing a religious belief. The Minister may also issue a restraining order against a person who incites, instigates or encourages any religious leader or any religious group or institution to commit the above-mentioned acts, or a person who is not a religious leader who causes or attempts to cause feelings of enmity, hatred, ill-will or hostility between different religious groups. A restraining order issued against a religious leader may direct that he or she must obtain the permission of the Minister before addressing members of any religious group or institution, assisting or contributing to religious publications, or holding office in the editorial board or committee of such publications. The Act criminalizes the breach of a restraining order issued pursuant to its provisions.²⁰

The current literature suggests an absence of religious conflict in Singapore. If this is indeed the case, the Maintenance of Religious Harmony Act has succeeded in creating peace and unity among the country's religious practitioners. Alas, the facts suggest otherwise. Instead of harmony, the Act has resulted in the exclusion of certain religious organizations from Singapore. Pursuant to the provisions of the Act, religious organizations such as the Jehovah's Witnesses, Unification Church and Jesus Saves Mission have been banned from the country.²¹ Banning entails the deregistration by the government of a previously registered religious organization.²² The statement released by the Ministry of Home Affairs announcing the deregistration of the Jehovah's Witnesses is in-

19 Act 26 of 1990, now Maintenance of Religious Harmony Act (Cap. 167A, 2001 Rev. Ed.).

20 Maintenance of Religious Harmony Act (Cap. 167A, 2001 Rev. Ed.).

21 Vivienne Wee, *Secular State, Multi-Religious Society: The Patterning of Religion in Singapore*, Paper Presented at Conference on Religion and Authority in East and Southeast Asia, 10 (2005).

22 *Id.*

structive in that it demonstrates a clear governmental intrusion in the doctrinal teachings of a religious body:

[The Jehovah's Witnesses sect's] doctrine and nature of its propaganda were based on its claim that 'Satan' was responsible for all organized government and religion. [...] The result of the impending Armageddon will be the destruction of everyone except Jehovah's Witnesses who will inherit the earth. By virtue of this doctrine, the sect claims a neutral position for its members in wartime. This has led to a number of Jehovah's Witnesses in national service to refuse to do military service.²³

With the government openly discriminating against religious organizations because of the content of their doctrine, Singapore does not appear to be a bastion of religious harmony.

C. Non-Legislative Initiative in Senegal

In the December 28, 2013, NPR broadcast of *Weekend Edition*, host Linda Wertheimer and West Africa correspondent, Ofeibe Quist-Arcton, sought to show that while Christian-Muslim clashes in Nigeria and the Central African Republic had resulted in the deaths of many of those countries' residents during 2013, Senegal was demonstrating that it is possible for religions to peacefully co-exist in Africa.²⁴ The program highlighted the "Dialogue of Religions" recital at the Grand Theatre in Dakar where Islamic religious singer, Saida Binta Thiam, shared the stage with the choir from the Roman Catholic parish of St. Theresa's Grand Dakar. *Weekend Edition* viewed the recital as symbolic of the growing sense of inter-religious harmony in Senegal. The program noted that although Senegal is a majority Muslim country, in a show of solidarity, tolerance and togetherness, the Senegalese observe all Christian holy days as well as Islamic holy dates on the calendar. In an interview with Quist-Arcton, Edouard Diegane Sene, leader of the St. Theresa's choir, explained that Senegalese talk through their problems. He opined that Senegal's example of religious harmony was one that African countries in conflict, such as Nigeria and the Central African Republic, can learn from.²⁵

For her part, Thiam stated that she and the Christian choir are showing Africa and the world that "solidarity and respect for others are very much a part

23 *Id.* at 10-11 (citing *Straits Times*, July 20, 1982).

24 Quist-Arcton, *supra* note 5.

25 *Id.*

of Senegalese life.”²⁶ She expressed the hope that their message of unity would spread.

It is too early to determine whether the late-December concert in Dakar has had any positive effect on religious harmony in Senegal. It is encouraging, however, that the initiative has been seized by the people, not the government. Indeed, if the people want something and determine they will have it, they most likely will!

IV. A PATHWAY TO ACHIEVING RELIGIOUS HARMONY

The Senegalese have the right idea: the people are the ones who must begin the journey to inter-religious harmony. With this in mind, this paper proposes a five-part plan to achieving religious harmony.

A. Religious Practitioners Must Know and Practice Their Own Religion

A desire to cultivate and spread inter-religious harmony does not necessarily mean that someone should abandon his or her own faith. Rather, it is important that the religious practitioner knows and practices his or her own religion. Christians should be proud to be Christians, and should practice all tenets of their faith. Muslims should do the same. Buddhists should do the same. Hindus should do the same. Rastafarians should do the same. If all religious practitioners were grounded and secure in their own beliefs, they would feel less threatened by seeming overtures of other religions. They would therefore be able to discuss religious and non-religious matters with peoples of other faiths without being wary about straying from their beliefs. Thus, the first step to achieving religious harmony is to know and correctly practice one’s religion.

B. Respect Other Religions – and Even Non-Religion

To truly practice religious harmony, the religious practitioner must be willing to respect all other religions. The practitioner must also be willing to respect non-religion. After all, every human being has a right to practice his or her own religious beliefs. Likewise, every human being has a right to not practice any religious beliefs. Religious practitioners must understand and appreciate

26 *Id.*

these two realities. Hence, while the practitioner may disagree with the tenets of another practitioner's faith, he or she must respect these tenets and be willing to be at peace with this other practitioner. By the same token, if an individual does not wish to practice any form of religion, the religious practitioner must respect that wish also. Using violence or angry words to bend another person to the practitioner's religious will does nothing to foster religious harmony.

Christians and Muslims may well question this proposal by asking: "If we respect all other people's religious views and/or their desire to be irreligious, what would we do about evangelism?" Respect does not mean the death of evangelism. Respect should lead to the development of respectful methods of evangelism, methods that would proselytize others while treating them with dignity. But this is the topic for another day, another paper.

C. Work Closely with People of Different Faiths and Beliefs

People get along better if they know each other. This is true whether the people are religious or irreligious. If Planet Earth is to experience the growth of religious harmony, people of different religious faiths must get to know each other.

Some religious practitioners have already begun this trend by establishing interfaith fellowships and other groups where people of different faiths meet to talk, build coalitions, and foster inter-religious harmony. This writer knows of one Seventh-day Adventist minister who is a member of his local interfaith group, the Interfaith Dialogue. This ordained Seventh-day Adventist minister attends the Dialogue's monthly meetings at a local United Methodist Church building, participates in at least one Ramadan *Iftar* each year at the local Islamic Center, has spoken at Jewish synagogues, visited Mormon temples, attended funeral services at various houses of worship, and built a network of friends among practitioners of different religions. As a result, whenever he needs members of other religious faiths to assist him in any of his projects, he has a more than ample supply of willing candidates to choose from. Such is the result of religious harmony.

D. Non-interference in Religious Matters of Other People

Religious organizations sometimes face internal conflicts. In modern society, these conflicts include the ordination of women, fellowship with homosexuals, same-sex marriages, end of life decisions, abortion rights, marriage and divorce, and political activism. Each religious faith is doing its best to shape its policies based on its understanding of its scriptures, writing and teachings.

Non-members of these religious organizations should not interfere in this process. Mankind does not agree on all things. Religious practitioners will not agree on all things. Even within religious organizations, practitioners do not agree on all things. It would do well for practitioners to pray for organizations enduring internal conflict and engaging in decision-making processes, but do no more than pray. Interference beyond prayer is uncalled for.

E. Oppose Any Attempt to Misuse Religion Such that it Creates Disharmony in Society

In Sandra Brown's novel, *French Silk*, a group of dedicated Christians engaged in a protracted battle with a lingerie manufacturer and publisher of a clothing catalog because the Christians believed the clothing and catalog were too risqué.²⁷ As their battle song, the Christians chose the old hymn, *Onward Christian Soldiers*.

As one reads the novel, though, he would be astonished at the way in which the Christians used violence, intimidation and lies in their unsuccessful attempt to banish into oblivion a business enterprise they saw as unchristian. The more they sang their battle song, the more they looked like undisciplined ruffians rather than Christian soldiers marching under the banner of Almighty God. This *modus operandi* should not belong to any religious group. Religious practitioners should always seek to be firm and "stand for righteousness," but they should do so by acting within the law, without causing disharmony, confusion and strife.

V. CONCLUSION

Although it sometimes seems to be an oxymoron, religious harmony is an admirable goal. However, mankind will never achieve religious harmony until all religious adherents are willing to give to each religious faith the same amount of respect they expect for their own. Until that time comes, all talk of religious harmony is useless and in vain. Because religious harmony has significant economic and social benefits for every nation, both religious practitioners and citizens who choose to shun religion should strive for that goal. May Planet Earth be someday shrouded in the cloak of religious harmony.

²⁷ Sandra Brown, *French silk* (1992).

An UNESCO paradigm – Educating in Values and Religious Pluralism for a Culture of Peace in the 21st Century

*Liviu Olteanu*²⁸

Introduction

We undoubtedly live in a complex world and in a postmodern society. We can rhetorically ask ourselves: “Is it necessary to reflect at length about matters that have a serious impact on society?” [1] Of course! This is the almost unanimous conclusion of philosophers, sociologists, political analysts and lawyers of our times. But, can we speak about a *crisis of values*? A few years ago, the director of UNESCO, Koichiro Matsuura, was asking himself: “*Does this mean that we are heading toward a world with no ethics?*” [2] His response: There is not a crisis of values – because we don’t lack values –, but *a crisis of the meaning of the values themselves*, and of their capacity to govern us. The urgent matter is *knowing how to guide ourselves* by these values [2, p. 14].

The contemporary crisis of values is not just the crisis of the traditional moral limits inherited from the main religions and beliefs, but also of the secular values that follow them. *There is no longer a fixed pattern of values of a stable and absolute measure, but all values oscillate.*

I have a dream that, for the wellbeing of all, Professor Ruiz Calderón Serrano’s words might be fulfilled: if it is true that every generation confronts its own challenges, then we need to be conscious that our forgotten illusion about the end of History *must suddenly rise up against its threats*, while probing, not always in a successful manner, the possible answers [3].

28 Liviu Olteanu, lawyer, permanent representative to the United Nations in Geneva, New York and Vienna, permanent representative to the EP in Strasbourg and Brussels, main spokesperson at the COE in Strasbourg and at the OSCE.

2. Why teach good values?

What is the justification for an education based on values? Teaching of values is justified by the need that we, as individuals, have to be engaged with certain ethical principles that help us to evaluate our own actions and those of others.

♦ *Values are prescriptive beliefs or normative and enduring principles* that suggest to us that a certain conduct or a final state of existence is personally and socially preferable to those that we consider opposing or contradictory [4]

If we consider the individual within the society where he lives and his relation to it, there we find the field of civic values and the opportunity to promote a *collective awareness* education, regarding constitutional principles, in order to achieve democratic habits or a peaceful coexistence.

The question of values is a matter not only of personal intuition and of a personal collection of values, but also a matter of cultural predispositions necessary to appreciate it. Teaching of values would then consist in cultivating those conditions that prepare us to taste certain values. [4, p. 25].

Ortega y Gasset reminds us that when we face things we not only process them in an intellectual manner, such as understanding them, comparing them or classifying them, but we also estimate or dismiss them, we prefer or relegate: that means we value.

Some features are outlined below [4, p. 15-35]:

♦ *The worth of such values*

The reason why they attract and please us is because they are not just a pure subjective creation. Values are real qualities belonging to people, things, institutions and systems.

♦ *Reality is not static but dynamic*

It contains a latent value potential that human creativity can only keep on discovering. Human creativity is part of the dynamism of reality.

♦ *Values are qualities that allow us to make the world a better place; they make it habitable*

Whilst affirming Ortega's observations, we can modify them to suggest that values are real qualities, which we did not invent from nothing, and they have to do with things, and also with actions, societies and individuals. A value is not an object, not a thing, not a person, but it exists in the thing (a *beautiful* landscape), in the person (a *caring* person), in a society (a *respectful* society), in a system (a *fair* economic system), in actions (a *good* action) [5]. Indeed, we tend to substantiate the values, to condense them into nouns, and then express them as such: *freedom, equality, solidarity...* Sometimes we even give them corporeal

form, embodying them in symbols, such as a woman with a torch (freedom) or a scale and blindfold (justice), but we know that they don't exist in these forms and that we will never meet a being called *freedom* or a thing called *justice*. **Values are qualities that characterize certain people, actions, situations, systems, societies and things**, and that's why we express them most often by descriptive adjectives, as in the two examples presented above.

▲ **Values have dynamism**

When we talk about 'dynamics' we mean the fact that there are realities that always attract or repel us, invite us to act in one way or another, but they never leave us indifferent. Values bring life to our actions. The positive ones encourage us to try to achieve our goals, while the negative ones push us to eliminate them. The values have a dynamic force, by which they encourage us to act, if positive, or to avoid, if negative.

Where are the creative minds and works that carry values capable of transcending the errors, confusions and systemic violence that confront all societies, cultures and contemporary religions? [6] ***The danger that threatens us today IS NOT, as some say, the clash of civilizations, but the absence of shared values.*** More than ever, we must adhere to the ethics based on values that are directed to a more just and a more caring world, a world open to all, reigned over by freedom, peace, non-discrimination and respect for diversity ...” [7]

3. What should we consider when we teach values?

Problems and changes in our world affect us all, even though, often, we see more symptoms than causes [8]. The ethical debate today has a social extension unknown in the past. We've gone from accepting a socially recognized set of values, to a large variety of proposals about what is good for man and human coexistence, and what is harmful.

3.1. Interdependence and diversity

One of the features of our world is interdependence. But there is a question. Can we talk today of universal values, shared by all inhabitants of the planet, placed above the diversity of cultures? Having universal values does not mean there are still many doubtful parts of the world where consensus is complicated to achieve. But one of the challenges that we have is to promote dialogue and find the values we all share.

We must find a system of values that provide a foundation of stability in our lives. Increasingly, there is a need to discover the role of values as promoters of the person and of society.

3.2. *A new kind of global society*

No doubt that we can see and we can say that a new type of global society is forming. Today's society is contradictory: legally established on the basis of equality and justice and at the same time, installed in hedonism, consumerism, comfort and unlimited development, thus promoting inequity. It proclaims freedom and condemns the violence, but manipulates information and violates personal privacy. The challenge lies in the definition and exercise of personal values that make us more responsible. Without any doubt, we live in a society in transition.

3.3. *History and its transformations*

We can evaluate something according to its ethical principles, its customs, its social patterns and its aesthetic criteria. You can talk about traditional values and modern values. According to Josue Justo Hernandez:

In a humanistic meaning, value means what makes a man to be a man, without which he would lose his humanity or part of it. The value refers to an excellence or perfection. From a socio-educational perspective, values are considered as references, patterns or abstractions that guide human behaviour towards social transformation and personal fulfilment. They are guides that give specific orientation to the conduct of life of each individual.

The subjectivist view considers that values have no worth in themselves since they are not real; people give them a certain value, which means they depend on the personal perception of the man. The neo-Kantian school affirms that a value is above all an idea. It separates what is valuable from what is not, depending on the ideas or general concepts that people share. In thought and mind is where values have form and meaning.

From an idealistic perspective, values are ideals and objectives, which hold worth regardless of the things and people's estimations.

Justice still has value regardless of our inequities [9].

3.4. *Human development*

Values are linked to existence itself; they affect behaviour, form and shape our ideas, as well as our feelings and actions. Man builds and grows as a person, alongside the realization of values. We will succeed in maturation in the values precisely through the assessment process. The person experiences and interprets reality through the set of values that live in every moment. As life circumstances are changing, changes also appear in the value system that is our core benchmark [10].

In everyday life, we actually judge attitudes and values continuously. And this, in the obvious sense that every human being, in different contexts and situations, appreciates or evaluates actions, objects or events [10, p. 279].

3.5. *Decisions and identity*

Values education maintains that each subject is the author of his own story. It places in his hands the responsibility to invent his life, to make decisions in disharmonised situations and building a desirable way of being and a correct means of coexistence. This is the proper sense of values education [11]. Etxebarria also says that there is no neutrality towards what excites us, what we love, want and appreciate, but we perceive and value at the same time, although the process is longer, until the ego strength tempers and balances the often contradictory desires. The recognition of values, meaning to act according to the chosen values, is the dimension of behaviour. The values are part of our identity.

3.6. *To enforce or propose universal values*

There are a number of universal values in the Universal Declaration of Human Rights that enjoy international acceptance: justice, solidarity, freedom, and tolerance... This acceptance is not only theoretical, but also has practical implications in daily life. *There is a difference between the beliefs of the values we hold and values really lived.* Etxebarria claims that a dissociation or discrepancy between the values that we internalize and those we actually experience is mainly the causative element for the alienation of postmodern man [11, p. 19].

Educating in values does not mean imposing, but rather proposing; demonstrating different paths and options, and helping everyone to see what is the best for him. The values education must *encourage the development of thought*, critical analysis capacity and at the same time, affection.

4. Values education and its challenges in society

4.1. *Respect for differences, religious minorities and the defence of justice*

Pauline Rosenau said [12] - quoting King and Schneider- "we need today an education that refers to a permanent learning process of every human being in society: education should consciously and decisively engage the person in a permanent and lifelong process that begins in the home and family; continues in an academic setting; then later in work and leisure activities, in a religious environment, community and other organized groups such as associations or political life; and which is extended, when the moment of retirement arrives, to personal and altruistic activities." [11, p. 20].

The defence of justice is a challenge today. Undoubtedly, one of the great difficulties resides in reconciling cultural identity and respect for differences in a society where beliefs and cultures coexist. How can we encourage integration and differences, while respecting one's own cultural identity? *Are we teaching a respect for minorities?* Today we live in a complex world, full of uncertainty. I think our goal of achieving a more just and fraternal society, passes through a change in our mental attitudes and behaviour.

4.2. *Efforts towards common objectives*

The basis of the pedagogy of peace, respect and non-violence, is an education in hope and in the growth of freedom. This author argues that the proposal of the XXI century is to pass from a culture of fear to the culture of hope. As Camps says: "social achievements, especially the long range ones, are never the result of the efforts of a single individual or even a group of enthusiastic and committed people. Nor are they the exclusive work of a government or administration. They come from the wilful and consistent work of a series of individuals who agree to common goals." [11, p. 23]

4.3. *Adapting to global change*

The sociologist and philosopher Jean Baudrillard, speaking about the *world order*, states very clearly that "*the situation changes and becomes radicalized with the loss of authority and legitimacy of values. Nowadays, the triumphant globalization finishes with all the differences and values, and initiates a totally ignorant culture or lack of culture.*" [13]

Moreover, today, facing a *world order* without any alternative and an arbitrary globalization who does not know where it's heading, or facing the stubborn insurgency of singularities, the concepts of *freedom, democracy and human rights* seem to be intimidated, because they are only ghosts of a universality that has disappeared [13, p. 45].

4.4. *Confronting religious violence*

The inhuman face of modern humanism is drawn through the tragic investment of values. Today, each of the cultural claims hides a violence of a religious nature. If you look at the patterns of civilization (Science, Reason, Progress, Moral and other Capital entities in a sinking state, in the words of Marcel Gaucher), you find that the modern individual is suffering its consequences in this form of modern slavery that doctors call stress, because he is the victim of the illusion of being his own master, while actually he serves the darksome

objectives of the crowd (...). *Belonging to the same culture or religion is not a guarantee of tolerance or of a political happiness* [14]. Tolerance that represents the rejection of what is intolerable has become a right to intolerability. The right of the weak is modelled according to the abuses of the right of the strongest.

4.5. Polytheism of values: confusing principles, divergences and the double criteria

As Catherine Labrusse-Riou says, “Human rights have been degraded to benefit confusing principles, interpreted according to individualistic and arbitrary ideologies, regardless of the idea that the law is above all the establishment of relations between humans, built of rights and duties, and not the exaltation of a lone individual with some indefinite freedoms that are powers exercised over others, and therefore, the alteration of liberty or the dignity of the other [15].”

U.S. researcher Robert Kagan has shown how, in the geo-historical circle of Western Europe, the states use a system of thought based on the use of a double standard: the political and moral values idealized the continuation of the classical metaphysics, and military, scientific and technological power [2, p. 77].

So far, the problem of the foundations of the values is extremely simple: God had offered to human laws so they could do good. On the other hand, in the secular context of the very close societies the situation was similar, as ethical precepts were deeply internalized. Obeying and respecting the values were obvious attitudes.

Things change with increasing autonomy and individual responsibility, considering that the imperative no longer comes from God, nor religion, nor state, nor society, but from the individual himself, according to the definite imperative of Kant ... According to this view, values depend on the individual, through his responsibility, his dignity, his virtue and honour, with extra attention to the context of globalization [16].

4.6. Performance, as a method of measuring values

The failure of pure morality is due to the fact that it never worries about the consequences: it is convinced that good intentions lead to good deeds. Pascal had formulated the following principle of morality: it is not enough to think properly in order to have an ethical behaviour; it is necessary to know the conditions under which the actions are to stand for the values to see if we really act in their benefit [16, p. 86].

From the moment that, in the words of Max Weber, a ‘polytheism of values’ exists, conflicts often arise between contradictory ethical imperatives [16, p. 88].

4.7. *Desecration and illusion*

Despite our values, supposedly 'universal': (liberty, equality, human rights, etc.), the bond that united the emancipators of the Age of Enlightenment has broken...because it went through the great desecration...“There are no eternal laws, identical for all men, in all places and at all times written in heaven, nor the heart,” said the great debunkers [17].

There are some significant questions we can ask:

Would not the Good, the Bad, the great moral imperatives, the idealistic costume cover with dignity the worst instincts, the more materialistic instincts of possession and domination?

Would not be the reason for the individual or collective interest be the hidden base of our actions?

Could it be the desire for political or economic power of one kind or another, of one group or another or a nation be the obscure origin of the institution of values that are falsely presented as universal, in order to extend its empire even further?

Obsessive suspicion breaks what seems absolute and sacred, and haunted even the most iconoclastic and more lucid thinkers of the nineteenth century.

The jurist and philosopher Ruiz Serrano declares: *The first thing that calls attention in a postmodern society is the apparent emphasis on what has been called moral debate.* A feature of the current debate is that it only seems, as a second priority, to try and change the behaviour of people, in the sense of seeking a moral good... In fact, the main contribution of the debate seems to address questions about the reality of the moral basis of this or another institution... [3, p. 103] Unfortunately, “*the religious reflection of global explanations, which maintained some moral demands, has been replaced by direct discussion of moral issues.* The surprising effect for an observer is that, for example, there is a requirement that the various religious positions adapt themselves to successive moral demands, or rather to the moral laxity, so widespread among our peers.”

The root of this attitude is found in the illustrated process itself, first in the French Enlightenment and then in the English, German and Latin Enlightenment, when *man lost sight of the strict moral requirement, when abandoning religion, that means the relegation to the concrete God*, to push him to the status of Supreme Being who, strictly speaking, only communicated, if we can call it that, through the demands of reason.

4.8. *Without natural foundation: transcendental*

When Sartre, the representative of atheistic existentialism, was being re-proached for the free risk that his conception of freedom represented: freedom born from nothing to create value with no natural or transcendental base, he answered by taking the example of Picasso: when Picasso painted, he did not obey any previous standard or any idea of beauty, no eternal ideal of the painting environment, yet ‘when we speak of a Picasso painting, we never say it is free’. He did not just paint in any way or of any thing: he was demanding. It is true that he invented his own criteria, but he submitted himself to them to reach a result that fully convinces him: he was a creator of values [18].

5. Relativity and fragmentation

In the moral or aesthetic, and in the economic field, there is no absolute standard of a stable measurement system of the values. Society, with its material and spiritual products, is a big market where everything fluctuates according to the principles of the bag [19]. The random, subjective and ephemeral replaces any idea of a base of transcendence and duration. *The logic of fashion*, which was the ruling of arbitrariness, sanctioned by unanimity or by a temporary transgression that only affected secondary aspects of life, is everywhere. A kind of relativism seems to affect all values [19]. As suggested by Valery, *the securities trading system contaminates all values* and has become the way of life of the values in our world, whether it is the arts, or morals or politics; the result is that we lose the regulatory, but sometimes liberating, certainty provided by the idea of nature or natural law.

