



FIDES ET LIBERTAS

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The Journal of

the International

Religious Liberty

Association



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*The Journal of the
International Religious Liberty
Association*

International Religious Liberty Association
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Declaration of Principles

We believe that religious liberty is a God-given right.

We believe that legislation and other governmental acts which unite church and state are contrary to the best interests of both institutions and are potentially prejudicial to human rights, and hold that it is best exercised where separation is maintained between church and state.

We believe that government is divinely ordained to support and protect citizens in their enjoyment of natural rights, and to rule in civil affairs; and that in so doing, government warrants respectful obedience and willing support.

We believe in the natural and inalienable right of freedom of conscience—to have or not to have a religion; to adopt the religion or belief of one