Fragmented values cannot guide a story. A *religious* value that in the beginning of a century only manages to give birth to deformity of the terrorist fundamentalism, is a sick value. *A vast cosmetic change of the culture comes to replace it at the end. The nationalization of the values enshrined in the triumph of appearance.* On the other hand, we can say that *we keep being anchored in the ambiguity of postmodernism.* There is a fad or a frivolity also related to values. The values depend on the be-trendy and settle in a relationship of equality and not of transcendence [20].

In the opinion of the French sociologist Roger Sue, three levels of values can be distinguished:

- ♦ abstract values or principles,
- ♦ internalized values,
- ♦ values that are practised.

The abstract values or principles, were provided by the Age of Enlightenment with the statement of the values of individual, freedom and equality. What I think that has changed today is that we have passed from the stage of abstract universal values to the phase of internalized values. Although not yet become practised values, starting abstract values have ended up being humanized, believed in and integrated. We are still at the stage of internalization of values and not in the third phase, the practical realization of these values [21].

6. Religious pluralism, intolerance and values of citizenship

The birth of moral and *religious pluralism* in the West dates back to the sixteenth and seventeenth centuries when the bloody results of the religious wars, or psychological, economical and political wars, disguised as religious, were exposing the folly of intolerance in matters of belief. It did not seem very consistent with the spirit of Christianity to torture or take the life of dissidents, especially when the deeper message of the Gospel was simply that of love [22]. Christian thinkers like John Locke, or deists like Voltaire, among others, initiated those publications about tolerance (as a preamble to the later right to religious freedom) that, having these still quite more intolerant origins, gave place in time for acceptance of pluralism. *Tolerating* the plurality of last conceptions, *the diversity of worldviews*, was gradually becoming a natural situation for human society.

6.1. Pluralistic societies and types of values

In pluralistic societies the first problem in this area is to determine what values we as a society are going to teach. It requires a society to be aware of what the values really signify. What can we say in this sense about the value of citizenship?

Firstly we can say that for the *polites* from the Athens of Pericles and classical Roman *civis*, the citizen models came about and mixed in Western history up to satiety. *Secondly*, we must consider the different dimensions of citizenship, from the legal and political to social, multicultural and differentiated citizenship. But *thirdly*, a question arises that the American world formulated in the following terms: speaking of educating the citizenry, is it worth educating for patriotism or cosmopolitanism? [23, 24] When A. MacIntyre Beyo published a work entitled 'Is Patriotism a Virtue?', the title itself seemed strange in Europe: how could he seriously ask if patriotism is a virtue and lack of patriotism a vice?

The notion of citizenship has in principle within it the germ of the tendency to create closed communities. Indeed ‘citizen’ is the one who belongs, as a full member, to a particular political community. The notion of belonging not only involves a sense of belonging to a particular political community, but also experiencing awareness about that community’s responsibilities and obligations of loyalty. The idea of citizenship is articulated from inside/outside, ‘identity/difference’, and ‘inclusion/exclusion’, starting with the recognition that community members have identifying features that distinguish them from those who stay out of it.

6.2. *The starting point of education in citizenship values*

The starting point of education in citizenship values includes:
features of the local citizenry, ‘the patriotism’;
features of world citizenship, ‘the cosmopolitanism’.

In the case of an existing conflict between loyalty to one’s own political community and loyalty to mankind as a whole, to which of the two should one extend fundamental obedience [25]:

Some aberrations include:

Parochialism

One of these aberrations would be the ‘parochialism’ of the person who does not appreciate values other than his ethnicity, his people, and his culture;

Abstractionism

Accordingly, there are those who appeal to humanity as a whole and lack sensitivity and responsibility for their own context.

In order to find the prudent average term, it is important to analyze the reasons that could assist those who are in favour of each of the options [4, p. 67]. The major unresolved issue is then to educate in a new wisdom: in **knowing how to harmonize their own identities**, because every human being is characterized by a set of identities.

Cosmopolitanism comes from the West, from an ancient and well-tested tradition, which started in early Stoicism, in the fourth century BC. Stoics founded their belief upon being citizens of the world in two key essentials of their thinking. The first referred to the truth that all human beings are identical in at least one aspect that come with *logos*, reason and word, and therefore, are children of the universal *Logos*. But it is the identity of all human beings to be endowed with *logos* and diversity in other aspects which originates membership in a political community, endowed with certain laws and consecrated to certain gods, and membership in a universal community.

The idea of this dual membership, by which we are citizens of a particular country while citizens of the world, is reinforced in Western traditions, through Christianity that has all humans as children of the same Father, and thanks also to philosophical proposals as decisive as that of Kant, who secularized this Christian notion in the idea that every man can belong to a single moral community. Indeed, Kant maintains that every human being belongs by birth to a political community, with whom he has contracted a moral duty to attempt to turn that community into a rule of law where all citizens can exercise their autonomy. But every human being is not only a citizen of a state, alongside every other person, able to abide by its own laws, and to be in control of himself. The human being, as a person, may be part of a moral community, governed by laws of virtue, capable of designing the pieces of a Kingdom of Ends, a kingdom in which each person is treated as absolutely valuable [4, p. 69].

7. Dignity, the differential fact and moral rights

Being a *person* is what gives humans a peculiar *dignity*, under which they cannot be exchanged for a price [4, p. 71]. The doctrine of human dignity finds here a rational foundation, offering reasons elucidating why people are worthy, what rights are justifiable to assure just for the sake of them being people. This would be the rational foundation in the end, of a type of rights called 'human rights', which Anglo-Saxon tradition recognizes as 'moral rights' [26].

We are deep into a much debated current topic, the question of 'differential fact'. No doubt there are differences between human beings, many and varied. People differ from each other:

- ♦ by the political community to which they agree to belong,
- ♦ by religious affiliation,
- ♦ by cultural background,
- ♦ and by countless dimensions, that together build up a whole personal

being.

For the sake - say some supporters of cosmopolitanism - blood ties create a moral obligation of bias, but not other bonds such as political ties. What does this mean? It means that in Western tradition it *has been considered that one who wishes to make a moral judgment should assume an attitude of impartiality*. To make a judgment morally right, the correct point of view cannot be self-interest for any judgment to be accepted in place of anyone and not from the perspective of a particular person, inevitably partial.

7.1. Differences between nationalism and religion

There is a big difference between nationalism and religion. Religions, as Rousseau pointed out, may be of at least two types: religion of the citizen and religion of man.

The religions of the citizen are those which internally cohere within each of the different political communities, the gods of those religions are of that community who fight the gods of the other communities, while defending their own. They are the gods of Greece and Rome, each god of his own city.

Christianity, however, is not a religion of the citizen but *a religion of man* (of *the person*, we would say today); its goal is not that individuals unite in defence of their city, but rather that each man relates with the God of all men. Christianity breaks the boundaries of the city and opens the borders to a universal religion, with principles which reach over and above that required by the State" [27].

The civil religion proposed by Rousseau to ensure civility of the members of the political body *does not engage the hearts, but the behaviours*. Nobody can be forced to believe in this religion, but to *behave* according to it, if publicly acknowledged, because only this religion ensures that citizens acquire the social sentiments without which it is impossible to be a *good* citizen. Indeed, the dogmas of civil religion are the existence of the powerful, intelligent, farsighted and provident divinity, the life to come, the happiness of the just, the punishment of the wicked, the sanctity of the social contract and the laws, and the exclusion of intolerance.

When Christianity has been used as a *civil religion*, it has actually been manipulated because its nature is not to serve as leaven for the political community. We can say that *Christianity* does not ensure the sanctity of the social contract, but the sanctity of human life and the mutual recognition between human beings, which opens the way for cosmopolitanism. Christianity cannot be a civil religion in the creative sense of civic identity, precisely because it is universal.

The language of human rights is used too often as a smokescreen to hide the fraud and corruption of everyday life. To all, the ethical core of our society, which is really embodied within, is hedonistic individualism [28, 29]. Each individual feels that he and his wishes are the centre of social life and therefore is worth creating and maintaining links that result in his wellness. In the end, the individualism of beings who understand themselves, not as people and not as individuals in a community, but as separated atoms, between whom only instrumental ties should be formed.

7.2. *Multiculturalism and living with differences*

Multiculturalism requires teaching how to live with differences. Why? Samuel Huntington predicts that future conflicts will be more determined by cultural factors than by economic and ideological factors.

The West needs to develop a deeper understanding of the religious and philosophical conceptions of other civilizations. His thesis, that the central and most dangerous dimension of the emerging global policy will be conflict between groups of different civilizations, warns and urges *intercultural education* [30].

Much of our societies have become multicultural and will be ever more increasingly so; every culture has its own characteristics deserving of respect, and multiculturalism is potentially an asset; in order for wealth to achieve fruition, *it is necessary to establish communication and interaction between all these Cultures without erasing the specific identity of each one* of them. As a result of these factors we understand the meaning of 'intercultural'. Achieving intercultural status is not an objective in itself. It is above all an instrument to promote equality of opportunity and the best possible integration in economic and social life.

7.3. *Measures of communication and interaction between cultures and religions*

7.3.1. *The positive practice of tolerance*

It is not possible to address intercultural education without clearly stating the value of positive tolerance. ***It is easy to believe that you are tolerant, just by the fact that you are indifferent.*** From the State of liberalism you cannot deduce passive tolerance or indifference of the individual. The power reserves its actions in case some want to coercively impose their religious, moral or politics, limiting others' freedom and hindering the free exercise of building their thought.

7.3.2. *Active tolerance requires the practice of recognition of others*

Charles Taylor's thesis is that our identity is shaped in part by recognition or lack of it [31]. Recognition must be exercised between different people and by it we show true respect to the identity of the individual and groups. The conquest of the concept of dignity, clearly universal, inevitably leads to the assertion of the concept of identity.

Is the religious act a basic component of the human and citizenship complete development? Of course! Knowing the features of reality that surround us [32], the conceptions of the world, man and society are a form of knowing what

a moral involves. They certainly possess the value to be the beliefs (and experiences) of the other, i.e. my neighbour. If I do not know the ideas, emotions and hopes of another, I cannot know or respect him. I cannot practise with him an active tolerance and I will project a false image to him that will prove unjust and oppressive.

Religions, especially the monotheistic ones, have acted as a fervent critic of social order. The history of the religions of the Holy Book is, in some ways, the story of the struggle of human intelligence to decipher the most authentic meaning of language. Religions, in their practical aspect, have been and continue to be a formidable intellectual, moral and social energy generator. A dangerous generator capable of triggering destructive movements, but which has also produced exquisite manifestations of thought and common sensibility.

7.3.3. *Christianity is a type of humanism*

Not all humanism is necessarily anthropocentric. If by humanism we understand the search for the fullness of man, we must accept that there is a Christian humanism, in which belief in the otherworldly and divine providence does not exclude but instead requires also the salvation of men in his closer, human existence. Religious values are, by excellence, civic values also.

Educating in values is to educate morally, because *it is values that teach the individual to behave as a man*, to establish a hierarchy among things, to become convinced that something is important or does not matter, that it is okay or not okay, is a value or anti-value. Moral education promotes respect for all values and options.

7.3.4. *We are equal and we are different*

Human beings can enjoy existing together in their equality and differences and become mutually enriched from these differences. This is possible if we know how to create a climate of tolerance. Boutros Boutros Ghali said that tolerance is a “*respect for diversity through our common humanity*”. In a UNESCO document from 1994, school is defined as the place *par excellence* where tolerance is exercised, human rights are respected, democracy is practised and where the diversity and wealth of cultural identities can be learned.

7.3.5. *To create a climate of tolerance*

There is a need to eliminate the factors that threaten peace and democracy, namely: violence, racism, xenophobia, aggressive nationalism, violations of human rights, religious intolerance, terrorism and the growing gap between rich

and poor countries. Religious diversity is a fact and it is also a fact that many people do not consider themselves religious. It is a bad thing when the state religion sets in law or in fact, the obligation to belong to a particular religion or the exclusion of those persons or institutions linked to another religion. Religious intolerance often leads to hatred, division and war, as recognized by UNESCO leaders convened in Barcelona in 1994. And they add: Religious people too often betrayed the noble ideals they themselves have preached.

8. Conclusion: Tolerance versus religious responsibility

The Declaration on the role of religion in promoting a culture of peace under the auspices of UNESCO proposes the following:

Faith communities have a responsibility to promote conducts characterized by wisdom, compassion, the art of sharing, charity, solidarity and love; inspiring each one and all for the purpose that we choose the path of freedom and responsibility. Religions must be a source of creative energy.

We need to assume in our way of thinking that our religions do not have to be identified with any political, economic and social power, so they can be free to work for justice and peace. Do not forget that confessional political regimes can end up being very harmful to both religious values and societies. We must distinguish between fanaticism and religious fervour.

We need to promote peace by opposing tendencies of individuals and communities who believe, or even teach, they are inherently superior to others. We have to distinguish and encourage nonviolent peace builders.

We need to promote dialogue and harmony between religions and within each religion, recognizing and respecting the search for truth and wisdom that develops outside of our own religion.

This Statement ends with an appeal: Rooted in our faith, we want to build a culture of peace based on non-violence, tolerance, dialogue, mutual understanding and justice... Let us call the various religions and cultural traditions to join forces and collaborate with us to spread the message of peace.

Locke and Voltaire reacted against religious intolerance, making it clear that no church could have a claim to be the depository of the ultimate truth or representing the unique God. The two of them strongly defended the separation of religious and political spheres, denouncing the injustice of the whole imposition of authority on the field of personal conscience.

Every country of the United Nations needs to learn at all levels, the culture of Respect, Justice and Tolerance. Neither Muslims, Hindus, Buddhists,

Jews or Christians: Orthodox, Catholics, Protestants, Baptists, Seventh-day Adventists, Pentecostals or Jehovah's Witnesses, or the Socialists, Communists, and so on, have any moral right to impose pressure on others to accept their philosophies, beliefs or religion, and have no right to prevent others from voluntarily expounding their teachings.

We all need the shared values referred to above. In order to avoid the possibility of alienating postmodern man, we need to recognise the discrepancy or dissociation between internalized values and real experience. Let us all demonstrate respect towards differences in a society where various beliefs and cultures coexist.

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Freedom of Religion or Belief in the European Context

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The devastation of the Second World War was the starting point for the construction of a new economic partnership which eventually became the European Union. Although one of the primary goals was to bind the European nations together with economic bonds, the creation of a peaceful collaboration was built on the foundation of common values. It was vital to get European nations to cooperate peacefully and to be constructively integrated instead of repeatedly waging war. The past 60 plus years show undisputedly how interaction and dialogue have paved the way to a productive coexistence in the midst of cultural, linguistic and religious pluralism. Sonia Morano-Foadi's aptly writes: "One of the major challenges of integration is to build a European identity based on a sense of common destiny and belonging."³¹

One of the values in the construction of a peaceful Europe has been freedom of religion or belief along with respect for all human rights, democracy, the rule of law, freedom of opinion and freedom of expression. These values express the important elements which Europeans share and which constitute the essential building blocks for an equal and just society.

At the moment, freedom of religion or belief is actualized on the basis of the European heritage and in harmony with its traditions. This means that in the EU countries churches are related with the state in different ways. United Kingdom is an example of a state church arrangement. Instant separation of church and state would not have been a workable strategy there and would not

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31 S. Morano-Foadi 'EU Citizenship and Religious Liberty in an Enlarged Europe', (2010) European Law Journal, Vol. 16, No. 4, July 2010, p. 417.

have produced the desired results, such as freedom of religion or belief. As can be seen in the history of the eastern part of Europe, and in the Soviet Union in particular, such an approach led to an obvious lack of religious freedom for most citizens. Judging by the examples which Communist rule in many European countries provides, the total separation of church and state does not automatically bring freedom of religion or belief for all. On the other hand, full religious freedom can still prevail, even if separation of state and church have not been attempted, let alone accomplished.

It is, therefore, important to take into consideration that each EU country has its own tradition of arranging and regulating relations between the state and various religious denominations and communities. The implementation of a church-state separation similar to that established in the USA at the launch of its independence would not be a viable option in the entire EU, nor as a general rule in its Member States. Moreover, it seems that it is not within the EU competence to steer or reorganize such major religious matters, which are the responsibility of each individual EU Member State. A radical switch to free market economy in religious affairs within the EU would not be likely to improve the actualization of freedom of religion or belief. Thus the principle of subsidiarity has been followed in the process of formulating and deciding on the common EU policy concerning churches and religious institutions.

The Lisbon Treaty can be regarded as one of the most essential points of reference relating to religious issues and relations between the state and the various religious bodies within the EU in general, but also in reference to freedom of religion or belief. Article 17 states the following:

1. The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.
2. The Union equally respects the status under national law of philosophical and non-confessional organizations.
3. Recognizing their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organizations.³²

32 <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-the-functioning-of-the-european-union-and-comments/part-1-principles/title-ii-provisions-having-general-application/159-article-17.html>

The expressed commitment to “maintain an open, transparent and regular dialogue” with various faith communities does not contain regulation in either way. It can instead be argued that constant dialogue will make mutual understanding and respect possible. The EU is equally open to ideas and views from religious or non-religious sources. The Article is an indication of the fact that churches and religious groups are part of society and included in the life of the EU and its decision-making processes and administration.

While the EU remains secular, it recognizes the religious needs of all its citizens. Because all human beings have an inherent propensity for ideas and experiences in the spiritual or religious realm, the EU must also make allowance for the fact that people need opportunities to fulfil these basic human needs both privately and publicly, together with fellow members of their faith community.

The Lisbon treaty, like all the other fundamental EU treaties, presumes the secularity of EU organization and government. However, at the same time all religious bodies have been recognized as legitimate cooperative partners. Through a constructive companionship of independent parties and through an exchange of ideas and views the EU as a whole, as well as its individual member states, can develop into more equal and just societies. It is by a process of open dialogue that the misunderstanding, mistrust and disrespect lying at the root of intolerance against religious or ethnic groups can be effectively eliminated. As the European ideal does not aim at uniformity but diversity, a working cooperation is reached by bringing the various stakeholders into open communication with each other.

In our view Article 17 of the Lisbon Treaty has the potential of considerably enhancing diversity and also the equality of religious organizations in the EU Member States by providing a channel of communication at the highest level of our common political and administrative system. In addition to the point of reference provided by the Lisbon Treaty, legislation on freedom of religion or belief is generally made in the EU states. Thus the challenges to religious freedom in Europe do not lie in legal deficiencies but rather in collective relational attitudes and behavioral patterns. The promotion of tolerance and mutual understanding between all Europeans demands “open, transparent and regular dialogue.” It is, therefore, important to make sure that it takes place and that there is a willingness to listen to the other party and take into account the ideas and views presented.

While the present debate on the freedom of religion or belief is primarily taking place within a legal framework, the experience of this funda-

mental freedom has to do with attitudes, social relations and patterns of interaction. Tolerance and respect for another person's religious ideas or practices cannot be forced by legal demand. Instead, they result from a social and cultural learning process taking place throughout society. The juridical context of this debate has also made it rather academic and distant from the situations in which ordinary citizens live their lives. **Freedom of religion or belief should be on the agenda of more sociologists, psychologists and political scientists, who are better acquainted with the way in which social groups relate to each other.** In fact, religious freedom should be increasingly addressed at the level of ordinary citizens, and the application of its principles should be considered in relation to everyday situations. **What is needed is a more practical approach, so that freedom of religion or belief is seen in terms of making non-discrimination, mutual respect and tolerance an essential part of communal interaction at all levels of public life.**

During the past year or two, issues related to freedom of religion or belief have received a lot of attention within the EU institutions. In December 2012 six members of the European Parliament founded the Working Group on Freedom of Religion or Belief. From its outset it has assumed an active role in raising issues related to this fundamental human right into the parliamentary debate.³³

The adoption of the EU Guidelines on the promotion of freedom of religion or belief by the European Union Foreign Affairs Council in June 2013 was a significant step forward.³⁴ Earlier on the document had been widely discussed at the European Parliament and endorsed in plenary session in Strasbourg in 2013. **These Guidelines will provide advice for EU diplomats and politicians who have to deal with cases where freedom of religion or belief has been violated.** The principles of the document have been drafted with the assumption that freedom of religion or belief as an issue is an integral part of EU foreign policy. Ever since the Guidelines were endorsed, there have been signs of religious freedom moving toward the forefront of issues acted upon in the EU external affairs strategy.

Although the EU should be applauded for adopting freedom of religion or belief as an integral part of its foreign policy, there is a need for a more defined definition of this fundamental right in terms of generating

33 <http://www.religiousfreedom.eu/wp-content/uploads/2014/02/EPWG-2013-Report-Final-for-printing.pdf>

34 http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137585.pdf

praxis-oriented recommendations for EU citizens. It is unfortunate that many Europeans take freedom of religion or belief for granted, as an obvious state of affairs, so there is a lack of appreciation for the level of religious liberty which generally exists in the EU. In addition, the meaning of freedom of religion or belief is unclear for many. There are a number of EU citizens who claim freedom of religion or belief as the basis for their demands for the total absence of all religious elements in the public space. **Unfortunately, there are some who fail to understand that freedom of religion or belief is a fundamental right belonging to all, and that it also includes the right of public expression. If the freedom of religion or belief is narrowed down for some people, this will inevitably limit the right for all.** At the same time it will bring to an end the pluralism which is, after all, an irrefutable European value.

Church and State in Italy, Portugal and Spain – The Pyramidal System³⁵

Tiziano Rimoldi³⁶

Introduction

According to a classical classification of the relations between states and religions³⁷, we have three main models:

- a. Subordination – normally the subordination of the church to the state – (sometimes called state church)³⁸-
- b. Separation-
- c. Coordination (sometimes called hybrid or cooperation)³⁹.

Those classical models are not pure models. In the past history and in present time they can be found incarnated in ways that show differences between the pure model and reality.

In particular, today, I would like to concentrate on a group of states that share many points of similarity in their last century history and that belong to the cooperation model of church and state relations⁴⁰: Italy, Portugal and Spain⁴¹.

35 This paper was presented at the I Conferência “Consciência e Liberdade”, A Crise Europeia e os seus desafios à Liberdade Religiosa, Universidade Lusófona de Lisboa, Auditório Armando Guebuza, Biblioteca, 2 de abril de 2012.

36 Tiziano Rimoldi is a professor of Ecclesiastic Law at the Faculty of Theology at the Adventist Institute of Biblical Studies, Florence, Italy.

37 See F. Margiotta Broglio, *Il fenomeno religioso nel sistema giuridico dell’Unione Europea*, in F. Margiotta Broglio et al., *Religioni e sistemi giuridici. Introduzione al diritto ecclesiastico comparato*, Bologna, Il Mulino, 1997, pp. 122 ss.

38 See N. Doe, *Law and Religion in Europe*, Oxford-New York, Oxford University Press, 2011, p. 28.

39 See N. Doe, *op. cit.*, pp. 29, 35.

40 G. Robbers, *État et Églises au sein de l’Union européenne*, in G. Robbers (ed.), *État et Églises dans l’Union européenne*, 2ème édition, Baden-Baden, Nomos, 2008, online available <http://www.uni-trier.de/index.php?id=25059&L=2#c49875>, p. 627: «The third type is characterized by a basic separation of church and state, revealing at the same time, a recognition of multiple common tasks for which state and church actions are related. Belgium, Poland, Spain and Italy, Hungary, Austria, Portugal and Germany belong in this category. In some of these countries, the agreements concluded between the state and the cults play an important role; these systems are sometimes referred to as conventional systems. However the importance of such agreements should not be overstated although they are important; they reflect more the basic system of cooperation that they are the basis. However, the social circumstances suggest other groups challenge and question this classification based on the legal and theoretical considerations».

41 N. Doe, *op. cit.*, p. 35: «The most prevalent model in Europe is the so-called hybrid or cooperation

A similar historical background

First of all, those three countries share the same historical and sociological reality that Catholicism is the religion of the majority of the citizens and that the Catholic religion gave a very important contribution in shaping the culture of the country.

In the twentieth century those countries have passed from a government that was hostile, to various degrees, to the traditional religion of the country – i.e. liberals or radicals vs. Catholicism – to a nationalistic authoritarian regime. This passage was characterized by the affirmation or the enhancement of the status of Catholicism as the religion of the state, and the stipulation of concordats with the Holy See (Italy 1929, Portugal 1940, Spain 1953).

This affirmation was connected with a strong emphasis on a political ideal of unity laying on a triad of nationalistic features: political unity (one party); cultural unity (one language and culture); religious unity (one religion)⁴².

In fact, those regimes have been characterized also for their systematic refusal and repression of the internal forms of misalignment regarding one or more elements of this triad⁴³.

Thereafter, even if they arrived to a democratic regime in a different period of the twentieth century (Italy in coincidence with the end of the Second World War, Portugal and Spain in the Seventies), the exit from the confessional model, or established church model, formally arrives for those countries in the Seventies⁴⁴ and in the Eighties⁴⁵.

model, characterized by a basic separation of state and religion and the secular posture of the state, but where relations with a religious organization and matters of common concern are addressed usually in the form of agreements. Portugal, Spain and Italy are seen as the classic examples».

42 For example, «Until the Constitution in 1976 and after the Carnation Revolution in Portugal, the Catholic Church was considered the religion of either the Portuguese State or the Portuguese nation, which made legitimate all forms of overt or covert discrimination whether political, legal, social or cultural, towards non-Catholics. These were not considered full members of the political community, but rather outsiders». (J.E.M. Machado, *Droit et religion au Portugal — De la libertas ecclesiae à la libertat religieuse*, in «Conscience et Liberté», n. 64, 2004, p. 68).

43 For example, for the repression of the local autonomies based on culture and language or of religious minorities in Italy, see S. Fontana (ed.), *Il fascismo e le autonomie locali*, Bologna, Il Mulino, 1973.

44 Constitution of Portugal (1976), art. 41, par. 4: «Churches and other religious communities shall be separate from the state and free to organise themselves and to perform their ceremonies and their worship»; Constitution of Spain (1978), art. 16, par. 3: «(3) No religion shall have a state character. The public powers shall take into account the religious beliefs of Spanish society and maintain the appropriate relations of cooperation, with the Catholic Church and other denominations».

45 In Italy with the Agreement of 1984 that modifies the Concordat of 1929, in particular with the

The promulgation of new constitutions and the solid affirmation of democracy and religious liberty did not coincide with the repeal of the concordats as instruments of general regulation of the relations with the Catholic Church. In fact, all three countries have signed a new concordat, or a modification of the previous one (Spain 1979, Italy 1984, Portugal 2004), more in line with the declaration *Dignitatis Humane* of the Second Vatican Council and more secular in character that their societies acquired and the consequent abandonment of the status of established church for the Catholic Church.

Constitutional principles of Church and State cooperation

There is no surprise that those states, as the others belonging to the European Union and that have subscribed the European Convention on Human Rights, whatever model they belong to, have in their constitutions the solid affirmation of a democratic system, with the rule of law, and the protection of religious freedom.

In fact, the three countries have in their constitutions articles that affirm the principle of equality or non-discrimination (Italy, Article 3, par. 1; Portugal, Articles 13, 59 par. 1; Spain, Article 14) and guarantee religious freedom (Italy, Articles 19, 20; Portugal, Articles 19 par. 6, 35 par. 3, 41, 43 par. 2, 51; Spain, Article 16).

In these constitutions, nevertheless, the relations with religious communities are not regulated in the same way. If we compare the three documents starting with the Italian and finishing with the Portuguese, we can see a certain decrease in the constitutional promotion of the cooperation of the state with religious communities.

The Italian Constitution states clearly in Article 7 that the relations between the State and the Catholic Church are regulated by the Lateran Pacts, which are international treaties and that, since the modification of 1984, were the texts that affirmed the status of the Catholic Church as the established religion. Article 8, par. 3, prescribes that the relations with the denominations other than Catholicism are regulated by laws based on agreements with their representatives.

art. 1 of the additional protocol: «It is considered no longer in force the principle, originally called by the Lateran Treaty, of the Catholic religion as the only religion of the Italian State».

The Spanish Constitution, in Article 16, concerning religious liberty, prescribes that there will be no established church and that the public power will take into account religious beliefs of the Spanish society and will maintain consequent relations of cooperation with the Catholic Church and the other denominations. As we can see, the reference to cooperation is not specific and there is no formal allusion to concordat or to special agreements.

In the Portuguese Constitution, while there is a formal separation of religious communities from the State, there is no mention of the possibility of cooperation or of concordat or agreements.

The legal status of religious communities

No matter what is prescribed in the Constitution, as we previously said, all the three states have an effective concordat. This is not simply the result of the consideration that the Holy See has an international status, but also the testimony of the special relationship that the Catholic Church has with these countries as the traditional church.

Religious minorities have the possibility to be registered and acquire the status of a legal person: in Spain and Portugal, according to their general law on religious liberty (Portugal Law 16/2001, Spain Law 7/1980); in Italy, according to the legislation concerning cults, approved in the fascist period (Law 1159/1929 and Decree 289/1930).

This status normally implies the possibility to receive donations and heritages, to have some fiscal advantages, etc.

According to the Constitution, for Italy and to the laws on religious liberty in Portugal (Law 16/2001, Article 5) and Spain (Law 7/1980, Article 7), religious communities can have access to agreements with the State. Scholars have long debated on the rationale for these agreements. In my humble opinion, one of the most interesting ideas is that those agreements have the aim to adapt the general rules and provisions of the legislation «to the peculiar and particular needs of each denomination»⁴⁶, providing that «conventional practice serves to prevent apparently neutral norms and practices from causing discrimination for religious reasons»⁴⁷.

46 M. Rodríguez Blanco, *Religion and Law in Dialogue: The Covenantal and Non-Covenantal Cooperation of State and Religion in Spanish Law*, in R. Puza, N. Doe (eds.), *Religion and Law in Dialogue: Covenantal and Non-Covenantal Cooperation between State and Religion in Europe*, Leuven, Peeters, 2006, p. 226.

47 M. Rodríguez Blanco, *op. cit.*, p. 225.

These agreements are subject to the political decision of the government and then approved by the Parliament. This possibility has been turned into practice for the first time in the last century in the eighties for Italy⁴⁸ and in the nineties for Spain⁴⁹.

The two States have chosen different approaches. While Italy preferred to sign an agreement with each single church or religious community (Waldensians, Adventists, Assembly of God, Jews, Baptists, Lutherans), Spain chose the apparently more complex way to sign agreements with federations of churches or religious communities belonging to the same confessional pattern: Protestants (FEREDE), Jews (FCI), Muslims (CIE).

In Italy, as in Spain, the season of the agreements at the moment is closed. In Italy, the agreements already signed by the government with (in alphabetical order) Apostolic, Buddhists, Hindus, Orthodox, Jehovah's Witnesses, Latter-Days Saints (Mormons) – some of them signed for the first time in 2000! – have unwillingly been presented to the Parliament by the government and systematically opposed or ignored.

In Spain, the government seems to be unwilling to have new agreements⁵⁰. This causes a «perverse effect from a legal point of view: minority religious organizations that are barely established in Spain can benefit from an agreement with the State if they join any of the signatory federations of the covenants; on the other hand, denominations with a larger number of members and a longer tradition in Spain do not have a compromised legal status of the benefits that this involves. Furthermore, because the federations themselves decide which churches or communities can join, the State ultimately does not decide on the beneficiaries of the legal system laid down in the agreements. This is surely paradoxical, since these agreements are approved by an act of the Parliament»⁵¹.

48 The first agreement approved was with the Waldensian Evangelical Church in 1984.

49 The first agreement approved was with the Federation of Evangelical Entities in Spain (FEREDE) in 1992.

50 J. Martínez Gijón, in *Los acuerdos con las confesiones minoritarias: diez años de vigencia* (Agreements with religious minorities: a term of ten years), Madrid, Ministry of Justice, 2003, p. 202. "Regarding the possibility of signing new agreements with religious denominations that have not yet been considered to do so and being aware of the speaker's arguments for and against this motion, I believe that we should agree on the fact that the excessive proliferation of agreements is not only inconvenient but it does not seem to be useful either. However, it is not the case either that one should shut the door to new agreements. These could even include a different set of contents and avoid the marked uniformity that is characteristic of all formalities up to the present."

51 M. Rodríguez Blanco, *op. cit.*, p. 218.

While the factual impossibility to have access to these agreements in both countries prevent denominations well established in the country to have access to advantages or measures now included in the covenants⁵² – e.g. the possibility to have allocations from tax liability⁵³, tax exemptions and concessions⁵⁴ –, the signing of an agreement has been used, in Italy and Spain as an «entrance ticket» to other advantages provided by regional, provincial or local legislation⁵⁵. I would like to mention here the Italian regional legislation restricting regional grants for oratories and religious run community centres only to those denominations that have a general agreement with the State⁵⁶.

The pyramidal system

As we can see, in Italy and Spain we have a church and state relations system that has a pyramidal configuration.

52 M. Rodríguez Blanco, *op. cit.*, p. 227: «Therefore, it cannot be said that the main purpose of the agreements is to account for the peculiarities and characteristics of each denomination in order to make the citizen's right of religious freedom real and effective, but rather it is to grant a special legal status to certain religious groups in very diverse matters: teaching, economic matters, marriage, places of worship, etc. On their part, religious organizations which have not signed an agreement with the State do not enjoy the advantages or the measures included in the covenants. It could be said that this does not violate the principle of non-discrimination because the degree of freedom among the different denominations should be the same but the degree of cooperation may differ. Nevertheless, it is obvious that dialogue or cooperation of public authorities with religious group directly affects the religious freedom and rights of the members of that group».

53 N. Doe, *op. cit.*, p. 179: «In Italy, the Holy See and religious communities with an agreement with the State may request that voluntary donations from their members are assigned to them (0.8 per cent of their income tax); in the tax declaration the payer tick a box to enable the money to be used for: the Italian State for extraordinary measures against famine in the world, natural disasters, aid to refugees, conservation of cultural monuments; the Catholic Church, for the purpose of worship (for the benefit of the population), support of the clergy, welfare measures which benefit the national community or third world countries». A similar system operates in Spain; however here taxpayers may assign (by way of deduction) 0.7 per cent of their income tax to the Catholic Church or to social interest decided by the government; there is no provision for such a sum to be assigned to other religious organizations [...]

54 See N. Doe, *op. cit.*, pp. 185, 186.

55 M. Rodríguez Blanco, *op. cit.*, p. 228: «In the Spanish legal system, there is, from the early years of the decade of the 1980s, a consolidated tendency to introduce legislative measures – advantages and rights – only for the religious group that have signed an agreement with the State. The result has been an absolute identification between the principle of cooperation with public authorities through the signature of agreements».

56 Cfr. T. Rimoldi, *Oratori, Costituzione e laicità. Alcune considerazioni sulla recente legislazione regionale e statale in materia di oratori*, in D. Bognandi, M. Ibarra (eds.), *Laicità umiliata*, Torino, Claudiana, 2006, pp. 73-90.

At the vertex, we have the Catholic Church that has a concordat and which benefits from the highest level of cooperation with the state.

Secondly, we have the religious communities that have signed an agreement with the state which benefits from a large part of the same regime of the Catholic Church.

Thirdly, we have the registered religious communities that take advantage of the benefits connected by the legislation in place with their religious purposes.

Fourthly, we have the religious communities that are not registered, for their own decision or for state refusal.

This situation creates a system with a certain disparity, due to the fact that diverse religious communities are treated in different ways which frequently does not lay on substantial differences between them than but rather on political reasons.

The Portuguese system of Church and State relations

The Portuguese system of church and state relations is similar to the previous two, but it has some specific characters that I would like to underline.

In the vertex of the pyramid we have the Catholic Church that has signed a concordat in 2004.

A special place between the first and the second level must be reserved for the agreement between the Portuguese Republic and the Ismaili Imamate⁵⁷, that seems to have a hybrid position: it has been approved by the Parliament as an international treaty, according to Article 161, *alinea i*)⁵⁸, and Article 166, par. 5⁵⁹, of the Constitution, that regulates respectively the competence of the Assembly of the Republic in approving of treaties and the form of acts approved, but in Art. 2, par. 1, it is declared that the signature of the agreement obeys to the principles consecrated in the Law 16/2001.

The second level would be reserved to the religious communities that are rooted in the country (Law 16/2001) and have signed an agreement with the

57 Resolução da Assembleia da República n.º 109/2010, «Diário da República», 1.ª série – N.º 187 – 24 de Setembro de 2010, pp. 4271-4275.

58 «Article 161 (Political and legislative competences). The Assembly of the Republic has the competences: [...] i) To approve treaties, particularly those that concern Portugal's participation in international organisations, friendship, peace, defence, the rectification of borders or military affairs, as well as international agreements that address matters in which the Assembly has exclusive competence, or which the government deems fit to submit to the Assembly for consideration; [...]».

59 «Article 166 (Form of acts) [...]. 5. The remaining acts of the Assembly of the Republic [art. 161, i) included] shall take the form of resolutions, as shall those of the Standing Committee provided for in Article 179(3)(e) and (f) [...]».

State on common matters, according to Article 45 of the Law 16/2001. At the moment we don't have any agreement of this kind.

On the third level we have the religious communities registered in the *Registro de pessoas colectivas religiosas* (RPCR), within the functional competence of the *Registro Nacional de Pessoas Colectivas* (RNPC)⁶⁰.

This Portuguese registration system prescribed by the Law 16/2001 gives the registered religious communities (and to their members and religious personnel)⁶¹ a much wider degree of freedom, autonomy, advantages and measures than the parallel Italian and Spanish systems: possibility to be organized according to their own internal rules (Art. 22)⁶², possibility to teach religion in public schools (Art. 24)⁶³, to have access to television and radio (Art. 25), to give their advice during the preparation of legislation zoning (Art. 28); tax exemptions and reductions (Art. 32).

Within the registered religious communities, those who are rooted in the country (Law 16/2001, Art. 37, 67) can have access to an even more wide degree of possibilities⁶⁴: cooperation with the state in the promotion of human rights, development of each human being and of the values of peace, liberty, solidarity, tolerance; celebration of marriages according to their internal rules (Law 16/2001, art. 19); participation in the Commission for the Timing of Television Broadcasting (Law 16/2001, art. 25, par. 3) and in the Commission for Religious Liberty (Law 16/2001, art. 56); participation in the redistribution of the 0,5% of the personal income tax (Law 16/2001, art. 32, par. 4-7); request to have access to a specific agreement with the State in matters of communal interest (Law 16/2001, Chapter V); exemption from the VAT (Law 16/2001, art. 65).

At the bottom level, as in the other two countries, we have the religious communities that are not registered and that live within the boundaries of the Constitution, the general provisions of the Law 16/2001⁶⁵ and the civil law.

60 Decree-Law 134/2003, Article 1.

61 Some individual religious rights are connected with the membership in a registered religious community as Law 16/2001, art. 14 (work and school leave for religious holidays); Art. 16 (rights of religious personnel); Art. 17 (military service of religious personnel); Art. 18 (exemption of religious personnel from the obligation to be member of a jury); art.

62 While in Italy, the procedure has a high rate of arbitrariness and the Ministry of Interior frequently ask the insertion of specific clauses.

63 In Italy the teaching of religion in a systematic way in public schools is reserved to the Catholic Church. In the agreements with religious minorities is contemplate the possibility to have access to schools for sporadic interventions.

64 Cfr. V. Canas, *État et Églises au Portugal*, in G. Robbers (ed.), *État et Églises dans l'Union européenne*, cit., p. 483.

65 See, V. Canas, *op. cit.*, p. 478-480.

As the Portuguese incarnation of the cooperation model has taken place later in comparison with Italy and Spain, it is more precise and sweeping.

The time which has passed from the approval of the new legislation on religious liberty is relatively short. Only the future will show us which direction Portugal will take in the area of church and state relations.

One of the main questions is if the State will accept, when necessary, the request to negotiate punctual and limited agreements according to Article 45 or Article 51 of Law 16/2001, and if, in the day to day practice, public offices and officers will apply with fairness the beautiful, and from my point of view as an Italian, enviable, religious liberty legislation.

I'm sure that if so, national cohesion and equality of all the citizens and the residents in the Portuguese Republic will be increased and all the country will benefit from it.

The impact of the economic crisis in the European Union

I would like to make a last remark in connection with the present economic situation. As we know, in times of crisis, it can be difficult for governments to let their people accept some restrictions in the services provided by the state or in the increase of taxation or in the drastic cut of pensions and subsidies.

This situation can also have an impact on religious communities. I would like to present two examples.

In Italy the new government (November 16, 2011) led by professor Mario Monti, former European Commissioner, is preparing to apply the new local property tax (IMU) also to buildings that are used by religious communities for purposes others than religious. This seems to also be the end for an infraction procedure against Italy opened some years ago regarding the former local property tax (ICI) that exempted almost all the buildings of religious communities, no matter their use, which was supposed to be an illegitimate State aid⁶⁶. This can be considered an acceptable and maybe fair result in this time of crisis.

The crisis can also lead political leaders to approve legislation that, on grounds of strengthening the national cohesion, can lead to a restriction of some fundamental human rights, such as freedom of speech and freedom of religion. That is what is happening in Hungary. I am especially interested in

66 Cfr. M. Ventura, http://www.o-re-la.org/index.php?option=com_k2&view=item&id=194:italian-church-and-state-ambiguities-challenged-by-the-debt-crisis-the-ici/imu-affair&Itemid=85&lang=fr , May 20, 2012.

this because Hungary is one of the countries that adopted a church and state relations system similar to the one we have seen in Italy, Portugal and Spain⁶⁷. Within many new laws recently passed that tend to put more power in the hands of government⁶⁸, reducing checks and balances, a new law on religious liberty was passed last July. According to the new “Law on the Right to Freedom of Conscience and Religion, and on Churches, Religions, and Religious Community”, voted in July 2011, to be effective from January 1, 2012, only 14 of 362 Hungarian religious communities and organizations – previously registered under the earlier law of 1990 – would be officially recognized: «Other than the 14, any religious association seeking official sanction will have to demonstrate its presence in Hungary for at least 20 years, obtain 1,000 signatures, gain the support of a government minister, pass review by the National Security Service, and win a two-thirds vote of parliament»⁶⁹. With this law, the level of registered religious communities has been significantly reduced in extent.

One of the immediate results of this new law will be the drastic reduction of the money that the State gives to the registered religious communities. Other changes will take place in the status of the schools and of the social and sanitarian institutions run by religious communities.

In December 2011 the controversial law was struck down by the country’s Constitutional Court, but the Hungarian Parliament on December 30, 2011, approved an amended draft of the law, similar to the previous one.

The Parliament in February 2012 expanded the list of officially recognized churches from 14 to a total of 32, where the applicants were 82.

As it has been said, «religious minorities would be a convenient scapegoat should economic and political problems grow in the future»⁷⁰.

I hope that in our countries we will not see similar temptation becoming true in any form and that we will continue to promote fairness, liberty and equality.

67 See, B. Schanda, *Chiesa e Stato in Ungheria*, in S. Ferrari, W.Cole Durham, Jr., E.A. Sewell (eds.), *Diritto e religione nell’Europa post-comunista*, Bologna, Il Mulino, 2004, pp. 161-188.

68 The European Union and the Council of Europe criticize Hungary for the diminution of independence of its central bank and judiciary provided by the new constitution that came into force at the beginning of the year. In March 2012, the European Union asked Hungary to amend two controversial laws concerning the judicial system and the data protection authority.

69 D. Bandow, *Hungary Threatens Religious Liberty*, http://www.huffingtonpost.com/doug-bandow/hungary-threatens-religio_b_1135263.html, December 7, 2011.

70 D. Bandow, *op. cit.*

Human Dignity Grounded on Creation in the Image of God: A Legitimate Foundation for Peace among Humans – Part II –

*Ganoune Diop*⁷¹

I. Contributions of a Judeo-Christian Theological Anthropology

In this article we make a case that the international community gains in promoting a culture of human rights focusing on human dignity by factoring in input from the realm of theology, which has a particularly vital contribution to make about the importance, scope and relevance of human dignity as foundational to how we relate to or treat others.

In their own ways and on their own terms, consonant with their specific inner-logic, each world religion addresses the issue of human dignity. This topic actually provides a platform where authentic interfaith dialogue can take place.⁷²

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72 A comparative study of world religions and philosophies is beyond the scope of this article. Suffice it to note that, as Behrouz Yadollahpour concludes, no single understanding of human dignity gains unanimity in Islamic circles. “Detailed study of the exegeses and commentaries of the Holy Qur’an indicates that no single theory regarding human dignity is dominant among them. Although they quote from the same holy text, their key question on the human nature is entirely different from one another. Some hold that this endowed human dignity is essential to human beings of all ethnicity, skin color and the else and that human dignity is the distinguishing feature of humankind in acquiring virtue. Others, on the contrary, don’t regard dignity as essential to human kind but believe that as much as the one’s virtue and faithfulness increase, his requirements for dignity increase too.” *2011 International Conference on Sociality and Economics Development IPEDR*, vol 10 (2011) © (2011) IACSIT Press, Singapore. See Philip Vinod Peacock. “The Image of God for Today: Some Insights on the Imago Dei,” in *Crested in God’s Image: From Hegemony to Partnership*. Edited by Patricia Sheerattan-Bisnauth and Philip Vinod Peacock (Geneva, Switzerland: World Communion of Reformed Churches and World Council of Churches, 2010), 22.

A. Philological and Philosophical Considerations

Aside from the conversation about the legitimacy of challenging values that appear to many as self-evident, talking about human dignity is a complex and difficult topic. As a word, “dignity” is characterized by polysemy. It is used in various domains of life: moral, ethical, theological, anthropological, and political to name but a few. It is considered the ground for inherent and inalienable rights. It is also used to challenge the persecution and oppression of vulnerable peoples. In addition to the fact that it is rarely defined, some even advance that there can be no exact agreed upon definition.

Moreover, even though considered a slippery term and in spite of its fluidity, the concept of human dignity seems to enjoy a convenient near consensus and a rallying point that mobilizes people of various interests and agendas, to the extent that most conventions, treaties, and covenants in the international arena evoke human dignity as the ground and justification for their own existence.

In a recent insightful article, Heiner Bielefeldt, states:

“Human dignity constitutes the very precondition for any normative interaction among human beings within and among societies. At the same time, the concept of human dignity has a long history and it strongly resonates within most religious and cultural traditions including the Bible, the Qur’an and the works of Confucius or Stoic philosophy, to mention a few examples.”

He concludes,

“This denotes the possibility that human dignity could become the center of an overlapping normative consensus shared by people from different religious or non-religious backgrounds, who otherwise may continue respectfully to disagree on many questions of ultimate concern.”⁷³

The complexity of our topic is connected among other things to the fact that “dignity is not a property among other empirical data [...] Dignity is rather the transcendental ground for the fact that human beings have rights and du-

73 Heiner Bielefeldt. “Misperceptions of Freedom of Religion or Belief,” in *Human Rights Quarterly* 35 (2013), 68. See also Ari Kohen. “An Overlapping Consensus on Human Rights and Human Dignity.” In *Human Rights at the Crossroads*. Edited by Mark Goodale (Oxford: Oxford University Press, 2013), 61-71.

ties.” Therefore a specific delineation of its meaning and scope may present a challenge.

In his political and moral philosophy, Immanuel Kant found human dignity to be foundational.⁷⁴ For him the human person, an intrinsically free being, has absolute inner worth. It is actually the inner freedom, which characterizes human beings, that constitutes at the same time the innate dignity. It is in this discussion that is placed Kant’s “most often quoted categorical imperative, his paradigm on the absolute inner value of human dignity, which is ‘act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.’”⁷⁵

Recently, Konrad Raiser has pointed out the correlation between human rights and human dignity in that:

The term human rights [...] denotes both entitlements to basic freedoms and the legitimate expectation that needs will be satisfied. Thus understood, human dignity must be regarded as being at the center of a human-rights discourse that emanates from the needs for decent life and not only from the requirements of the rule of law.⁷⁶

The wide acceptance of its foundational status, in legal, political, ethical, social, and several other spheres, positions human dignity as a heuristic field of study that can help address and perhaps heal divisions, fractions, discriminations, and other ills that plague the public square.⁷⁷

At an existential level, one crucial piece of information that affects the very meaning of life and determines every person’s worth is the foundation for human dignity. Exegetes and theologians in the Christian tradition have in various ways attempted to clarify and explain the justification for human dignity in ways that have a unique impact upon the worth of every person and upon the ways people relate to one another.

74 See Immanuel Kant, *The Metaphysics of Morals*, Part II – Metaphysical first principles of the doctrine of virtue, translated and edited by Mary Gregor (Cambridge University Press, 13th edition 2009)

75 Christiaan W.J.M. Alting von Geusau, *opcit*, p.99.

76 Konrad Raiser, *Religion, Power, Politics* (Geneva, WCC Publications, 2013), 131.

77 Robert Spaemann, *Love and the Dignity of Human Life: On Nature and Natural Law* (Grand Rapids, MI: Eerdmans, 2012), 27.

B. More than Mere Respect

Ideally, if Christians live up to their calling, respecting every person they meet would be a minimum. In the Scriptures, God gives a clear commandment to love one's neighbors as oneself. If Christians were to take this word seriously, the message of Christ would be more credible, and the world would be different. Even talking about freedom without building one's relations with everyone upon this foundation creates dissonance, not only cognitively but also existentially.

All biblical laws and the entire Torah itself depend on the commandment to love God and to love one's neighbor as oneself, says Jesus (Matt 22:37). However, God explicitly expanded in many ways these two fundamental commandments for the purpose of helping people to be creative in affirming human dignity. He asks us, for example, to honor every person:

"Act as free men, and do not use your freedom as a covering for evil, but use it as bond slaves of God" (1 Peter 2:16).

"Honor all people, love the brotherhood, fear God, and honor the king."
(1 Peter 2:17)

C. Beyond Justice: God's Righteousness

Another key foundation to human rights and freedom of religion or belief that is inseparable from them is the idea of justice. But here too, Christians while adhering, supporting, and promoting justice for all for the sake of Jesus Christ and His teachings, take this issue further. Jesus Christ spoke about a righteousness that must surpass that of the scribes and Pharisees of His day. What the law required was actually a minimum from the point of view of Jesus Christ. The follower of Jesus therefore goes far beyond what the law requires.

Christians are law-abiding citizens in-so-far as laws do not violate their conscience. They do not neglect the laws of the land. They surpass them indeed. They transcend the requirements of laws. They respect legislations, precisely by going beyond what they demand. They become societal signs of God's righteousness.

The Law demanded justice, even retributive justice. Jesus emphasized distributive justice also called righteousness. Jesus came to go beyond retributive or even restorative justice or reparative justice, to promote distributive justice that climaxes in love, even love for an enemy (Matthew 5). The attention is no longer on oneself and on one's needs and rights but rather on the others, the neighbors and their needs and what we owe them.

The righteousness Jesus promotes is illustrated in the famous so-called “antitheses.” They begin as follows:

“You have heard that it was said ‘you shall not murder,’ but I tell you do not be angry against your brother, do not insult your brother.” In other words do not put people into boxes; for in doing so you confine them, which is contrary to the freedom for which they were born (See Matt 5:21-26).

D. A Whole New Way of Thinking about Religious Liberty

The central place of religious liberty has been widely recognized. It is said that, “Religious Freedom is the prerequisite for and the guardian of all other freedoms.”⁷⁸

More fundamentally, however, a whole new paradigm of thinking about human rights, freedom of religion or belief, and human dignity is needed. The Christian claim is that Jesus Christ in putting an emphasis on the kingdom of heaven has brought a new way of thinking in the setting of the New Covenant, the kingdom of God, and God’s righteousness.

Part of fundamental Christian values is to promote and protect human dignity. This implies but surpasses a culture of human rights.” In other words, more than a culture of human rights, but including it, it is part of fundamental Christian values to promote a deeper culture of commitment to uphold, promote, protect, and honour human dignity in all our dealings. This is not just about human performance in the public square—programs put in place to get recognition, or accolades. The idea of people’s adoption in Christ should give every Christian with the assurance of his or her infinite value. Christians who claim to find ultimate solutions to human predicaments in Christ and His coming, are called to guard themselves from estimating the value of a person through performance, connections, prestige, or the like. The value of a human being is deeper than all these.

Texts from Christian Scriptures clearly portray Christ as an example or model to imitate. They are also significant in showing how Christ promoted, upheld and protected human dignity.

“For you have been called for this purpose, since Christ also suffered for you, leaving you **an example for you to follow in His steps**, who committed

78 Religious Freedom: Main Statements by the WCC 1948-75 (Geneva, 1976).

no sin nor was any deceit found in His mouth; and while being reviled, He did not revile in return; while suffering, He uttered no threats, but kept entrusting Himself to Him who judges righteously; and He Himself bore our sins in His body on the cross, so that we might die to sin and live to righteousness; for by His wounds you were healed. For you were continually straying like sheep, but now you have returned to the Shepherd and Guardian of your souls” (1 Peter 2:21-25).

Human dignity then elevates every person we meet to the status of one with infinite worth, a person to be respected, loved, and honored.

1. More than Freedom

The undergirding value in these words of Jesus is freedom, one’s own freedom and other people’s freedom, which is demonstrated in the fact of not judging and confining one’s brother or even one’s enemy. In the same context of the so-called Sermon on the Mount, Jesus climaxes His statements as follows:

“You have heard that it was said, you shall love your neighbor and hate your enemy, but I say to you, love your enemies and pray for those who persecute you so that you may be sons of your Father who is in heaven. For he makes his sun to rise on the evil and on the good and sends rain on the just and on the unjust. For if you love those who love you, what rewards do you have? Do not even the tax collectors do the same? You therefore must be perfect, as your heavenly Father is perfect” (Matt 5:43-48).

Freedom is one of Christianity’s most central ideas.⁷⁹ However, for Christians the supreme value is not freedom per se, for that would transform freedom into an idol. From a Christian perspective, God is the supreme value. Loyalty to God is more important than freedom. In the book of Revelation,

79 Hans Dieter Betz, *Galatians: A Commentary on Paul’s Letter to the Churches in Galatia* (Philadelphia: Fortress Press, 1979), 256. He perceptively wrote “‘freedom’ is the central theological concept which sums up the Christian’s situation before God as well as in this world. It is the basic concept underlying Paul’s argument throughout the letter... Christian freedom is the result of Christ’s act of having liberated those who believe in him (the ‘indicative’), but this result is stated as a goal, purpose, and direction for the life of the Christian (the ‘imperative’).” Furthermore, he insightfully stated the following: “It was the gift of the Spirit which enabled the Galatians, as all Christians, to experience freedom (3:2-5). This experience amounted to a liberation from the elements of the world and their tyrannical regime of evil (1:4, 4:1-10), and included liberation from slavery under the Law and sin (cf. 2:19; 3:13, 25; 4:5), from death (cf. 2:20; 3:11; 5:25; 6:8), from ignorance of God (4:8-9), from superstition (4:8-10), and from social oppression and religious cultural discrimination (3:26-28).”

persecuted Christians value loyalty to God more than their own lives. The text reads: "They overcame him because of the blood of the Lamb and because of the word of their testimony, and they did not love their life even when faced with death" (Rev 12:11).

God is indeed their supreme value. In this perspective, conformity to God's person and purposes is the focus of all freedom lovers even at the expense of their own rights. Even when their rights are violated, Christians still seek the welfare of others for God's sake.

The freedom to love and fellowship with one's brothers and sisters in humanity, even if one's own rights are violated, is deep in the priority list of God's character and will. The recognition, respect, protection, and promotion of human dignity lead to respecting, protecting, and promoting freedom, all freedoms, and in particular freedom of conscience.

The roots of the Christian faith support the freedoms recognized by the international community in the context of human rights. However, there are deeper reasons than mere solidarity with the human family, as important and crucial as these are. The Bible provides significant perspectives on freedom.

While respecting other contributions to the value of freedom, Christian discourse on freedom is informed by Jesus Christ's life and teachings, His death and resurrection. That Jesus came to provide freedom is clear in His inaugural address in Luke 4:18-19. In the Gospel of John He stated that it is the Son of God Himself who gives true freedom.

"If the Son makes you free, you will be free indeed" (John 8:36).

An historical understanding of Jesus' death on the Cross of Calvary is the necessary expiation it provides to release humans from the penalty of sin, death, Satan, and evil spirits. His resurrection is seen to inaugurate an era of true freedom. Death is defeated; communication, relationships, and life can truly spring forth.

Moreover, from a Christian perspective, freedom is inseparable from the Holy Spirit. Where the Spirit is there is freedom, argues the Apostle Paul (2 Cor 3:18). Christians have been called to freedom repeats the same Apostle (Gal 5:1, 13).

2. Profile of a Free Person According to the Apostle Paul

A free person is a person full of the Holy Spirit, a person who bears the fruit of the Spirit: love, joy, peace, patience, kindness, goodness, faithfulness, gentleness and self-control (Gal. 5:22). A free person is one who reflects God's character. A free person is one who is willing to give up his or her freedom for the sake of others if necessary, just like Jesus, just like the Apostle Paul who said: "For though I am free from all men, I have made myself a slave to all, so that I may win more...I have become all things to all men, so that I may by all means save some. I do all things for the sake of the gospel so that I may become a fellow partaker of it" (1 Cor 9:19-22).

These words most likely inspired the reformer Martin Luther who wrote: "A Christian person is a free sovereign above all things, subject to no one." (By faith) "A Christian person is a dutiful servant in all things and subject to everyone." (By love)

Ellen White, one of the co-founders of the Seventh-day Adventist church, wrote about the depth of this freedom God endowed to every person.

"It is not God's purpose that any human being should yield his mind and will to the control of another, becoming a passive instrument in his hands. No one is to merge his individuality in that of another. He is not to look to any human being as the source of healing. His dependence must be in God. In the dignity of his God-given manhood, he is to be controlled by God Himself, not by any human intelligence."⁸⁰

No man is to think that he is the owner of the minds and capabilities of his brethren. He is not to think that others must submit to his dictation. He is liable to err, liable to make mistakes, as every man is. He is not to try to control matters in accordance with his ideas.⁸¹

Furthermore, freedom is expressed in how people relate to one another. In other words, Christian courtesy in the public arena is one of the most beautiful expressions of freedom and respect of other people's dignity.

"True courtesy is not learned by the mere practice of rules of etiquette. Propriety of deportment is at all times to be observed; wherever principle is not

80 Ellen G White, *Counsels on Health*, 345.

81 Ibid.

compromised, consideration of others will lead to compliance with accepted customs; but true courtesy requires no sacrifice of principle to conventionality. It ignores caste. It teaches self-respect, respect for the dignity of man as man, a regard for every member of the great human brotherhood.”⁸²

In a world of controversies, conflicts, violence, and wars, freedom is at all times at risk. Freedom is a prerequisite to love; it is therefore at the root of the covenant between God and humans and also between humans.

II. “In the Image of God” as Foundation for Human Dignity: Judeo-Christian Perspectives and Contributions

Each world religion or religious tradition reveals at its foundation an affirmation or concern for human dignity. The affirmation of human dignity takes on a deliberate tone in the Judeo-Christian tradition in that it is woven in the very fabric of the creation story. It provides a rationale for the respect for every person. The foundation for assessing the value, worth or dignity of a human being is inseparably connected to the revelation of God and His purpose in creating human beings.

Foundational Thesis:

✦ The foundation for human dignity is that every person is created in God’s image according to His likeness (Gen 1:26-27). God is the primary reference for understanding who humans are and how all persons ought to be treated.

According to a Judeo-Christian perspective, what makes humans unique in this created order is the endowment to relate to God in unique ways: to love God, to worship God in all freedom, and to fellowship with Him. All human beings exist to be free. Humans cannot fulfill the destiny for which they were created without freedom. In other words, freedom is a prerequisite to meaningful relationships and to love in particular.

The premise upon which this presentation is based is the following: Humans are created for God. They are invited to fellowship in love with the Cre-

82 Ellen G White, *Adventist Home* 426.

ator. The importance of this relationship is built on the love of God for every person God created in His image.

The essential dignity granted by virtue of being created in the image of God comes with the freedom to choose. This freedom obviously implies the freedom of thought and expression. The core of meaningful relationships, especially in the case of covenants, consists in the ability to choose and to change one's opinion or religious or non-religious affiliation. It is the right to believe or not to believe. Without this prerogative, coercion would characterize the relations between human beings. The roots of totalitarianism and the trampling of human dignity lie in the abuse, which deprives a human being or a people group of the fundamental right to believe or not to believe, to choose or to change.

We will now proceed to highlight a theocentric approach to human dignity, to underline that human beings are sacred beings and that our vocation is to participate in God's character and to share and promote life. The key questions are as follows: What does it mean that humans are created in God's image according to His likeness? Why should every person be respected, valued and honored? What gives every person infinite dignity? We have singled out the following characteristics of God that are an incontrovertible part of what it means to be human and humane.

A. Creation in the "Image of God"

Throughout the history of Judeo-Christian thought various explanations of Genesis 1:27 have been given.⁸³ These explanations have a bearing upon human identity, human worth and significance, theological anthropology, bioethics, and many others.

Scholarly conversations have produced various understandings of the expression "image of God."⁸⁴

83 William M Greathouse. *Wholeness in Christ: Toward a Biblical Theology of Holiness* (Kansas City, 1998), 37. He remarks that "Going back to Irenaeus, Roman Catholic theology has traditionally made a distinction between the image (*tselem*) and the likeness (*demut*) of god in which we humans were created. In this view, image defines that which distinguishes humankind from the animal creation (rationality, freedom of will, immortality, and so on), while likeness defines the state of holiness in which Adam stood before he defected. This interpretation fails to take into consideration the fact that Genesis 1:26 is an instance of Hebrew parallelism; both terms have to do with parallel representations or models and are simply two ways of saying the same thing."

84 Jason McMartin. "The Theandric Union as *Imago Dei* and *Capax Dei*," in *Christology Ancient &*

Substantive or ontological theories understand the “image of God” as consisting of qualities possessed by the human person whether in reference to human rationality, volition, spirituality, or freedom.

Relational endowments refer to abilities that qualify humans to relate to God and to others.

Functional views emphasize human activities such as representative regency.⁸⁵ These latter views focus on task to perform rather than rights or intrinsic values.⁸⁶

In other words the following underlying question is subsumed at the background of the issue: Does the expression “created in His image” refer to human abilities: intellectual; ethical; moral abilities; spiritual capacities; relational attributes; mandate to rule; or responsibility as God’s representatives, His image bearers?

A careful contextual study (both the immediate and the larger biblical context) reveals that there are dimensions incontrovertible or necessary to making sense of the verse according to which humans are created in God’s image. In the immediate context, the creation of Adam and Eve is distinguished from the creation of animals. Animals are created according to their kind, but humans are created in the image of God. Moreover, humans are entrusted with the stewardship of the earth. Also, in light of chapter 5, creation in God’s image is connected to the idea of filiation.

Furthermore, in the context of Genesis 9, the ban on murder is based on the very idea that humans are created in the image of God, according to His likeness (Gen 9:6).

Modern: Explorations in Constructive Dogmatics. Eds. Oliver D Crisp and Fred Sanders (Grand Rapids, MI: Zondervan, 2013), 137.

85 Gunnlaugur A Jonsson. *The Image of God: Genesis 1:26-28 in a Century of Old Testament Research* (Lund: Almqvist & Witsell, 1988), 219-23

86 This view connects the two commands of Genesis 1:26 and 28, taking the second as a purpose clause. In other words, “let them have dominion” is a purpose clause directly and contextually related to the first command “let us make man in our image after our likeness.” Idem 29.

Psalm 8 associates the concept of glory, honor and dominion to the creation of humans.

Critical to any legitimate interpretation is the fact that God is the model or foundation of how we understand who human beings are. In other words, theology is from a Judeo-Christian perspective key to thinking about biblical anthropology.

Knowing who God is is essential to knowing who humans are. Correlated to this knowledge is an underlying assumption that humans are made capable of embodying or reproducing God's communicable attributes (Gen 9:6; Rom 8:29, Col 3:10; James 3:9). There are attributes that are God's unique prerogatives such as His omniscience, His omnipotence, and His omnipresence. However, attributes in reference to His character are to be reproduced in those created in His image.

One must obviously avoid the pitfall of reducing the image of God to an attribute or to a combination of attributes where the Bible is not as specific. A holistic approach to the biblical record in its entirety does more justice to such a fluid concept as this one. Humans are to be considered as images of God.

From a grammatical point of view, the preposition in the phrase "let us make man in our image" can be understood as "let us make man as our image." In this perspective, humans function as living symbols of God: His representatives. This perspective is contextually consonant with the command Adam and Eve are given to reign over the creation on earth.

A key goal of the plan of salvation then is the restoration of the moral image of God. This statement does not subsume that humans have completely lost the status of being in the image of God, for that would mean that what constitutes human dignity resides outside of humans.⁸⁷ The two trajectories of thought are not contradictory. On the one hand, who humans ought to be granted through regeneration, which is a gift from God of a new being created in the image of God the fullness of which is sought through sanctification. On the other hand, who all humans are in our present condition of being human

⁸⁷ See the discussion in John Piper. "The Image of God: An Approach from Biblical and Systematic Theology (March 1, 1971).

testifies of a dignity by virtue of special creation. Every human being is created in the image of God.

B. God as Model of Being

1. God as Mystery Correlates with Human Nature as Mystery

The God in whose image and in whose likeness humans are created cannot be confined or defined. As God is inexhaustible mystery, that is one of whom it is impossible to know everything about, so are humans. The Apostle Paul would venture to say that human life is hidden in Christ, and that when Christ appears then part of the mystery will be lifted. He said elsewhere that we know only in part but then we will know as we are known (1 Corinthians 13). The implication of the revelation of human beings as mystery is that human beings cannot be confined to any category. The mystery of any human person ought to be factored in in any of our dealings with one another. Mystery is constitutive to human dignity.

2. The Revelation of God as Inner-fellowship.

The Living God is a relational God within God's being. The mystery of God is that God is an inner-relational being. There is plurality within the one being of God. God is not an isolated solitary monad.

Humans are the pinnacles of God's creation. We were created to communicate with God in unique ways. The destiny of each person created in God's image is precisely fellowship with the triune God of love. The very goal of the whole history of salvation is the reversal of the separation from God and restoration of fellowship. The cessation of sickness, the disappearance of evil, the defeat and cancellation of death, the absence of conflict, the advent of peace and justice, and heaven itself are secondary to the presence of God and fellowship with Him.

Humans are created to fellowship with God and with one another. God as model of relationality calls for humans to live in community, every person connected to the other with bonds grounded in God. There is one human race and one human family.

3. The Incarnation and Identification as Root for Solidarity

God did not confine himself in a way that rendered Him inaccessible. In other words, He did not sequester Himself in unapproachable light. God came and became one of us in order to show us how to be human. In this perspective,

according to Christian belief, the supreme model of being human is one who is called the Son of God, Jesus Christ. Another way of expressing the words of the book of Hebrews 1:3, the radiance of God's glory and exact representation of His nature.

God identifies with every person

God identifies with human beings. He is involved in our destiny. God identifies with humans to such degree that our attitude toward the poor is correlated to our attitude toward God.

- ✦ “Whoever oppresses a poor man insults his Maker, but he who is generous to the needy honors Him” (Prov. 14:31).
 - ✦ “Whoever mocks the poor insults his Maker” (Prov. 17:5).
- Moreover, in the first covenant, God told Israel,
- ✦ Whoever touches you touches the apple of My eye (Zech. 2:8).

Jesus identifies with humanity in such a way He could say:

“Whenever you did this to the least of my brothers you did it to me.”

And again, He identifies with the hungry, the thirsty, the stranger, the naked, the sick, and the prisoner (Matt 25:35-36).

God identifies with humans; therefore, humans are called to identify with each other.

Solidarity among humans is necessary. The creation of humans in the image of God prepares the way for the climax of the covenant, which is not only that humans imitate God by embracing God's communicable attributes, or that humans participate in the life of God, but also more essentially that God identifies with humanity.

God experienced the plight and predicament of humans and creation in order to liberate the world from evil and death. This is the ground for affirming human dignity, every person's dignity; because in the Judeo-Christian tradition God is the model for humans: our very being, our values, our doing and behavior have their source in Him. The whole edifice of the Christian faith is built on the premise that God assumed humanity to model what it means to be human.

God thus catapults human dignity to unprecedented heights. When we deal with humans we indirectly deal with God. The New Covenant even stipulates that if we do not love humans we see we cannot love God. Whatever is

done to the least of Christ's followers is done to Him, in other words. Whatever is done to any human being is done to God.

The complete picture of God's relations to humanity is that, on the one hand, humans represent God as vice-regents, but on the other hand, God represents humans. The mediatorial or priestly office of Christ finds a remarkable expression here.

There is a fundamental truth that must not be missed; a vision that makes us different. We are connected to Christ and to one another in a deeper way.

"In the days of Christ, selfishness and pride and prejudice had built strong and high the wall of partition between the appointed guardians of the sacred oracles and every other nation on the globe. But the Savior had come to change all this. The words which the people were hearing from His lips were unlike anything to which they had ever listened from priest or rabbi. Christ tears away the wall of partition, the self-love, the dividing prejudice of nationality, and teaches a love for all the human family. He lifts men from the narrow circle that their selfishness prescribes; He abolishes all territorial lines and artificial distinctions of society. He makes no difference between neighbors and strangers, friends and enemies. He teaches us to look upon every needy soul as our neighbor and the world as our field."⁸⁸

Through Christ Jesus, incarnation, death, resurrection, ascension, session as High priest, and kingship, God creates a new humanity, one family of people sharing the life, fruit and gifts of the Holy Spirit: a new humanity where ontological hierarchy is abolished. All people become brothers and sisters. Every person is now endowed with infinite worth and value.

4. Jesus Christ as Image of the Invisible God

One of the goals of the incarnation was to model what it means to be human from God's perspective. This did not limit itself to being an idea. Rather, Christians claim that to image God, God embraced humanity in a complete way by becoming human and thus provided the model of being human. Jesus unites divinity and humanity in an unprecedented and unsurpassable manner.

88 Ellen G White, *Thoughts from the Mount of Blessings*, 42.

Created in the image of God means created in the image of Jesus Christ according to His likeness. He is the image of the invisible God.

Only one man is the true image of God. Jesus is the true image of God. “In their case the god of this world has blinded the minds of the unbelievers, to keep them from seeing the light of the gospel of the glory of Christ, who is the image of God” (2 Cor. 4:4).

Created in God’s image means created in the image of Christ, because Christ is the image of the invisible God. He is the icon, the visible face of God. The mystery of every person is inseparable from the mystery of Christ. In the New Covenant Christ frequently designates himself as the Son of man, the representative of humanity. What it means to be human is embodied in Him. Therefore His interest in the poor, the needy, the disenfranchised, the outcasts, the sick, and the marginalized, becomes the model for the world to emulate.

From a Christian perspective, Jesus Christ is the model of a new humanity, a new way of being human, grounded in love for every neighbor, every person created in the image of God. Freedom, justice, and peace are connected to his person.

5. The Love of God for the World: A Model for Relating to Others

The root cause of God’s involvement in human affairs is birthed by the love of God, the love that is constitutive to God’s being. The climax of the Judeo-Christian Scriptures is the stunning declaration that God is love. He first loves human beings, declares the Apostle John. Consequently, humans are in fact created to reciprocate God’s love. The importance of love appears in the “Shema Israel” in Deuteronomy 6. Jesus Christ also reiterated it in His summary of the law and the prophets (Matt 22:37-40).

Human beings are created to manifest this love towards fellow human beings. The story of the Bible is mainly about the God who is love telling people that He so loves the world that He gave the person of His Son so that whosoever believes in Him may not perish but have everlasting life—that is, everyone who lives through Him.

God, in the first testament told His covenant partner Israel: “I have loved you with an everlasting love” (Jer 31:3). Also God’s commitment to love is

not intimidated by His people's response: "For the mountains may be removed and the hills may shake but my loving-kindness will not be removed from you, and my covenant of peace will not be shaken, says the Lord who has compassion on you" (Isa 54:10). A mother may forget her nursing child but God constantly remembers the object of his love (Isa 49:15).

But love cannot exist without freedom. Biblical narratives insist on this point. Love cannot be forced. No one can be forced to love. Love has to spring from a personal decision otherwise it cannot exist. This is the reason why freedom is essential to any meaningful relationship. Without the freedom to choose, love is not possible. Any form of manipulation or aggression violates the dignity of humans. Coercion kills love and prevents its reality. It erodes human dignity. God, who is love, created out of love. Therefore He created freedom.

An essential element of the teachings of Jesus is an invitation to love. Not even enemies are excluded from such love (Matt. 5:43-48).

6. The Generosity of God as Model for Being a Blessing to Others

God blesses; ultimately God is the supreme blessing, the supreme value. God's first acts according to the biblical narrative are associated with the concept of blessing. God blesses His creation. The climax of God's creation of human beings in His own image is the act of blessing them. It is the destiny of every human being to be blessed and to be a blessing. God's will to bless humans was reiterated with Abraham (Genesis 12). God purposed to bless all the families of the earth. Paul understood the gospel God preached to Abraham to be precisely the blessing of all nations.

Jesus came to fulfill this pristine purpose of God. "It is you who are the sons of the prophets and of the covenant which God made with your fathers, saying to Abraham, 'and in your seed all the families of the earth shall be blessed.' For you first, God raised up His Servant and sent Him to bless you by turning every one of you from your wicked ways" (Acts 3:25-26). Humans are created and called to be blessings to one another.⁸⁹

"Finally, all of you have unity of mind, sympathy, brotherly love, a tender heart, and a humble mind. Do not repay evil for evil or reviling for reviling, but

⁸⁹ The Lockman Foundation (2008-01-26). Holy Bible: *New American Standard Bible* (NASB) (Kindle Locations 36982-36984). The Lockman Foundation. Kindle Edition.

on the contrary, bless, for to this you were called, that you may obtain a blessing” (1 Peter 3:8, ESV).

Called to be a blessing- that is the calling of all believers in and followers of Jesus Christ. Humans created in the image and likeness of God are all called to be blessings to one another. That is part of the call to be human in the first place.

7. God’s Holiness as Testimony to the Sacredness of Every Person

God is holy. He is sacred. He is different. He cannot be confined in a box. He is always more than can be conceptualized. He is the “Other.” Humans are called to be holy; that is every person’s vocation. The priestly language used in Genesis hints at a concept that is developed in both testaments. Human beings are sacred. Israel was called a holy nation (Exodus 19). The new covenant is based on the fact that the followers of Jesus are called a holy nation. Moreover, the Apostle Paul affirmed that people are temples of the Holy Spirit, indwelt by God.

This dimension of being created in God’s image could be, in our view, the best incentive for the respect of every person. When people realize that whatever they do to the least of human beings that is according to current conventional social classifications, they do to God. All human relationships would be reconfigured and based on the ultimate worth of every person. Humans are sacred.

“Human dignity is not some vague kind of civic pride but arises from the certainty that each human being is indeed a sacred person, the creation of a personal God. Human dignity has nothing to do with egotistical arrogance but is associated with an awareness of human greatness and its limitations. Dignity is marked by discretion, consideration, and respect for others.”⁹⁰

The idea of God’s holiness includes a key component, which is that God should not be manipulated or used. The same applies to humans who are created in God’s image. Humans are not to be used, abused, or defiled. They are sacred.

90 Archbishop Anastasios (Yannoulatos). *Facing the World: Orthodox Christian Essays on Global Concerns* (Geneva, Switzerland: WCC Publications, 2003), 60.

8. God's Justice, Righteousness and Peace to Be Mirrored

God is a God of justice and righteousness, claim the Judeo-Christian Scriptures. Justice and righteousness are so central that without them, argues the prophet Amos, there can be no future for God's people, that is those in a covenant relation with Him (Amos 5:18-24), and no future for the world either. The prophet Micah had outlined what God expected from all humans:

"He has told you O man, what is good; and what the Lord require of you but to do justice, to love kindness, and to walk humbly with your God?" (Micah 6:8). The acknowledgment and care for human dignity have to be translated into acts of justice towards all human beings. This is more than retributive justice as specified earlier. It is distributive justice that expresses itself in that in the name of our common humanity, every person has the vocation to be dedicated to the wellbeing of others.

9. God of peace

The rich concept of shalom as complete physical, mental, emotional, spiritual well-being and healthy relations with God and with others is a main covenant outcome. Through the prophet Jeremiah, God makes a case that He "knows the plan He has for humans, plans of peace and a future" (Jer 29:11). Not only the Messiah called the prince of peace (Isaiah 9:6), but also key among the blessings of the New Covenant, is being a peacemaker. Jesus in the so-called Sermon on the Mount said: "Blessed are the peacemakers for they shall be called children of God." This means they reflect the character of their creator.

10. God of truth and faithfulness

One of God's revealed attributes is expressed by the word "Amen." It expresses both ideas of truth and faithfulness. As such the notion of caprice and instability are distanced from the character of God. God is dependable. The same attribute of Amen is also a title of Jesus Christ in the book of Revelation. In the third chapter of this last book of the Bible, Jesus introduces himself as "the Amen, the faithful and true witness (Rev. 3:14). The word Amen is one of the Hebrew terms not translated into Greek in the New Testament writings. The implication of this is that humans are also called to be dependable, truthful, and faithful.

C. The Unity of the Human Race

According to Judeo-Christian Scriptures, human beings, men and women, are the climax of God's creation. Theirs is a very special creation, in which

humans are created in the image of God, according to His likeness. Humans are in a special relationship to God. The most obvious contextual meaning of such an expression is that humans are in filial relationship to God.

The immediate implication is that humans are to reflect God's character if they are true to this filial relationship. The other incontrovertible truth is that the whole human race has been created to be a family. If therefore the Bible is taken seriously, then all humans are connected in God in whose image we are created. In other words: everyone is connected to everyone.

III. Conclusion

The foundational status of human dignity is undeniable. Human dignity is, in fact, the foundation of all other values in society whether freedom, justice or peace. It is also the foundation for the concept and reality of human rights. It is essential to understand human dignity as central to the ordering of society. From this perspective, along the lines of the Kantian principle of the categorical imperative cited above, it is asserted that "human dignity is not a mere value that may be compared, let alone ranked, with other values. It is a foundational 'stand-alone' principle necessary to even be able to speak about the values of a society." It is axiomatic and a precondition for any normative interaction among human beings within and among societies. In modern and postmodern pluralistic societies, it is necessary to articulate the content of human dignity in "strictly secular terms." This obviously does not exclude the need to bring in the contributions of religious thought. The aim of this article was to highlight the contributions of the Judeo-Christian traditions, not only to point out human dignity as the foundation for human rights and freedom of religion or belief, but also to suggest that according to a biblical worldview the concept of creation in God's image and according to His likeness is construed as the very foundation for human dignity itself. This means also that the infinite value of every person is anchored in God, the model of being who identifies with everyone. All humans have the vocation to reflect God's attributes, participating in the life of God.

A. Summary of Findings

According to the Judeo-Christian narratives, human dignity is grounded in the reasons why humans were created in the first place.

- ✦ Humans are created in the image of God.
- ✦ Humans are created in the first place to relate to the Creator.

- ✦ This relationship is more profoundly a filial relationship.
- ✦ Human beings are related to one another in the family God created. There is therefore one human race and one family.
- ✦ Humans are sacred by virtue of the fact that every person is created in the image of God. People value and respect temples, shrines, cathedrals, mosques, and churches; but according to the Judeo-Christian Scriptures human beings are the temples of God, temples of the Holy Spirit. This means that human dignity is based on the fact that God who is holy has created humans in His image with the dignity of holiness. Every person is sacred.
- ✦ Every person ought to be respected, honored. In the Judeo-Christian Scriptures, the Apostle Peter puts it in no uncertain terms: in 1 Peter, he declares, "Honor all people." This is most likely one of the most neglected commandments.
- ✦ Humans should not be subjected to violence of any kind. All violations to their human dignity thwart God's purposes for creation.
- ✦ Humans are created to fellowship with God. All forms of exclusion, discrimination, and rejection betray and profane the circle of fellowship humans are to form around their connection with God. This explains why, according to the Apostle John, humans cannot love God they do not see if they do not love one another (1 John 4:20-21).
- ✦ Moreover, humans are temples of the Holy Spirit. This is the reason why human dignity is best expressed through holiness. But biblical holiness is inseparable from love. The God who is celebrated as holy and worshipped by billions of angels is the God of love. He is love (1:4:8)
- ✦ Love is the fulfillment of the commandments of the Torah. On the two commandments to love God and to love one's neighbor as oneself, depend all the Law and the Prophets (Matt.22:38-40), argues Jesus.

The root cause of all violations of human rights is the trampling of human dignity. This dignity is inseparable from the revelation of humans being created in the image of God.

B. Implications

The fact that humans are created in the image of God, endowed with infinite dignity, is in the Judeo-Christian Scriptures the ground for the prohibition against murdering human beings (Gen 9:6) or cursing humans (James 3:9). More profoundly,

Every person should be treated as sacred. This implies that no person should be violated. Moreover, any form of violence should be excluded. Being a peacemaker is what Jesus promoted.

Every person should be valued, honored, respected, and loved, just because people are created in the image of God.

To fully experience their God-given dignity, freedom of conscience, religious freedom and all the other associated freedoms ought to be secured for every person. Love cannot be forced. It can only be experienced where there is freedom to choose or change.

Human dignity calls for respect, justice and peace to be enjoyed by all. Christians have this distinctive added responsibility to even pray for those who strip them of outward signs of dignity, just as a crucified, shamed Jesus could under excruciating pain pray for the perpetrators of flagrant injustice of punishing the innocent such as he was.

Baptist Church: Why I do believe in the separation of Church and State⁹¹

Denton Lotz⁹²

“Evangelism is against the law. If we are accused of leading someone to faith in Christ, we are punished with a jail sentence. For a Muslim, it is against the law to change religion and be baptized. He who does so is considered an infidel and exposes himself to the death penalty by uncompromising fundamentalists. In Israel, Judaism is a state religion. Changing religion in most cases always leads to exclusion of the family and ostracism. In many countries, Orthodoxy and Catholicism are state religions. The one who changes religion to adopt an evangelical faith is looked upon as a traitor. The government considers Baptists who create a new community as destroyers of culture etc.”

At The Baptist World Alliance, we have been told of events happening when there is a state religion. State religions are essentially totalitarian as well as any expression of an ideology which supports the state in the name of God; the state on the other hand, for this “divine” legitimacy, prohibits any form of religious expression.

It is against such state religions that Baptists revolted and were imprisoned in the 17th century. In England, John Smyth, John Bunyan, and John Milton lived under the iron rule of a terrible state religion. It is not surprising that the small group of Baptists arriving from New England to Rhode Island with Roger Williams asked for religious freedom for all. Those believers had recently escaped the yoke of a state religion and its threatening tentacles infesting all areas of life.

Recently, the Baptist World Alliance organized, in the Middle East, a conference of Baptist leaders. Many incredible testimonies were given about the action of the Holy Spirit in countries where church and state are not separated.

91 Article published in the journal C&L n° 47, 1994, p.21.

92 Denton Lotz: Secretary General of the Baptist World Alliance.

Thank God, the Holy Spirit knows no iron curtain and is always leading men and women to a personal faith in Jesus-Christ, our Lord and Savior. I came back from the Middle East strongly convinced that the Baptist conception of religious freedom and separation of church and state is not only fair but biblical. Christ calls the whole of humanity to freedom, and each and every one should be able to accept Him as Lord and Savior.

We would like to address all people of good will, whether they be Jewish, Muslim, Orthodox, Catholic or Baptist: "Allow us to freely practice our faith. Give us the freedom to evangelize, that is, to share our faith with every one, as this is an essential aspect of our faith. If evangelism is prohibited, our religious freedom is being denied." As minarets rise towards heaven in Frankfurt, Paris, London and Washington, shouldn't we also have the freedom of erecting the cross of Christ in Tehran, Baghdad, Kuwait and Riyadh? **Baptists do not want a Baptist state, but a state where freedom of expression and religion for all are honored. It is obvious that we preach Christ, as we respect your rights to preach whatever you want! Let us separate religion from state and state from religion, and grant freedom to people [...] in the whole world and especially in the Middle East.**

The separation of church and state does not mean that the church accepts or allows the state to trample the moral imperatives of the Gospel. Nor does this mean quietness when we do nothing. On the contrary! Baptists generally agree with Calvinists regarding the understanding of the church role that should transform society, should be this leaven that changes men and women and whose lives and testimonies lower kingdoms and uplift Christ.

The abolition of slavery and the end of apartheid and segregation are just one example of the transforming power of the Church's message in the life of nations. Let us always be faithful to Christ, let us work and pray for that day when "The kingdoms of this world become the kingdoms of our Lord and of His Christ; and He shall reign forever and ever." (Revelation 11:15 – KJV.)

Religious Liberty according to Judaism⁹³

*Sergio Sierra*⁹⁴

According to biblical tradition, divinity delivered the people of Israel and in so doing taught implicitly that freedom ought to be the fundamental principle of all ethical, social and religious aspirations.

In my opinion, the problem of religious liberty is not just about considering that the individuals be freed from any religious possible coercion. In fact, if it was thus limited we would then have to judge each individual according to two criteria: as a member of civil society and as a member of a religious community. Between these two social spheres- politics and religion- the relationship may vary.

In fact, if today there is a wide recognition that religious freedom is a fundamental right of human beings, it seems logical within the context of a confession that there is absolutely no possibility to admit that a member of a particular religion may act by appealing to his own rights and by ignoring all the obligations and duties prescribed by that religion.

It seems to us that the problem examined in this document must be dealt with case-by-case in order to consider the relationship existing between "religion" and "truth." Since there are many ways of conceiving religious truth, Judaism guarantees a free expression of conscience in all forms of social relationship by providing an education which represents more than mere religious tolerance. Moreover, Judaism claims for an understanding which, exceeding the tolerance limits, expresses the richness of faith. That faith, which, without eliminating differences and sometimes even emphasizing them, is the most profound gesture of respect we can have for everyone's right in matters regarding religion.

Judaism is a historical and spiritual process. Although it expresses itself in different forms and depending on times, it remains linked by a common historical heritage which has constituted the real religious and national unity of

93 Article published in the journal C&L, n°5, 1973

94 Professor, private lecturer in Hebrew literature at the University of Rome. He was secretary of the Jewish Union, Rabbi in Bologna and Turin.

the people of Israel: The Torah. In other words, the divine teaching serves as a dynamic form of the Jewish historical process.

Throughout the long history of Judaism, all relevant authorities officially recognized were inevitably given a significant force of coercion allowing them to enforce Jewish law. However, many large Jewish religious movements, through processes of internalization and spiritual fervor from the Torah, periodically agitated and rekindled real interest and generated enthusiasm in the Jewish masses thanks to a still relevant updated message and a dynamic response, adequate to the needs of new times.

This was made possible because of the Torah, considered as an inexhaustible and essential source of Judaism as well as the basis of the Jewish community at all times.

It is clear however that a living document - which is continually developing - has to be interpreted; in fact, no "truth" can be expressed more clearly to answer perfectly all the questions posed by each situation throughout the course of history. Thus, the way to be able to keep freedom within a system of invariable ideas is in itself a problem for both political and religious communities. At all times, masters of Judaism became aware of the double necessity of keeping a tradition that does not fade away even to the point of conflicting with its dynamic value: thus through interpretations, it has been possible to keep within the Jewish community a progressive force able to ensure freedom.

Keeping well in mind the above facts, it will make it easier to understand what religious freedom means from a Judaism point of view. We, once again, propose the theme of the report that Judaism establishes between "religion" and "truth" to grasp not only a better understanding of inner freedom, which encourages not only the religiosity of the individual but also the sense of the external freedom, a politico-legal freedom that all religions worthy of consideration are bound to claim for themselves and for any other expression of the mind.

If for constitutional reasons, a religion contributes to external freedom with regard to the meaning for all other secular and religious minds, this religion contains within itself a powerful force for creating varied forms of new lives. This is only achieved by claiming a principle of external freedom, posed by a religion that touches upon the possibility - that is acceptable to all - of a peaceful and profitable coexistence of religion and various ideologies.

With regard to the problem of religious "truth," Judaism affirms that the relationship between God and man is a moral relationship; God speaks to man's conscience, so much so that convictions and moral suggestions of humankind are truly the voice of God and His supreme manifestation. According to Ju-

daim, God reveals Himself in the moral attitude of humankind. That's why morality receives authority through ethical monotheism. Jewish tradition exalts the reign of moral liberty and spiritual perfection in this world as humanity's final goal. It follows that for Judaism "religious truth" especially means acceptance of the truth of God as a norm for everyday living, and not as a simple act of faith. Jewish religious thought is marked by the conviction that the knowledge of truth is the result of a real investigation to be fulfilled here on earth in its purest expression.

A great Jewish master, the "Maimonide," sets out this principle as the basis of his philosophical speculation. Consequently, it is the search for truth, a deep understanding of the true Revelation, the Talmud Torah, learning the Torah - to use Hebrew's words, that allows us to get to the truth.

While maintaining oneself in an inflexible and rigid way asserting the monotheistic aspect, and while rejecting the idea that man may have superhuman attributes, Judaism maintains that it is impossible to guarantee that the ethical attributes of God apply for absolute equality between men.

Judaism however admits an open discussion on how some concepts are presented and achieved in life. In short, free discussion on how the truth of God has to be fulfilled on earth, between men, is allowed. This truth on which essential candidates were given by the revelation, thus becomes a historical process in constant evolution and enriches itself with new experiences.

According to Judaism no man, no community, nor any people will ever be able to boast itself of having a formula or definition that determines truth once and for all. Whereas all religions - monotheistic, of course - through their different historical position, can contribute together in discovering new forms of realization. This way of thinking may refer to everyone not just to Israel.

In essence, here lies the deep and true meaning of "the study of the Torah," the study of divine revelation. In the Bible, Isaiah writes: "Open the gates that the righteous nation may enter, the nation that keeps faith." Hebrew masters comment: It is not said, "that priests, Levites or Israelites enter, but the righteous without distinction as to religion." (Sifra, Scemoth 13) Whatever people or race they may belong to.

Thus the problem of religious liberty has been well received by the Hebrews because of the religious nature of Judaism. Judaism has always been a supporter of religious freedom and its position is more a coherent expression of the fundamental principles of Jewish tradition than the result of an evolution of the doctrine.

As noted above, elements that constitute the religion of Israel are mainly two: the religious element and the moral element. Even if these two components are closely linked in the Jewish religious ideal, it can be argued that Judaism presents itself as a cult - Let's say ethnic -- that is only observed by the Jewish people; whereas through the ideal of ethical monotheism, Judaism is the expression of a moral universalism.

Therefore, according to the Hebrew ideal "universal religion" does not mean conversion of all people to a single faith or the extension of the Hebrew worship to all human beings. Judaism asserts that the only religious faith engaging humanity is the law called "law of Noah" which could be defined as "natural moral" in its essential aspects.

On the contrary, the religious law of Moses was revealed to Israel, which according to biblical tradition was considered a *mamléchet kohanim vegoi Kadosh* (Exodus 19.6), that is to say "a priestly people and a nation set apart."

Judaism has always recognized the legitimacy of different religious forms while emphasizing at the same time the existence of a common unifying element on the basis of all religious confessions: "faith in one unique God."

Consequently, the Hebrew masters have taught us that the "Righteous from all the world will take part in the future world" (Tosefta Sanhedrin 13.2) and that is why the messianism preached by the prophets of Israel is not a world converted to Judaism, but humanity that has been converted to the practice of the moral law, a world where all people will ignore war, a humanity in which law and justice will be like a flowing impetuous river.

Due to this particular position, Judaism appears reluctant to an active religious proselytism, even if the Jewish message has always been a leading moral voice of individuals and people. It is important to remember in order to understand the coherence of Judaism in regard to the need for religious freedom which is a natural necessity in the Jewish mind set, an inalienable right of human beings whose dignity asks for that freedom as a fundamental requirement.

Freedom of thought, which, in my opinion, can fit into the context of religious freedom, is the natural corollary of the Jewish vision of life. To persecute an individual or simply alarm him because of a difference of opinions or a difference of faith from the majority is truly absurd according to Judaism. Thus, freedom must be considered in its broadest sense, it is freedom of thinking to believe or not believe, as humans are born free, the mind is born free and must not be imprisoned by any power whatsoever.

In spite of life expectancy over these recent years, we cannot ignore the reality of the sad spectacle offered to us concerning cultural and religious distortions determined by ideological sectarianism.

Nevertheless, I believe that the time has come for us to assert and to persuade men and women that no ideology has the monopoly of absolute truth; just as no religious belief has a monopoly of Heaven since nobody holds the secret and the unique key to salvation. We must hope and work assiduously so that everyone knows, while deeply respecting the freedom of everyone, that even by different paths, it is possible to reach God by honesty and sincerity of heart.

Judaism has always been required to defend its own religious individuality. It advises its followers to commit themselves to avoid the dispersion of individual principles in the conformity of social relationships thus, forestalling any escape from an individual with its responsibilities assigned to each one. That is why there is a tendency in Judaism to continuously postpone the essence of its own ethical-religious message with a more active participation to community life.

Providing such education, not only does the Jewish tradition not hold the believer in slavery, but it tends to constantly provoke a stimulation of awareness making it able to recognize what it owes to men through a balanced human relationship with the surrounding world.

It is precisely because of constant reflection on the values of his own spiritual patrimony and by regular internal meditation on events from his own life that the Hebrew is led to a better understanding of his position compared with other men. ("The foreigner residing among you must be treated as your native-born. Love them as yourself, for you were foreigners in Egypt" Leviticus 19.34), therefore considering that it is not only in his power to create a new world, but that this creation is made possible through the collaboration of all men.

If we talk about religious freedom, like other ethical values, it is necessary to distinguish the values of institutions that should incarnate them. Theoretically we can become, as it often happens, supporters of ecumenism, liberalism, or social progressivism without desiring to succeed or to set those institutions in motion which obviously should enable the realization of such values.

It was rightly noted that "one must not confuse values and institutions, the one cannot live without the other."

Thus, without anyone perceiving it, Judaism frequently foresaw and transmitted to humanity ideals of civilization including freedom of conscience, which so far have not yet been realized.

The Jews have suffered the terrible consequences of the excessive slowness with which some religious institutions of universal dimensions have re-

nounced myths and misconceptions, several centuries old, and are particularly sensitive to the issue of freedom of conscience.

This lack of freedom has caused the Jews - in addition to the persecution with the terrible consequences that we know – to see Jewish doctrines established around a set of faulty preconceptions rooted not only among the uneducated masses, but also in the souls of many strong spirits.

Anti-Semitism was easily able to reap innumerable victims because of certain stereotypes that have poisoned and are still poisoning the daily consciousness of humanity. Experience has demonstrated that if the Jews were the first to be affected, the rest of the society in which anti-Semitism expanded, followed sooner or later, the same fate. Jews have unfortunately always been the first victims, from the fact that for more than 2,000 years, all existing resentments and all antipathies were used against them through religious intolerance.

Whenever a crisis of institutions occurs that has to deal with certain values, anti-Semitism arises demonstrating a negative macroscopic manifestation of human freedom and explicit expression of the chronic inability of man to consider his neighbor as himself.”

The masters of the Talmud asked themselves the question: Why did God, while creating the world, create only one man?

So that no one can say to another: “My race is nobler than yours!”(Sanhedrin, 4-5).

This ancient answer to the whys and wherefores of the natural equality of rights of all men has an ideal of universal brotherhood which could be better achieved if freedom of conscience within each “civilized” community could be more efficiently secured.

For the first time in the world, in the principality of Transylvania, Europe: The Adoption of the Principle of Religious Freedom and its Evolution.

*Gheorghe Ioan Rotaru*⁹⁵

Introduction

In the present study, we will discuss the decision made by the Transylvanian Principality during the 16th Century to adopt the principle of religious freedom. The Diet, also known as the Legislative Assembly, adopted for the first time the idea of religious freedom and improved it by making legislative amendments unique not only in Europe but also across the world at that time. This study will further analyse the implementation and evolution of this principle in a relatively short period of only 25 years (1943-1968).

After Martin Luther publicly presented his theses in 1517, his ideas quickly spread to the surrounding countries. Two years later, in 1519, a fair was held in Leipzig where Saxon mercenaries participated. These mercenaries brought with them Martin Luther's writings, which effectively made them the first missionaries to bring the ideas of the Reformation to Transylvania. Furthering the work of the mercenaries, the Saxon students who graduated from university in Wittenberg would also bring Luther's ideas home. In the town of Sibiu, M. Luther's book "On Christian Liberty" was being circulated in print as early as 1521. His new ideas penetrated Transylvania's cultural circle, causing such a great religious and cultural awakening that a radical change in the Principality's spiritual level was now needed. Therefore, between 1542 and 1543 Johannes Honterus, a scholar supported unconditionally by M Luther put together the fundamental beliefs of the Saxon Evangelical church. In 1543, he finished these ideas under one literary work called *Reformatio Ecclesiae Coronensis ac totius Barcensis provinciae*.

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2. The Diet, in Turda, adopts the principle of religious freedom (1543)

The principle of religious freedom was adopted for the first time in Europe but also in the world by the Transylvanian Diet, gathered in the town of Turda in 1543. This legislative body determined that matters of a religious nature should take priority before any internal legislative changes or secular or profane items on the agenda are discussed. They considered that issues surrounding religion or spirituality can create a setting appropriate for worshipping God, a setting which would allow individuals or groups to manifest their beliefs freely, according to their own conscience, without being disturbed.

The decision to prioritise religious and worship matters was first discovered in article 1 from “Transylvania’sansylvan and worship ma”? or “The Approved”, which stipulated the following: “It was truly admirable and fitting to follow the decision of this country for the greater good, to begin their activities by discussing matters concerning the glory of God. Therefore, it is considered acceptable that any secular matters are to be preceded by matters concerning the glory of God.”

After implementing this legislative order, the Diet from Turda adopted the principle of religious freedom in 1543, supported by the clause that “all should follow the faith received from God, without harming each other.” The original text was lost but later reconstituted from other documents mentioning the order, such as “The Country’s Assembly” or “Diets” in 1551 and 1555. The law passed in 1543 was referring to all, not just some or a particular group, who could argue that this law was not exclusive. It was also stipulated in that law that the faith was a gift received from God and every individual has the right to remain faithful to that belief. The law also specified that all can rejoice in their faith but should refrain from disrupting the way others may manifest their beliefs. Considering the events taking place at the time this law was passed, whether across Europe or the rest of the world, it is worth mentioning that this was a significant step forward concerning human rights. Such legislative laws had not yet been adopted anywhere else in the world.

This law however went through several stages in its development. It is worth mentioning that before 1550, Transylvania had only one official religion, the Roman Catholic religion. Catholicism was considered to be the only *recepta religio*, or officially recognised religion in the principality. The Orthodoxy, though comprising the majority of Transylvania, was only a tolerated religion.

A significant change therefore takes place when in 1543 the Diet in Turda proclaimed for the first time, the principle of religious freedom in Transylvania.

3. The consequences

3.1 Legal recognition of a new cult, of a new religion

Adopting the religious freedom principle was not spared of major consequences. One immediate consequence was the recognition of the Evangelical Lutheran Church. After accepting the new doctrines and reform ideas presented by M Luther, the Saxons would separate from the Roman Catholic Church and form a distinct church. Based on the legislative provision made at the 1543 gathering at Turda which allowed that "all can follow the faith received from God without interfering with each other"; on 22 June 1550, during the Country's Assembly, the Lutheran Church was officially recognised as an independent church. This decision was perhaps generated by the need to keep an intercultural harmony between the citizens, considering that at the time Transylvania was the main area of Hasburg and Turkish conflicts. The purpose of the numerous, theological discussions, as well as profound religious debates which were fashionable during the 16th century, was to propagate the Protestant reform concepts.

3.2 Permission to exhibit ideas of oneon to exhibi, to begin missionary work, to spread the faith to others using various methods.

As a first consequence of religious freedom alongside the Roman Catholic Church, the *religio antiqua* or religion of old, of antiquity, the new Evangelical-Lutheran religion, or *religio nova*, is recognised. According to the legal provisions after 1550, the Lutheran missionaries commenced their work to convert others around them, both Hungarians and Romanians. In the first phase of their work, the missionaries succeeded in converting the prince of Transylvania himself, Ioan Sigismund Zapolya, making their religion more easily received in the country.

3.3 Public functions could no longer be distributed according to religious criteria

By adopting the principle of religious freedom and recognising the Evangelical Lutheran Church, the principality of Transylvania, between 1550 and 1551, created the first religious compromise in Europe. In 1552, during the Diet in Turda, it was declared that public functions cannot be distributed on religious grounds.

3.4 The term “nova religio” becomes part of the religious legislation

Following the legal recognition of the Lutheran Church, a new phenomenon took shape in the Transylvanian legislation and that is “*nova religio*” or new religion. This *nova religio* was now protected by law from any conflict that could be provoked by *antiqua religio*, or old religion, i.e. the Roman Catholic Church.

3.5 Permission to freely and openly carry out theological debates

Another consequence of the emancipation and legalisation of religious freedom was that, following John Calvin’s reforms which had penetrated Transylvania under the *recepta religio* provision, the religious leaders could debate theological ideas and doctrinal principles such as the Eucharist, also known as the Lord’s Supper or Holy Communion. From this perspective, the spread of religious freedom and individual beliefs increased significantly throughout Transylvania.

3.6 The public debates on religious topics were supported by the political power at the time, the prince.

The possibility to hold these theological discussions openly, in a public space, clearly shows the strength of the religious liberty and freedom of expression. In addition, anybody could participate in these discussions. The freedom to discuss theological and religious topics, in a public space, with anyone wishing to participate also shows the freedom of expression without the fear of being contradicted or rebuked by other faiths, regardless of how contradictory or non-conforming the ideas might be to the official church’s doctrines.

As noted before, the public debates were supported by the political power at the time, the prince.

3.7 The importance of the local church’s authority, synod, in making decisions.

It is worth noting that, after the law of religious freedom was passed, the decisions made by the synod and the local church grew in importance, thus paving the way for the Diet to start making the major decisions. This would mean that the decisions agreed upon and voted at a local level could then be implemented on a national level by the legislative body.

3.8 Tolerance for different religious opinions

The cases of Francesco Stancarus, a proclaimed antitrinitarian, and priest Paul Wiener of Sibiu, elected on 6 February 1553 by the synod of the

Saxon church in Transylvania and also the first bishop of the Lutheran Saxons, highlight some of the aspects of religious freedom which tolerated ideas considered heretical. The two mentioned above were considered at the time in Europe to be heretics or outcasts. Francesco Stancarus who was persecuted and chased throughout Europe for propagating his antitrinitarian ideas and beliefs, found tolerance in Transylvania between 1550 and 1555. Mihail Servet would have probably escaped being burn at the stake for his beliefs opposing the official church had he lived during the religious freedom times. During this period however, different religious personalities, with antitrinitarian views began to visit the principality of Transylvania. Philipp Melanchton, writing to his friend Camerarius around the year 1555, confirms Francesco Stancarus' escape to the Wallachians, as the Romanians were known at the time.

4. New developments in the legislative aspects of religious freedom during the 1-10 June 1557 meeting at Turda

Upon their return from Poland in 1556, Prince Ioan Sigismund Zapolya and his mother, Princess Isabella, decided upon new measures in favour of religious tolerance and liberty. Therefore, the Diet, gathered in Turda between 1 and 10 June 1557, decided once again to provide religious liberty to both Catholics and Lutherans, recognising the Lutheran religion now as religion recepta. The main promoter of this decision was Francisc David (1520-1579). This law was unique in Europe during the 16th century. In article 7 of the Assembly it is written: "Together with his Majesty, our son, at the request of the men in our country, we graciously grant that everyone should follow the faith they wish, with their new or old ceremonies, being allowed to believe as they wish but without causing damage to others, so that the followers of the new faith respect the old faith."

Through this decision, the religious freedom was improved. These improvements continued to be unique in the 16th century in Europe. The law does not refer to either the Catholic or Lutheran religions, but refers to the *nova and antiqua religio*, the new and old religious ceremonies. The text in the law clearly states "*teneret eam fidem quam vellet quam novis et antiquis ceremonis*", meaning "to uphold the religion (faith) that they wish, with new or old ceremonies. This text, formulated by the Diet, consists of specific aspects that require further explanation.

4.1 *New aspects of the religious liberty, adopted during 1-10 June 1557, in Turda by the Diet*

4.1.1 *Liberty of faith - everyone can believe as they wish*

The first aspect worth mentioning is that we were witnessing, for the first time in Europe, the drafting of the *fidem quam vellet* (to believe as one wishes) principle. In formulating the law, it therefore stipulated that “all can uphold the religion they wish” or “in terms of religion they are free to believe as they wish.” This meant that the religious will of each person had to be respected entirely. Freedom of faith, manifested according to the individual wish or choice, was to be granted to everyone, yet without permission to damage this liberty in any way. This particular provision would appear in the legislation on the European continent only several centuries later.

4.1.2 *Protection for religious minorities*

The second aspect noted was that, while the Country's Assembly in 1550-1551 protected the interests of the new Lutheran religion, or *nova religio*, the Assembly, in 1557, voted to protect the interests of the *antiqua religio*, or the old Roman-Catholic religion. This new vote inferred that, as time went on, the new religion, the Lutheran church, was growing significantly in members while the Roman-Catholic Church's numbers were dropping just as significantly. This meant that, in a relatively short time, the Roman-Catholic church was no longer the majority but was now a minority religion due to its members embracing the Lutheran beliefs. This shift in position therefore needed protecting, which came through the new law that “the followers of the new faith should not abuse the old religion.” The law therefore protected the minority religion, as noted at the beginning when it protected the new Lutheran faith when it was a minority, and was now protecting the Roman-Catholic faith that swiftly became the minority.

4.1.3 *Religious prejudice against a person not permitted*

The third aspect noted refers to the prohibition of any form of prejudice against a person for their religious belief, as the law permitted any person to freely express his faith without being judged. Such legislative provisions regarding the freedom of religion, in which anyone could believe what they wished and could accept which ever doctrine they preferred whether new or old without being discriminated against, was truly a giant step forward when it came to the human rights issue. Such legislative measures, adopted during these Assemblies, were unique to the Europe of 16th century.

4.1.4 The possibility of joining any religious faith

A fourth important aspect of this law was that anyone could join any religion they wished. The law specified that “each believer is free to join his preferred religious faith”. No one was obligated to remain a member of a certain church if he considered that church no longer represented their beliefs. Believers could freely leave that church and join a church that suited their beliefs without being questioned or blamed for their choice. No permission was needed to leave and join other religions.

4.1.5 The beginnings of religious missionaryism - the legal right to profess faith

Following the new legal developments regarding religious freedom, missionary actions and faith sharing began to take shape. In such conditions, permitted by the law which said “every believer is free to adopt a preferred religion, without persecuting the believers in the old religion” and which did not yet specify any law against or for active missionary work, the Lutherans consolidated their religious position and intensified their missionary work in winning more believers for their religion. They understood the new law to also presume that “whatever is not forbidden is therefore permitted.”

During this Assembly, the Calvinists also tried to achieve official recognition for their church; however, due to the large number of Lutheran church members present at the meeting, they had to postpone their desire at this time.

4.2 New aspects regarding religious freedom adopted during 4-11 June 1564, in Turda

A step towards achieving official recognition of the Calvinist religion was made in 1564 by Francis David, elected Superintendent, who during the Diet of 4-11 of June pleaded and succeeded in convincing those in attendance to officially recognise the Unitarianism religion as the third *recepta religio*, or legal religion. The law revised during this Assembly stipulated the following provisions regarding religious freedom, in Art. 5: “Due to the significant religious differences pointed out, especially concerning the Lord’s Supper, and to avoid conflict and to restore peace it was decided that: both parties to be free, whether it is the religion of those in Sibiu or of those in Cluj. If a village or town wished to preach the religion followed in Cluj, forcing its inhabitants to receive it, they are breaking the law because that is no longer allowed. The same principle applies for those living in Sibiu. One can partake in Holy Communion without being stopped, offended or mocked.”

The information regarding the decisions of the Diet taken during the 4-11 June 1564 gathering are presented in more depth by Szilagyi Sandor. He presents

the article as follows: "In order to maintain peace in the kingdom, to alleviate and prevent more conflicts, arguments and fights from occurring between the leaders of the churches in Cluj formed mainly of Hungarians or Saxons, the decision was made that from now on each party should be free to uphold either the religion in Sibiu or that in Cluj. That means the pastor of a town or village can preach according to the faith chosen by that church without forcing the villagers to either accept only that teaching or give up their own beliefs. The pastor also has the right to send away those contrary to the faith adopted by that church. Both the Dioceses of Sibiu and that of Cluj can apply these principles.

This decision taken by the Diet in Turda between 4-11 June, 1564 was meant to disperse the intolerant behaviour displayed by the two religions, Lutheran and Unitarian, or Calvinist, as mentioned above by Szilagyi Sandor. No other laws were found regarding religious tolerance in Europe at this time.

4.2.1 The letter of religious freedom law from 1564 stipulates new principles regarding rights

~ For the first time, the letter of the law talks about conscience, specifically freedom of conscience, with no constraints. The law talks about finding ways to respect the conscience of both sides.

~ One was free to choose and follow any religion he wished.

~ The idea of following and sharing one's faith takes shape, meaning one had the right to have a religion but also to confess or make it known to others through sharing.

~ The term "priest" and "preacher" are noted for the first time in this law.

~ The nominating of a particular faith and the preacher was left to the people, thus giving them more freedom to choose and accept a belief.

~ The pastor or preacher had the liberty to preach his faith without conditions.

~ A pastor had free access to any boroughs, towns or villages where the same religion was practised, and could serve there freely.

5. The decision of other Transylvanian Diets regarding religious freedom

5.1 - Provisions adopted during the country's Assembly, or Diet of Sighisoara, between 21-26 June, 1564

Due to the persistent arguments and fights between the Catholic and Lutheran believers concerning choosing a particular faith, the Diet of Sighisoara stipulated aspects concerning religious prejudice into writing saying: "In

what concerns the religious situations and different controversies, the reigning authority desired that any man should embrace the faith they wish and that none of the religious parties cause grief, oppression or injury to each other.”

Such conflicts or tensions existed in other parts of the Principality. Due to the fact that similar conflicts were taking place in the district of Caransebes, the Diet of Sighisoara decided: “In as much as the district of Caransebes started preaching the Holy Gospel, and within it conflicts started between those professing the evangelical or roman religions, his Holy Highness decided not to discuss these divergences with the two parties but to make it a public law that the Holy word should be served publicly in the churches, but at different times. In this way, the Roman Catholics can worship in the same temple on one day and the Lutherans on another day. None of the parties are allowed to disturb or impede worship or the custom of ceremony for either side as decided in the law above or other articles previously mentioned.”

Under these conditions, three official religions were recognised in Transylvania: the Roman-Catholics, Lutherans and Calvinists. Shortly after the Calvin Church was officially recognised in 1564, the conflicts between the Calvinists and the Lutherans decreased considerably and in the end stopped altogether. Although the decisions taken by the Diet prohibited both religions from stealing each other’s “sheep,” or believers, there was still the tacit possibility to carry on the missionary work among the Romanian Orthodox believers.

5.2 - Provisions adopted during the country’s Assembly, or Diet of Sibiu, between 30 November and 13 December 1566

Regarding the preaching and spreading freely the Word of God, the Transylvanian Diet, which met in Sibiu between 30 November and 13 December 1566, decided that “the Word of the God should be proclaimed freely, especially amongst Romanians...” These provisions were allowing anyone to present the Word of God publicly without any consequences.

5.3 - Provisions adopted during the country’ Assembly, or Diet of Turda, between 6 and 13 January 1568

The Diet of the Principality of Transylvania, gathered in Turda between 6 and 13 January 1568, adopted a new law concerning religious freedom from which we quote: “His majesty, our lord, who has decreed in his country during previous Diets, is now strengthening the laws by allowing preachers to spread the Gospel everywhere, each one according to their understanding, and if the community wishes to receive the message, then let them do so. But if they do

not wish it so, or their soul is not at peace, let no one force them. The community can become the congregation of whichever preacher they like. In doing so, let none of the superintendents or anybody else offend the preachers, and let no one discriminate against others for their religion, as stated in previous constitutions. It is not permitted for one to threaten another with imprisonment or evasion from his home for their teachings, for faith is a gift from God which comes by hearing, and hearing comes from the Word of God.”

As a result of the works of this Diet, Unitarianism was officially declared as a *religio recepta*. Therefore, during that time, Transylvania had four official or legal religions: Catholicism, Lutheranism, Calvinism and Unitarianism.

6 - Conclusions

The principles regarding religious freedom presented in this study, adopted by the Diets in Transylvania during the 16th Century, were, in this respect, the first of their kind in Europe. For the first time, therefore, we witness the writing of the *fidem quam vellet* principle or “to believe as one wishes.” This formula is noted across the rest of the European continent centuries later.

We therefore summarise, in short, the defining elements of the religious freedom found in Transylvania during the 16th Century.

The Transylvanian Diets, from the gathering in 1543 to the one in 1568 and from the original enunciation of the principle of religious freedom to the updated laws, show that in the space of 25 years this principle developed from “so that all remain in the faith they received from God, without disturbing each other” to a much more improved principle...“allowing preachers to spread the Gospel everywhere, each one according to their understanding, and if the community wishes to receive the message, then let them do so. But if they do not wish so, or their soul is not at peace, let no one force them. The community can become the congregation of whichever preacher they like. In doing so, let none of the superintendents, or anybody else, offend the preachers, and let no one discriminate others for their religion, as stated in previous constitutions. It is not permitted for one to threaten another with imprisonment or evasion from their home for their teachings, for faith is a gift from God, which comes by hearing, and hearing comes from the Word of God.”

Throughout the 25 years, this principle goes through a formidable evolution, one we find nowhere else in the Europe of that time.

The Diets of the Transylvanian Principality stipulated principles and new ideas regarding religious freedom such as: faith is the gift of God, and

comes by hearing, and hearing from the Word of God; one is free to believe as one wishes, without being punished for that faith; each believer is free to join their preferred religion; so those joining a new religion should not be persecuted for leaving their old congregation. We also find, in the writing of a law, the first ever use of the word preacher being attributed to those preaching the Gospel or the Word of God, or spreading the Gospel everywhere. The preacher had free access to any stronghold, town or village and was protected from offences against the ideas or religious concepts he was preaching within the church or outside of the church. Choosing their faith and their preacher was left down to the people. Man was free to embrace the faith he wished, and was not permitted to offend or hurt somebody else for his choice of faith, nor were they allowed to force somebody into joining or leaving a religion. Threatening with imprisonment or discrimination based on religious ideas or teachings was also forbidden.

Despite all the broad legal statements regarding religious freedom and tolerance towards one another, there were still areas that needed further attention from the Diet. Orthodoxy, for example, included the majority of the population in Transylvania but was still a tolerated religion, not an official one. Also, as a result of the Reform in Transylvania, a fifth group, the Sabatarians, with a significant number of members, took shape. They too were trying to be officially recognised as a religion.

Although not entirely resolved, their adopted principles of religious freedom were unique. To support these findings, several statements were written such as that regarding the Catholic prince Stefan Bathory and religious freedom in Transylvania: "Stefan Bathory was from Transylvania, a country in which the problem of tolerance found a solution in a peaceful way as was found nowhere else in Europe. The political situation of Transylvania made it possible for such religious relations to be made." We can conclude without a doubt that nowhere in 16th Century Europe, and not just in Europe but the entire world, were there such high regulations regarding religious freedom and freedom of conscience as those of the Diets in Transylvania between 1543 and 1568.

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CHAPTER

3

Interview, International Conference & Documents

Deeply concerned about the situation of religious minorities

Interview with Ms. Rita Izsak – the Special Rapporteur of the United Nations for Minority Issues

Liviu Olteanu (LO):

LO. I would like to start this interview by asking you about the mandate you have at the United Nations. First of all explain the position of “Special Rapporteur” and for our readers, tell us please about “minority issues.”

Rita Izsak (RI):

Firstly, it is a real privilege to hold the post of United Nations Special Rapporteur on minority issues. I am the second holder of the post which was created in 2005. I am one of over 50 human rights mandate holders appointed by the Human Rights Council and it is my responsibility to address minority issues and human rights concerns affecting minorities globally. In some respects I advocate for minority rights all over the world within the United Nations system. People often ask me who exactly are minorities. Well, my work is based on the United Nations Declaration on the Rights of National or Ethnic, Religious and Linguistic Minorities, which means that I consider problems facing these four categories of groups. In fact, the issues of women, people with disabilities, sexual orientation and political groups do not fall under the scope of my mandate on minority issues. As a Special Rapporteur I have certain tools and activities that I can use to do my work. Some of them involve direct engagement with specific countries to address challenges facing minority groups. Based on information that I receive, I can write to any country to raise concerns with them and request the government to give me an official response. One of the most important tools that I have is to conduct official visits to countries to see the situation for myself and talk to all stakeholders, including minority communities and their representatives. Unfortunately I have to receive an invitation from a government which is not always quick to welcome me. However, when they do, it can be a very constructive opportunity and I have the opportunity to draft a report and recommendations on how each government could improve

its treatment of minorities and minority issues. Another important aspect of my work is to develop general recommendations which could be applied in all states, for example in such fields as how to improve the participation of minorities in all aspects of life and how to help ensure that minorities benefit from development and other national policies and programs. And I have a special responsibility and privilege to guide the work of the UN Forum on Minority Issues, an annual platform of dialogue and discussion with about 500 participants every November in Geneva. The overall objective of my work is to promote the rights of minorities and equality for all minority groups, no matter what their origins and national, ethnic, religious or linguistic characteristics.

LO. You have the possibility to visit many countries of the world looking at different segments of the minority issues. To what conclusions are you coming regarding the global problems of the minorities? Some details please...

RI. Sadly I would have to report that minorities in every region of the world continue to face discrimination, social exclusion, marginalization, and in some cases threats and violence on a daily basis. Of course some situations are worse than others and I am particularly concerned about situations where minorities face persecution, violence and mass atrocities – where they are targeted for violence because of who they are. But often the problems of minorities exist in other areas even if they don't face violence. My predecessor and I have now conducted official visits to over 16 countries globally and we have found certain trends relating to the situation of minorities that exist in almost all those countries. For example, minorities frequently lack participation in political life at every level and are poorly represented in decision making bodies. This means that their issues and concerns are often not fully considered or are completely neglected. When this is the case, it can have an impact on many other rights and the full enjoyment of rights and opportunities for those belonging to minorities, for example in development, education or social and cultural issues. We frequently find that minorities are excluded or discriminated against when they seek employment or in other spheres of economic life. When people of African descent, Roma or religious minorities seek employment in European countries, for example, it is common for them to experience discrimination or to have their applications rejected because of their skin color, their religion, name or their address. Minorities tend to be amongst the poorest people, in the poorest countries and in the richest countries in the world, who frequently live in the least developed neighborhoods, have low incomes and have the least access

to services, water and sanitation or healthcare. There are so many challenges facing minorities globally that it is impossible to list them...however I firmly believe that where countries implement minority rights the situation begins to change for the better and minorities begin to see a shift in their situations towards non-discrimination and equality. What is essential in all countries with minorities is the political will for change and to address discrimination in law and in practice.

LO. One important part of the “minorities” represents “religious minorities”. What about the “religious minorities” and what do you think are the important achievements or needs of religious minorities in the international arena?

RI. I must say that I am deeply concerned by the situation of religious minorities globally and that has led me to place a particular focus on the issues of religious minorities in my recent work as the UN Special Rapporteur alongside some of my counterparts such as the UN Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt. **I receive more information relating to serious violations of the rights of religious minorities than any other category.** I am frequently shocked to see the brutality of attacks and violence against individuals and groups on the basis of their faith or belief. But the violations of their rights extend into all areas of rights, civil and political, and economic social and culture. There tends to be an emphasis on the problems associated with freedom of religion and the ability for minorities to freely practice their faith. In fact the wider minority rights of religious minorities are frequently neglected and I am trying to raise awareness of those issues, for example the right to participate equally in all aspects of society, including social and political life. I also think that it is important to note that in some cases, conflicts are framed as being ethnic or religious conflicts, but other issues and problems have caused these conflicts, sometimes relating to political issues, land rights, access to resources, corruption and lack of good governance. I can certainly say with confidence that I have witnessed a greater attention to the issues of religious minorities at the international level and I have tried my best to contribute to that attention through my own work. This is why in 2013 I decided that the UN Forum on Minority Issues would focus on protecting and promoting the rights of religious minorities. Nevertheless, despite increased international and UN attention to religious minorities, we need to keep up the momentum and

make better progress towards protecting religious minorities and challenging states to do better.

LO. Do you believe that the people, UN, COE, EU and OSCE are talking much more today about “religious liberty and religious minorities” because it is a *sensitive* issue? Why?

RI. I do hope that it is true that such important institutions are talking more about religious minorities and issues of religious freedom. It is when these issues are discussed openly and sincerely at the highest level and the lowest level that problems are revealed and can start to be addressed. We cannot shy away from issues because they are sensitive, indeed it is precisely those issues that we must address and I am therefore happy to see an increased attention to religious minorities. That dialogue is vitally important and it is equally important that influential bodies such as the United Nations creates the spaces for such discussions to take place and, where necessary, challenge states to live up to their human rights and other commitments. I think that important and sensitive debates on such issues as defamation of religion and hate speech have resulted in a greater understanding of the challenges and the sensitivities and have helped to take us forward towards addressing them appropriately. We have learned a lot and we are continuing to learn. You mention some of the European bodies, but I would also like to see the issues of minorities, including religious minorities, taken up more directly in other regions, including be regional organizations in Africa, Asia and elsewhere.

LO. What influence do you consider religious minorities have for peace and worldwide security? Why?

RI. I think that religious leaders have a vital role to play in efforts to ensure peace and security, first and foremost in their own societies, but also on the international and global scale. I would like to see leaders speak out more often against religious hatred and incitement to violence. Their influence is great and they must use it to defuse tensions and to help build bridges of tolerance, understanding and mutual respect. Religious minorities by their very nature tend to be numerically smaller and socially and politically non-dominant and so it frequently falls to the leaders of majority faiths to play a leadership role. However, I believe that all faiths, large or small, have at their core a message of love, peace, forgiveness and harmony and so all faiths have a role to play in projecting those messages, not just to their own congregations and followers, but to the whole of society. Religion should and can be a force for good, nationally and internationally, but in too many situations it is a dividing force. I have

been deeply impressed by some inter-faith initiatives that I have witnessed, for example on my recent visit to Nigeria, where Muslim and Christian leaders are working together to address problems and promote peace and understanding. Sometimes these are very local initiatives, but they are an example to us all and they should be welcomed, supported and expanded. I would like to see the same messages being conveyed at the international level and I truly believe that if those messages are sent they will be a force for peace and security worldwide.

LO. Which are the global and regional trends and attitudes toward religious minorities?

RI. This is a difficult question to address and some research bodies, such as the Pew Research Center and others, are doing excellent work to reveal such trends which will help us to understand better where attention needs to be focused. They have conducted studies which reveal, for example, that members of religious groups face harassment in over 80 percent of countries worldwide. We hear a lot about Islamophobia in Western and non-Islamic countries, and equally about Christianophobia in Islamic countries particularly in the post 9-11 era and in the context of the “war on terror”. I hope that we can begin to emerge from a period of heightened inter-faith tensions and distrust into a new era of understanding and dialogue across faiths, but much needs to be done to build trust and encourage the conditions for that dialogue and understanding to take place. In some countries anti-minority sentiments and far-right ideologies have come to the fore in recent years creating a hostile environment for religious minorities. We should not forget that in some regions religious minorities have been the victims of recurrent violence and atrocities and that has been a worrying trend that seems to be on the rise in countries including Pakistan, Iraq, Central African Republic and Nigeria. Another trend which I am concerned about is discrimination against “non-traditional” faith or belief groups including such faiths as Jehovah’s Witnesses, Bahá’i, Pentacostal Churches and numerous others. In some regions religious freedoms are granted so some orthodox or traditional faith groups but not to others that are considered illegitimate or “sects”. International law requires that all faith and belief groups are treated equally but in practice discriminatory attitudes persist against some whose beliefs are different and not officially recognized by the state.

LO. The Majority versus Minority, and the principle of Democracy versus the principle of Non-Discrimination.

a. Based on your position as Independent Expert, how do you think that these items, “contrasts” can be harmonized?

b. Which are the limits and where are they or where can we find a border to avoid the conflict and the discrimination between them?

RI. Firstly, I would say that I do not see a conflict between the principle of democracy and the principle of non-discrimination. In fact the two go very well together and a healthy, functioning democracy in which all citizens have a voice helps to ensure an environment of non-discrimination in most cases. Of course there are challenges and sometimes democracy surprises us in the choices that the public make, for example towards support of far-right groups. But where human rights and the rule of law are protected and hate speech is prohibited, democracy generally provides a solid foundation for non-discrimination and minority rights. Nevertheless we should never be complacent and even in the most mature democracies problems and discrimination exist and must be challenged. It demonstrates to me that in all countries we must be constantly monitoring the health of our democracy and our society and identifying the problems as soon as possible. We must constantly strive to ensure that all in our societies are appropriately represented and have a voice. Equally, the phrase “majority versus minority” sounds as if it is a contest to be won by one side or the other. The important point to make about minority rights is that they are really about establishing equality and unity in diversity and a situation in which the majority and the minority can live together in harmony and equality. If we frame the debate as one of majority versus minority we are already creating an adversarial position and so I would much prefer to talk about majorities *and* minorities and ultimately our objective is to achieve diverse societies in which that distinction no longer matters because all are equal.

LO. On January of 2014, you and the Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt joined with other official international representatives of COE, ECtHR, EP and of Ministry of Justice and Ministry of Foreign Affairs of Spain, etc. at the International Conference hosted in Madrid at the Human Rights Institute and Law Faculty, University Complutense. The topic was: “After the Edict of Milan, human rights, religious liberty and religious minorities between balance and challenges. Religious liberty and religious minorities.”

a. What about that International Conference?

b. I would like to ask you regarding the Conference’s format, structure, panels, participants, results?

RI. It was a pleasure to attend the Madrid conference and have an in-depth discussion with experts coming from various backgrounds. It is very important to address the challenges of religious minorities and identify possible solutions with academia, government representatives, international organizations, independent experts and NGOs together as we all have a particular role to play. Some of us are more efficient on the local level, bringing the messages of people in trouble, some of us have the knowledge to analyze such concerning situations from a national or international legal point of view and some of us are in the position to take concrete actions or put some pressure on the decision makers. I believe that the Madrid conference brought together some of the best advocates for religious freedom and religious minorities and I do hope that our cooperation will continue. I also need to express my appreciation to the organizers for making sure that we can have an informal setting on the second day to continue with our important exchanges and discussions while also learning about and enjoying rich Spanish culture.

LO. After the Madrid Conference, your UN colleague, professor Heiner Bielefeldt the Special Rapporteur on Freedom of Religion and Belief noted and emphasized (see all at: A/HRC/25/NGO/121): *"I attach great importance to the design of the Madrid Conference...which really sets an example, is really something we should copy, we should establish that on a regular basis in fact...We have human rights obligations at different levels: national, regional and international and religious beliefs and human rights develop in different directions and can mutually undermine each other. We have the Council of Europe approach, the EU approach, various national approaches, and the UN approach. Still I think as a matter of fact these different institutions sometimes are worlds of their own. We need coordination..."*

- a. Do you agree with Heiner Bielefeldt's comments? How do you evaluate these important and practical observations by the UN expert on freedom of religion or belief?
- b. According with your expertise on minorities issues, HOW and WHO can accomplish this *Coordination* so necessary today? Should it be the UN or other organizations?

RI. I fully agree with the comments of my colleague and friend, Heiner. Indeed all these institutions come with their own mandate and responsibilities and it is understandable that they all want to do something about the same

problems that arise at a certain time in a given locality. However, if not harmonized, this can do more harm than good. But we don't have to go that far, even within our very own UN system, I often experience uncoordinated actions when it seems that the right hand does not know what the left hand is doing. It would be essential to connect the dots and make sure that the policies and approaches of various institutions do compliment and not hamper each other or duplicate efforts unnecessarily. I think it is not rocket science to establish this – we should just reach out to each other more often and in a more systematic way. For example, my last country visit took me to Ukraine. I am glad to say that I was in regular contact with OSCE and CoE and of course UN field offices, including OHCHR or UNHCR, to make sure my report becomes a complementary one to the other reports and focuses on aspects and areas that needed more attention.

LO. Today, do you believe the “Religious Liberty and “Religious Minorities” issues are more linked to the side of “balance” or of “challenges?” Why?

RI. There are undoubtedly many challenges ahead of us relating to the rights of religious minorities and ensuring freedom of religion and belief. It is important for all stakeholders – states, political leaders, religious leaders and, perhaps most importantly ordinary people, to continue to strive to achieve harmony or “balance” as you say. It is possible to achieve and when we see that balance working in practice we find those of different faiths living side by side with each other, respecting each other's faiths, enjoying each other's celebrations and holidays, learning about and cherishing the things that they have in common... rather than focusing on the things that divide them. I am optimistic because I see that reality in places around the world and I know that it is possible to achieve it and maintain it. However it needs to be fostered and built over time and there are those who actively incite against it. If we are to move towards the side of balance and harmony, the voices of hatred need to be counterbalanced with other moderate voices and messages of peace and respect. Education is also vitally important to achieve it and our education systems must be examined to ensure that the messages that young people are receiving are those positive messages which are contained in most or all faiths...love, hospitality, and respect for those who are different or have different beliefs. No child is born hating, they are taught to hate.

LO. We can appreciate that the UN has important Declarations in this regard: *The UN Declaration on the rights of persons belonging to national*

or ethnic, religious and linguistic minorities from 1992 which provides that states “will adopt the necessary measures to ensure that persons belonging to minorities can express their characteristics and develop their culture, traditions...” or we have the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief from 1981 which highlights: “the right of freedom of thought, conscience, religion or belief shall include, *inter alia*, the following freedoms: (i.e. art 6h) “to observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one’s religion or belief”. As in worldwide, in Europe too, there are many religious minorities with different religious traditions, which have ceremonies and keep different days of rest. In this regard, what do you think should be done concretely to avoid discrimination by legislation and practice?

RI. Such standards that you mention offer us all, including states, important guidance on what the rights of minorities are and on the obligations of states to protect and promote those rights. I would like to see those international standards better reflected in domestic anti-discrimination and equality laws to ensure that they are fully implemented in practice. In Europe, for example, non-discrimination and labor directives require member states to meet minimum standards, including relating to ensuring equality for those of different faiths in the workplace. I think that the provisions of such laws are broad, but clear in their directives to states to ensure the enjoyment of aspects of religious life for minorities, including their days of rest, holidays and ceremonies. However the reality is far from ideal in many states and there are many that fail in their obligations or do not recognize them at all. So many countries now are multi-faith societies with citizens of many different faiths with different traditions. We must admit that it can be a challenge for states to accommodate the diversity that they have in their midst and ensure that they are not discriminating against any person on the basis of their faith. Equally it can be a challenge for employers to manage the requirements of a multi-faith workforce with different prayer, diet and other traditions. But there are good practices to learn from and measures that can be put in place to allow flexibility in the workplace. While it is not always easy and sometimes we must find compromises on all sides, we must strive as societies to ensure that we create welcoming and accommodating environments for all to practice and enjoy all aspects of their faiths.

LO. You wrote in the “*Note by Independent Expert on Minority Issues, Rita Izsak, on guaranteeing the rights of religious minorities*”, submitted at the HRC Forum on Minority Issues, Sixth session on 26-27 November 2013:

“Where good practices in legislation and policy are implemented, religious minorities are able to practice their religions in full equality, and can exercise and enjoy all of their rights and participate fully in all spheres of life. Positive practices include the establishment of comprehensive anti-discrimination and equality legislation, as well as mechanisms and institutions to address discrimination and encourage constructive interfaith dialogue, understanding and exchange. Such measures play an important role in preventing tensions and promoting equality and social stability.” (A/HRC/FMI/2013/2).

- a. How can this recommendation be applied from local to international levels?
- b. What about the trends in the Middle East and North Africa, in all the Islamic countries?
- c. and the attitudes in Europe?

RI. I'm glad that you quote that passage since I think it is a very important message and encapsulates my views on how states can prevent and resolve tensions. It is a message that is valid in any region of the world. We must create the conditions in which rights are protected and not just rely on good will to ensure peace and equality. But to put something down in law, while important, is only part of the answer and very often in my experience the law is not translated into practice. I have put an emphasis on action and the need to make the law reality through policy and institutional structures and mechanisms that implement it in practice. I recommend that states go much further than just establishing good equality law. They should put in place the institutional bodies with specific mandate on minority rights or religious affairs, such as Human Rights Ombudspersons, national human rights institutions, government departments or offices and consultative and advisory bodies. Such bodies and institutions help to ensure that governments know about and understand the issues of minorities, including religious minorities, and can respond to them appropriately. They should be inclusive and have staff or members from minority communities who understand the problems and can raise the concerns of minorities. I think that inter-faith dialogue is essential and I believe that Governments, together with religious leaders and communities, have a responsibility to encourage that dialogue, especially in countries where historic tensions have existed or new problems are emerging between those of different faiths. This is equally true of those states in the Middle East and North Africa, some of which have gone through immense social and political changes in recent years. While

in some respects this has been seen as positive, we are also now realizing some of the problems that have also emerged, including in some cases new threats and attacks on religious minorities. Those states and others, with strong and enduring religious traditions must continue to live up to their commitments to protect the rights of religious minorities and must guard against any negative trends or regressive steps. Europe too must continue to strengthen its protection measures and acknowledge that there remains much to do to in European countries to ensure minority rights.

LO. All people need to have a day off every week, a work-free day, which should be used for family, friendship, worship, sport or solidarity. In January 2014, the European Parliament in Brussels hosted an interesting debate –the II Conference- organized by European Sunday Alliance (ESA), co-sponsored by some members of the European Parliament (MEPs), regarding the proposal of a work-free Sunday for the EU.

The proposal created concern for some religious minorities such as Muslims, Jews and Seventh Day Adventists, (there are millions in Europe) which keep Friday (Muslims) or Saturday as Sabbath for their religious day (Jews and Adventists). Proposed on that occasion was a “Pledge for a work-free Sunday and decent work ahead of the European elections 2014” signed by different MEPs. In that Pledge is written: “As a current or future member of the European Parliament I pledge: To ensure that all relevant EU-legislation both respects and promotes the protection of a common weekly day of rest for all EU citizens, which shall be in principle on Sunday, in order to protect workers’ health and promote a better balance family and private life and work.”

Regarding this EP initiative, the MEP Hannu Takkula stresses: “We support the principle of safeguarding the opportunity for a weekly day of rest because everyone needs a proper break in the working week. Sunday-keepers too have every right to rest and worship on the day they feel is right. Legislation must never discriminate against people on religious grounds. A law setting up Sunday as the universal work-free day would do just that”. He emphasized too, that “freedom of religion and belief is a core European value. This principle must be raised and taken seriously in all discussions deliberating the role of a weekly day of rest. The European Union must guarantee everyone equal rights of freedom to celebrate the rest day of their convictions.”

a. UN Independent Expert Ms. Rita Izsak, do you agree with MEP Takkula that an EU legislation for a “work-free Sunday” can affect and discriminate against religious minorities?

b. How can this kind of discrimination be avoided and what do you recommend or should you do to defend the religious minorities related to the legislation on “work-free Sunday”?

RI. Let me say that I think it is legitimate for a country or a region which has a majority faith and historical religious tradition to reflect the core tenants of that faith in society and social life. For countries with a predominantly Christian history, Sunday is widely recognized as the traditional day of worship and rest and I think that it is normal for those societies to continue those traditions. In predominantly Muslim, Hindu, Buddhist or Catholic countries this is equally true. It is not discriminatory to do so. The difficulty comes in managing diverse societies in which different, minority religions exist with different worship and rest traditions. An accommodation needs to be found that recognizes and protects the rights of those belonging to different faiths to also practice and enjoy their religions. If a Muslim community in a predominantly Christian country lives in a particular region or represents a high percentage of the population in a locality, for example, some states have achieved such an accommodation by granting different degrees of cultural, social and sometimes political autonomy to that region, and allow the religious minority to exercise greater control over their own affairs. This can result in local differences including relating to religious or rest days. Where a religious minority is more dispersed throughout society, different solutions need to be found, for example, allowing Muslims to take a day off work on Friday instead of Sunday and finding solutions in terms of education for religious minorities. In our increasingly diverse societies, solutions need to be flexible to ensure rights, but equally societies and governments cannot be expected to change the fundamental social and historical traditions of their society. In fact this would inevitably lead to tensions. What they must do is consult with religious communities, understand their needs and concerns and respond to the greatest extent possible to ensure that minorities can enjoy their rights.

LO. In the context of your report submitted to the 25th Session of UN HRC in Geneva, what initiatives and steps do you believe can be done from the side of states to put into practice the recommendations in favor of religious minorities?

RI. I am so pleased that you have raised the report and recommendations of the Forum on Minority Issues which addressed the rights of religious minorities at its sixth session in November 2013. I am really proud of what was achieved by that event and of the recommendations that it produced. The

Forum meets every year to discuss a different thematic subject and prepare recommendations in a very inclusive way. Over 500 people attended that event from all regions, UN member states, civil society, religious leaders, academics and many others. Collectively we came up with a series of extremely important recommendations which can be found on the website of the Forum on Minority Issues. They cover such issues as how to implement international standards in domestic legislation and provide suggestions for policies and programs for the protection of religious minority rights and how to improve consultation with and participation of religious minorities. Two important sections of the recommendations cover prevention of violence and protection of the security and interfaith dialogue, consultation and exchange. Having produced this important resource, the challenge now is to put them into practice and encourage their implementation at the national level...so our job is only half way done. It will be my job as well as others in the UN system to now engage with states and deliver this important tool to them. I've been encouraged by the positive response of several states to the recommendations when I presented them to the Human Rights Council and I will be working hard to follow-up on them in the future. Many states were there in the Forum helping to formulate these recommendations and so I believe that they can and should feel ownership over them and that they are a positive and constructive contribution.

LO. We know that the Council of Europe is a pioneer of human rights from its beginning. But at the Parliamentary Assembly of Council of Europe hosted in Strasbourg between 7-11 of April, the French Rapporteur Rudy Salles presented on behalf of the "*Committee on Legal Affairs and Human Rights*", a *Resolution* and a *Recommendation* on: "*Protection of minors against excesses of the sects*". Different European churches, religious minorities groups and NGOs rejected the proposals of French Rapporteur Salles on the "*sects*"; the proposals have created a strong debate on determining what the terms "*sects*" and "*excesses*" mean. The European deputies from Norway, UK, Moldova, Ukraine, spoke of the need to define "*sects*" and they came up with the suggestion to change the word "*sects*" with the term "*minorities*", which is used at the UN. The Rapporteur rejected the proposals not accepting to use the UN terminology of "*minorities*". The Resolution of the Parliamentary Assembly against the "*excesses of the sects*" was finally voted on with some amendments, but the recommendation was rejected.

In this Assembly we have seen strong opposition from two groups: on the one hand, the French rapporteur and the French MEPs; on the other hand, other members of parliament.

a. Your feedback please?

b. How can the initiatives of the UN be coordinated with the initiatives of COE or EP, OSCE on the same issues, while avoiding any form of discrimination against the religious groups and religious minorities?

RI. As governments and societies we may not agree with the beliefs of some people, but we must uphold their right to freely hold and manifest those beliefs. I am concerned by the over use of the term “sects” and its application to some faith and believe groups that are long established, have millions of followers, and are entirely legitimate in their beliefs and activities. I think that we have to exercise caution in using this term which has highly negative connotations as being associated with manipulation of individuals, excesses, brainwashing and other criminal acts. Some use the term to denigrate legitimate faith or belief groups that they simply don’t like, agree with or trust. It is important to recall that we all have the fundamental right and freedom to believe what we want and to follow a faith of our choosing. Governments have a responsibility to protect individuals from criminal acts and it is true that some groups or individuals have taken advantage of vulnerable people and committed crimes for which they should be prosecuted. But those groups that function and follow their faith or beliefs entirely according to the law should not face restrictions, harassment or bans. However, often such minority groups report problems in exercising their religious freedoms. I do refer to most of such “non-traditional” faiths as minority groups. I think that the term “sect” is problematic because of its pejorative understanding and negative connotations that immediately give the impression of wrongdoing and exploitation. In some countries the use of this term and the consequent negative impression of them has even led to persecution, attacks and violence against individuals and group members by law enforcement actors and others.

LO. What global role do you think civil society should have, the NGOs on the defense of human rights, religious liberty and religious minorities? What feedback do you have on the initiatives, projects and the activities of the *International Association for the Defense of Religious Liberty (AIDLR)* in favor of human rights and religious freedom for all people, especially after your participation in the Madrid International Conference and looking at its initiatives on the international, regional and national lev-

els? What message would you like to give to the readers of *Conscience of Liberty journal*?

RI. I think that the role of civil society and human rights defenders are hugely important in the protection of all human rights and the rights of religious minorities. I have immense respect for the hundreds of organizations and individuals around the world who sometimes put their own lives in danger to protect human rights and to speak out against oppression and violence. They do not get the recognition and the support that they deserve and I urge governments to protect them and to engage with them to help them do their vital work. It concerns me that many face an oppressive environment and threats to their work and safety...even from their own governments. Without the work and information that I receive from civil society and NGOs on a daily basis the UN could not do its work to protect human rights, and myself and my fellow Special Rapporteurs could not do our work that is based so much on theirs. At the international level in the UN conferences, for example, we get just a glimpse of what the NGOs are doing – we see the tip of the iceberg. Their main work is going on at the national and local levels, often working with communities and initiating creative projects and programmes, frequently with little if any funding. I will give you just a small example of what is going on around the world. I was recently in Nigeria in regions which had seen communal violence, but I found there initiatives to rebuild peace. Alliances between Christian and Muslim leaders are promoting dialogue and mediation in community conflicts as a tool to achieve peace and foster inter-religious dialogue. In Jos, the “Women Without Walls” Initiative, was founded by Christian and Muslim women leaders and is working on community projects targeting women and youth. An education for peace project run solely by one young woman in Bauchi has been working with hundreds of children to foster values of understanding, trust and mutual acceptance across ethnic and religious divides. My message to them and to the many others who are doing this work, including the International Association for the Defense of Religious Liberty (AIDLR), is to continue your work because your message and your example are there to inspire us all. Thank you.

LO. Thank you so much Ms. Rita Izsak, the Special Rapporteur on minority issues for your interview and I wish you many victories worldwide for human rights and minorities and religious minorities.

In the Light of the Edict of Milan (313) Religious Liberty and Religious Minorities: Between the Balance and the Challenges

*Jose Miguel Serrano Ruiz-Calderon.*¹

The Human Rights Institute and the Faculty of Law of the Complutense University of Madrid, one of Spain's most prestigious public universities as well as an International Campus of Excellence, together with the International Association for the Defense of Religious Liberty (AIDLR) had the great privilege of holding the most momentous event on the passing of the Edict of Milan that has ever taken place in Spain.

This act was so significant because of three fundamental factors. The first one was evident when Liviu Olteanu invited me to co-lead this event with him. He rightly suggested that we organise an up-to-date and current commemoration conference with a focus on the present day challenges for religious liberty.

The second factor was the warm welcome extended by the Faculty of Law in the person of its Dean Raul Canosa, the Human Rights Institute with Fernando Falcon, and the Department of Philosophy of Law of the Complutense University in the figure of the Director Jose Iturmendi Morales. They all helped to provide the academic flavour we were aiming for at this commemoration event. In this sense, we cannot overlook the help we received from the Department of Public and Private International Law of the Complutense University. Moreover, we were greatly encouraged by the enthusiastic participation of the students from the Institute, particularly those from the subject of Legal Theory of the Degree in Law and Business of the Faculty as well as those from the *Instituto de Estudios Bursátiles* (Institute of Stock Market Studies).

Finally, the third factor that gave this event special distinction was the involvement of both the Ministry of Justice of Spain and the United Nations.

¹ José Miguel Serrano Ruiz-Calderon, Professor of the Philosophy of Law at the Complutense University of Madrid

Not to forget the invaluable presence of Heiner Beilefeld, UN Special Rapporteur on freedom of religion or belief and Rita Izsak, UN Independent Expert on minority issues. Topicality, academic excellence and institutional implication have been the three factors that have pervaded the conference as it developed in four thought-provoking panels. The first panel was on “Challenges that Affect Religious Minorities on a Global Scale”, the second on “Religious Liberty and Religious Minorities at a Regional Level”, the third on “Beyond Religious Liberty and Belief: Warranties for the Rights of Religious Minorities”, and the fourth on “Models in the Face of the Trends Regarding Freedom of Religion and Religious Minorities. The Protection of Religious Minorities and the Prevention of Discrimination Against Religious Minorities.”

It was a wise decision to focus on religious minorities given that, in a way, and with the exception of some states that have just barely reached the Modern Era, we can all consider ourselves members of a religious minority. This does not only pertain to the obvious reality that individuals will be part of the majority in certain places, whilst they will be part of the minority in other places (although some will always belong to the minority). It rather refers to the less evident fact that when confronted by the mainstream of the prevailing thought, the religious, every religion, or, if you prefer, every man and woman with religious beliefs, will always find himself in the position of the minority.

To a certain extent, this issue of religious liberty or freedom of religion can be analysed from several angles of the present day perspective. From the standpoint of scientism, a minority in the popular domain but of great public influence, religion is an atavistic remnant, merely tolerable as a folkloric attitude and worthy of rejection from all truly relevant social life. For others, religion is an attitude or a set of beliefs that represents a great risk when it has public influence. Thus, social action must be fundamentally used to stifle it. However, and in contrast with the previously mentioned attitude, they do not deny that religion serves a role in the formation of a valuable private conscience. There are also those who consider religious liberty as the lesser of evils in the context of a positive evaluation of religion. This refers to those who see the other’s religion as a tolerable error since its extirpation would lead to greater problems and issues as experience has shown.

The International Association for the Defence of Religious Liberty has always adopted a different attitude from those previously described. It is the actual valuable role of religion in the establishment of personal and social order

that calls for its liberty and freedom, which is the human right *par excellence* alongside dignity. Consequently, societies are to be assessed by how much they appreciate religion, which in turn leads to at least two entirely related things. The first is the freedom of its practice, of its diffusion and of its educational effort. The second has to do with how this freedom finds its touchstone precisely in how it treats the religious minority. In accordance with the conclusions reached in the conference, respect, or more exactly the way we treat minorities, is the true test of our appreciation of religion, and with it, of religious liberty.



The International Conference on religious liberty at the Faculty of Law of Complutense University. From right to left: prof. José-Miguel Serrano Ruiz-Calderón; Dr. Raúl Canosa Usera, Dean of the Faculty of Law; Liviu Olteanu, AIDLR Secretary General



The International Conference in Madrid, January 17, 2014. From right to left: prof. Heiner Bielefeldt, UN Special Rapporteur on freedom of religion or belief; Dr. Bruno Vertallier, AIDLR President; prof. Alberto de la Hera, former director-general of the Ministry of Justice of Spain



Overview of the International Conference in Madrid, January 2014



The International Conference in Madrid. From left to right: Dr. Ganoune Diop; Dr. John Graz; prof. Zoila Combalia; Ms. Fatos Araci, the European Court of Human Rights; prof. José Iturmendi Morales, Honorary Dean of the Faculty of Law of Complutense University, moderator of the workshop; prof. José-Miguel Serrano Ruiz-Calderón; Dr. Harri Kuhalampi, the European Parliament; prof. Joaquin Mantecon; prof. Heiner Bielefeldt; and attorney Liviu Olteanu.



The International Conference in Madrid. From left to right: prof. Heiner Bielefeldt, UN Special Rapporteur on freedom of religion or belief; Liviu Olteanu, AIDLR Secretary General; H.E. Belen Alfaro, Ambassador at Large for the United Nations Alliance of Civilizations, Ministry of Foreign Affairs of Spain; Ms. Rita Izsak, UN Special Rapporteur on Minority Issues.

AIDLR Written Statement submitted to the 25th Session of the United Nations – Human Rights Council

United Nations

A/HRC/25/NGO/121



General Assembly

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Twenty-fifth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the International Association for the Defence of Religious Liberty - Association Internationale Pour La Defense de la Liberte, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

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RELIGIOUS LIBERTY AND RELIGIOUS MINORITIES: “DIALOG FIVE” - DEVELOPING A HOLISTIC FRAMEWORK

INTERNATIONAL ASSOCIATION FOR THE DEFENSE OF RELIGIOUS LIBERTY (IADRL / AIDLR) Bern, Switzerland

I. INTRODUCTION

On the issue of human rights and religious freedom, nothing of a political nature happens by accident.

UNESCO recently confirmed the importance of IADRL's perspective by stating: “the creation of an environment of tolerance, mutual respect and understanding, one which guarantees the full enjoyment of the freedom of conscience and religion, requires that all concerned actors and stakeholders work together closely”.² Thanks to UNESCO, its vision should be fundamental for all people.

Who are these actors and stakeholders?

The International Association for the Defense of Religious Liberty by its Secretary General Attorney Liviu Olteanu draws attention to human rights, religious freedom and religious minorities by proposing synergy between a network of relevant stakeholders in the platform our organization has named DIALOG FIVE: ‘Government – Diplomatic – Religious – Academic – NGOs/Civil Society’ representatives; they must participate in multidisciplinary interaction to construct an efficient and effective understanding between civilizations, cultures and religions.

IADRL gained international expertise in 1946, the time of our founder Dr. Jean Nussbaum and of Mrs. Eleanor Roosevelt- the first IADRL president of the honorary committee. Later, this expertise was developed through the guidance of Dr. Albert Schweitzer, Paul Henry Spaak, Rene Cassin, Edgar Faure, Leopold Sedar Senghor and Mary Robinson- the following presidents of honorary committee.

The framework of ‘Dialog five’ discusses how international, regional and national

2 1 Letter of UNESCO from 22 January 2014 sent to Liviu Olteanu Secretary General of IADRL

institutions can effectively work together, which would activate mechanisms to raise awareness of authorities, religious leaders, diplomats, educators and general population on the need of tolerance and acceptance of Other' differences and the respect of religious freedom for all people.

How can religious freedom and religious minorities be protected in this diverse world with trends, attitudes and contrasts?

The UN Secretary-General Ban Ki-moon suggested: “the best form of protection is prevention. The prevention saves lives as well as resources. Prevention is not a one-off affair. Human rights are an essential component of human protection”³. A strategy of prevention is consolidated through a holistic approach.

II. A HOLISITIC FRAMEWORK - “DIALOG FIVE”

The International Association for the Defense of Religious Liberty, as a permanent representative to the UN and EP, representative to the COE and OSCE, organizer and attendee of conferences at governmental, parliamentary and university levels, evaluated the different models of protecting religious liberty and proposes a model that can be referenced by other national and international organizations.

The IADRL willing to test experimental conclusions, initiated⁴ a ‘Human Rights and Religious Liberty Project’ with a holistic approach. Dr. Bruno Vertallier, the president of the organization, correctly noted: “freedom of conscience and of religion hangs today in a fragile balance.” That is why this project established a precise structure of different actors and stakeholders representing: Institutional and Multi-disciplinary Frameworks.

- On an Institutional level, there is a need of a special approach that includes international, regional and national actors; UN, COE, EU (EP), ECtHR, OSCE, Ministry of Justice, Ministry of Foreign Affairs. Different actors can look to the same issue from different angles and consistency, using a different language and prototype that does have a holistic approach.

3 UN Secretary General Ban Ki-moon, see at: [http://www.un.org/sg/selected speeches/statement_full.asp?statID=1064](http://www.un.org/sg/selected%20speeches/statement_full.asp?statID=1064)

4 As important mentors: professor Jose Iturmendi Honorary Dean and professor Juan Antonio Martinez Munoz; also had an instrumental role: UAE Jesus Calvo-president UAE, Corrado Cozzi-director, Alberto Guaita-president ADLR, Mercedes Hamed, Pedro Torres, Conchi Carasco.

- Further, this multidisciplinary interaction with different stakeholders must embody the five different categories of representatives: Government – Diplomatic – Religious – Academic – NGOs/Civil Society.

Madrid International Conference

To demonstrate the efficiency of the holistic approach, IADRL initiated a new paradigm project. The IADRL and Human Rights Institute of University Complutense of Madrid, organized the International Conference hosted in Madrid at the Law Faculty on January 17, 2014. The theme was: “In the Light of Edict of Millan, Religious Freedom and Religious Minorities in the World: New Balance or New Challenges?” Professor Jose Miguel Serrano Ruiz-Calderon is an important researcher and contributed as co-director of the Conference along with Liviu Olteanu. We thank the Spanish Government for the contribution of Ricardo Garcia of the Ministry of Justice and Ambassador Belen Alfaro of Ministry of Foreign Affairs, and to Law Faculty Dean Raul Canosa. The project joined a multidisciplinary network of experts representing the – governmental, academic, diplomatic, religious and NGOs/civil society field as part of national, regional and international actors.

The main guests were: professor Heiner Bielefeldt Special Rapporteur of UN on Freedom of Religion and Belief and Ms. Rita Izsak Independent Expert of UN on Minority Issues. They stressed to the 200 participants present on January 17, 2014 at the University, and on January 18, to around one thousand people participating in the Religious Liberty Concert: “Ambassadors of Liberty, Hope and Peace”, on the close relationship which exists between ‘religious freedom and religious minorities’ and the need of its protection in entire world. Other important international guests have also contributed to this International Conference.⁵

The topic of the panels were:

- Challenges and trends, which globally affects religious minorities.
- Relation between religion freedom and religious minorities.
- How to promote multidisciplinary dialogue and to sustain the work of the UN special rapporteur and independent expert.
- Protection of religious minorities and prevention of the discrimination against them.

At the conclusion of the Conference, the Special Rapporteur of UN on Freedom of Religion and Belief, Heiner Bielefeldt rightly expressed:

⁵ Ambassador Alexey Koshemyakov-Council of Europe, Dr. Harri Kuhalampi-European Parliament, Fatos Araci-ECtHR, professor Ganoune Diop-UN Relations New York, Dr. Bruno Vertallier-president IADRL, Dr. John Graz-Secretary General IRLA, professor Jeremy Gunn. Also have participated or contributed the professors; Alberto de la Hera, dean Jose Maria Espinar, dean Jaime Rossel, Joaquin Mantecon, Zoila Combalia, Javier Martinez Torron, Jose Luis Andavert, Ryay Tatari Islam, Alberto Benasuly Judaism, Jose Luis Andavert president FEREDE.

III. WHY IS THIS MODEL OF HOLISTIC FRAMEWORK INITIATED BY IADRL SO IMPORTANT?

Heiner Bielefeld's observations:

1. "I attach great importance to the design of Madrid Conference for the systematic consideration to have 'five' different actors, different institutions' presence but also at various levels of Human Rights Institutions."
2. "We have human rights obligations at different levels: national, regional and international and religious beliefs and human rights develop in different directions and can mutually undermine each other. We have the Council of Europe approach, the EU approach, various national approaches, the UN approach... Still I think as a matter of fact these different institutions sometimes are worlds of their own." "We need coordination: one purpose is to avoid a mutual undermining of the authority of human rights standards and for that reason we have to know one another better, to be aware of what's happening, so from my perspective now working in the UN, it is very important to see what's happening in the Council of Europe, in the EU, in different countries..."
3. "The structure of Madrid Conference was demonstrating how to avoid damage, risky situations or a loss of authority because one institution could be played off against other institutions; but of course there is also the positive opportunity to learn from one another, this is the task of cross "fertilization."
4. "We do need these exchanges in order to know from one another's activities to mutually support and reinforce one another's rather than possibly undermine it without even knowing what we are doing."
5. "The Madrid Conference really sets an example, this is something we have to do, is really something we should copy, it is a good and useful; we should establish that on a regular basis in fact."
6. "The project of IADRL aims at the need of developing a consistence of the holistic framework at various levels, institutions and elements of infrastructure to fit together."

IV. PLANS: INTERNATIONAL PRIZE & INTERNATIONAL CONGRESS "AMBASSADORS OF LIBERTY, HOPE AND PEACE"

International Association for the Defense of Religious Liberty plans to organize and promote each year (1), or periodically (2):

1. INTERNATIONAL HUMAN RIGHTS AND RELIGIOUS LIBERTY AWARD

2. INTERNATIONAL RELIGIOUS LIBERTY CONGRESS:
“Ambassadors of Liberty, Hope and Peace”.

The International Religious Freedom Congress will take place in spring 2015. The IADRL plans to host the congress at the UN in Geneva during the 28th Session of Human Rights Council

V. THE IADRL RECOMANDATIONS

1. We ask for the support and co-sponsorship of the UN delegations and other international, regional and national actors at the INTERNATIONAL CONGRESS. Further details will be made available during the 27th HRC Session.
2. We ask the UN delegations to send us proposals for nominating candidates for the “International Prize/Award” of IADRL.
3. We propose the UN HRC, the UN delegations and other actors:
 - α. To introduce in the UN Agenda of future sessions of HRC, the holistic approach “Dialog five” on religious liberty and religious minorities according the EU/Western and Islamic countries.
 - β. To establish a Multidisciplinary Forum – “Dialog five.” The IADRL is open to cooperate with all UN delegations and other regional and national actors.

VI. CONCLUSION

We are not 100% free as long as the Other is detained, condemned and persecuted for his/her conscience, religion or belief. Or doing nothing for the one belonging to a religious minority.

Today, there is a big need for references and models in the entire world; => From the past up to now: i.e. Jesus Christ, Prophet Muhammad in the field of religion; Eleanor Roosevelt, Dr. Jean Nussbaum, René Cassin, Dr. Albert Schweitzer, Martin Luther King, Richard Wurmbrandt, Vaclav Havel, Nelson Mandela, Kofi Annan, Dr. Ben Carson, Ban Ki-moon, Heiner Bielefeldt, etc; or UNESCO, Unicef, Amnesty International, Human Rights Watch, USCIRF, Pew Forum, are some references.

We don't defend one religion, church or belief but the Principle of religious liberty for ALL people.

Let us be Ambassadors of liberty, hope and peace!



Overview of the states which participated at the side event organized by AIDLR during the 26th Session of the Un HRC on June 10, 2014



Overview of the participants at the UN HRC event on religious liberty organized by AIDLR



The AIDLR panel at the United Nations. From left to right: judge Harald Mueller, AIDLR President; Dr. Bruno Vertallier, AIDLR President; H.E. Petru Dumitriu, Ambassador and Permanent Observer of the Council of Europe to the United Nations Office in Geneva; Liviu Olteanu, AIDLR Secretary General, moderator of the panel; H.E. Ambassador Laura Dupuy Lasserre, Permanent Representative of Uruguay to the United Nations Office in Geneva, former president of the HRC; prof. Petre Roman, senator, former Prime Minister of Romania; prof. José-Miguel Serrano Ruiz-Calderón, Complutense University.



The UN religious liberty side-event. From left to right: attorney Liviu Olteanu, Permanent Representative at the United Nations; Dr. Ganoune Diop; Ms. Rita Izsak, UN Special Rapporteur on Minority Issues; H.E. Petru Dumitriu, Ambassador and Permanent Observer of the Council of Europe to the United Nations Office; prof. Ricardo Garcia, director in the Ministry of Justice of Spain; Harri Kuhalampi, former adviser at the European Parliament

AIDLR Written Statement submitted to the 27th Session of the United Nations – Human Rights Council

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Twenty-seventh session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the International Association for the Defence of Religious Liberty-Association Internationale Pour La Defense de la Liberte, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2014]

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United Nations And International Community To Act Immediately and Decisively By Coordinated Response To Provide Protection Due To Persecution of Christians And Other Minorities In Iraq And Syria By Islamic State (IS/ISIL/ISIS).

Open Letter and Urgent Appeal of the International Association for the Defense of Religious Liberty

Excellences,

The Secretary General⁶ of the International Association for the Defense of Religious Liberty from Switzerland, in the name of AIDLR President Dr. Bruno Vertallier gives thanks to the UN Secretary General, Security Council, General Assembly, Human Rights Council, OHCHR, U.S., E.U., C.O.E., O.S.C.E. and the international community for the on-going efforts dealing with human rights, peace-making, security, and for working to stop all forms of terrorism, discrimination and persecution related to religious liberty.

A. THE POSITION OF AIDLR ON BARBARIC ACTS OF ISLAMIC STATE (IS)

- 1. The AIDLR strongly condemns the religious persecution** in Iraq and Syria and is highly concerned that intolerance, discrimination, kidnapping of women, detention of children, killing of Christians and members of other religious minorities - in Iraq, Middle East, North Africa and other parts of the world like North Korea – have reached an unimaginable and unprecedented gravity in the 21 century.
- 2. The AIDLR believes that respect for human dignity, fundamental rights,** international law, and religious liberty according to one's conscience, has to represent for the international community **priority and urgency.**
- 3. The current human rights situation requires vigilance and empathy, a common political attitude and unequivocal measures of action.** If not, these tragedies will have no end and the UN delegations will continue voting each year on resolutions for these sensitive issues, without any concrete and practical changes.

⁶ Liviu Olteanu, attorney, permanent representative at the UN, EP, COE, OSCE.

4. **The AIDLR is in favor of the UN Security Council resolution 2170(2014)**⁷ and states “that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States, international and regional organizations.”

5. **The AIDLR condemns the “Islamic State”** for brutal treatment, atrocities and mass executions against Christians and religious minorities on the basis of their religion, kidnapping and sexual violence, forced displacement, killing and maiming of children, attacks on schools, hospitals, destruction of cultural and religious sites and churches.

6. **The AIDLR strongly agrees** with the UN Security Council in its consideration that the “widespread and systematic attacks” directed against any civilian populations because of their ethnic or political background, religion or belief” constitutes *genocide, a crime against humanity*.

7. **Also, the AIDLR underlines and appreciates** the statements, initiatives, and humanitarian interventions of different international personalities against the persecution of innocent Iraqis (See below).

B. REACTION OF INTERNATIONAL COMMUNITY

a). Secretary General of the UN, Ban Ki-moon

1. **The UN Secretary General Ban Ki-moon** is “profoundly dismayed” by the “barbaric acts” carried out of IS fighters.”⁸ He called on **the international community to do even more to provide protection** and condemned “in the strongest possible terms” the systematic persecution of individuals from the minorities populations ⁹.

2. What is happening in Iraq is **extremely shocking** and shows the **complete absence of humanity** by the perpetrators of these crimes, stated **Adama Dieng** the Special Advisor of Ban Ki-moon.

7 <http://www.un.org/News/Press/docs/2014/sc11520.doc.htm>

8 <http://www.un.org/News/Press/docs/2014/sgsm16064.doc.htm>

9 Id.

b). President of the U.S.

3. AIDLR gives thanks to **President Barack Obama** for the assistance in facilitating support to Christians, religious minorities and innocent Iraqis. According to him, “(US) began operations to help and save Iraqi civilians stranded on the mountain. The (ISIL) terrorists have been especially barbaric towards religious minorities, conducting mass executions.”¹⁰ AIDLR **hopes** that the U.S. together with the U.N. will continue to **lead the process of protection** of innocent Iraqis in a practical manner.

c) Ministers and Ambassadors

4. **Minister of Foreign Affairs Børge Brende** of Norway stated: “**We are facing an extremely grave situation and the world cannot simply stand by and watch as it unfolds.** Norway shares the **sense of alarm** expressed by the UN Security Council concerning the situation in Iraq”.

5. **Foreign Affairs Minister John Baird**: “Canada continues to condemn the repugnant killing of innocent civilians, religious and minority communities, including women and children by the terror group ISIS.”¹¹

6. The Archbishop **Silvano Tomasi**, the Ambassador of Vatican to the U.N. rightly lamented: “**We are faced with a certain indifference at the practical level with the international community.** It is difficult to convince the Western powers to take a strong stance in defence of the Christians...”¹²

7. **Samantha Power**, the U.S. Ambassador to U.N. in New York stated: “ISIL’s reported abuse, kidnapping, torture and executions of Iraq’s religious and ethnic minorities and its systematic destruction of religious and cultural sites are appalling.”¹³

d). The United Nations Special Rapporteurs

8. The UN Special Rapporteur on Freedom of Religion and Belief, **Heiner Bielefeldt** said: “Freedom of religion and belief is being denied in **the most**

10 <http://www.whitehouse.gov/the-press-office/2014/08/11/statement-president-iraq>

11 <http://www.cbc.ca/m/touch/canada/story/1.2731500>

12 <http://www.catholicnewsagency.com/news/vatican-official-calls-for-military-protection-of-iraqi-christians-28331/>

13 <http://usun.state.gov/briefing/statements/230260.htm>

gross and systematic way possible – through the attempted extermination of religious minorities.”¹⁴

9. “All possible measures must be taken urgently to avoid a **mass atrocity and potential genocide**; civilians need to be protected...” urged **Rita Izsák**, the Special Rapporteur on minority issues.

10. “We are witnessing a **tragedy of huge proportions** in which thousands of people are at immediate risk of death by violence or by hunger and thirst,” warned the Special Rapporteur on the human rights of internally displaced persons, **Chaloka Beyan**.

11. The ‘IS’ gives to the members of minorities groups the ultimatum, “convert or die,” stated **Christof Heyns**, Special Rapporteur on summary or arbitrary executions. “**International actors must do all in their power to support** those on the ground with the capacity to protect lives.”

e) Religious Leaders on Iraqi Tragedy

12. The **Chaldean Patriarch of Babylon Louis Raphael Sako** commented: “This is an appeal from the bottom of the heart in **the search for a solution that lies uniquely in the hands of the international community and above all with the super powers. These powers confront a human and moral responsibility.**”

13. **Ecumenical Patriarch Bartholomew**: “The situation in Iraq is especially critical and **the response must be immediate** and tangible. It is our wholehearted hope and fervent prayer that the God of love – worshipped by Jews, Christians and Muslims alike – may prevail over the false idols of fanaticism and prejudice.”

14. **Pope Francis** said: “where there is an unjust aggression, I can only say that it is legitimate to stop the unjust aggressor.” He also stressed, “The United Nations was the proper forum to consider whether there was unjust aggression and how to stop it.”

15. **Dr. Isabel Apawo Phiri**, General Secretary of World Council of Churches requested prayers for the Christians and all the suffering people in northern Iraq.”

16. **Pastor Ted Wilson**, President of the Seventh-day Adventist Church stated a “great sadness and deep concern for Christians and religious minorities subjected to persecution and killings...and called upon all Seventh-day

14 <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14936&LangID=E>

Adventist Church members around the world to pray for the victims of this extremism.

17. Egypt's **Grand Mufti Shawqi Allam** condemned and described the Islamic States, as an extremist organization, shedding blood that is damaging Islam, and Saudi Arabia's Grand Mufti Sheikh Abdul Aziz notes that extremism, radicalism and terrorism have nothing to do with Islam.

C. URGENT APPEAL

The AIDLR urges:

- 1. The International community and the Islamic countries to strongly condemn religious hatred, intolerance, all kind of religious discrimination, persecution and killing of Christians and other religious minorities.**
- 2. The International community to act immediately and decisively by coordinated response.**
- 3. The UN Security Council, the US and the international community to take all appropriate measures to stop the persecution, detention, kidnapping, killing of Christians and members of other religious minorities.**
- 4. The need of international empathy for other's crisis, persecution and tragedy. Nations and people tend to look more closely at crises at home.**
- 5. The UN to immediately begin the preparation of a convention on freedom of religion and belief.** In addition, the AIDLR asks the UN delegations and governments to support the UN Special Rapporteurs in their official visits, and to involve with religious freedom expertize in the UN missions.
- 6. The International community to pay attention to one practical question: Why do certain tragedies snap up our attention only to lose it later, long before the crisis or suffering is over?**

Conclusion

The AIDLR supports and appreciates the efforts of the international community and of other international organizations that are in favor of human rights all over the world.



Freedom of conscience is one of the most precious gifts offered to humankind. One is aware of its value only when one is deprived of it.

Freedom of conscience goes along with religious liberty; they are almost inseparable as these liberties reach into the innermost depths of a person and become a very part of human intimacy.

Dr. Bruno Vertallier,

*President of the International Association for the Defense
of Religious Liberty*

Every man and woman has the duty to respect in others the rights claimed for oneself.

Pope John Paul II

Religious freedom is a human right so fundamental and so sacred that we must do our utmost to grasp it with all of our understanding.

Dr. Bert B. Beach

The respect, or more exactly the way we treat religious minorities, is the true test of our appreciation of religion, and with it, of religious liberty.

Prof. José Miguel Serrano Ruiz-Calderón

Human dignity is the foundation for the concept and reality of human rights. Human dignity calls for respect, justice, and peace to be enjoyed by all.

Prof. Ganoume Diop

I would like to see leaders speak out more often against religious hatred and incitement to violence. Their influence is great and they must use it to defuse tensions and to help build bridges of tolerance, understanding, and mutual respect.

Ms. Rita Izsák,

Special Rapporteur of UN on Minority Issues

It's easy to believe that you are *tolerant* just by the fact that you are *indifferent*... *History of Liberty and Respect for Differences* wants to be a voice declaring that not only does every person matter, but also that every person has the right to live his/her culture, religion or traditions according to his/her conscience and will, and that every person always has to be protected by international law.

Attorney Liviu Olteanu

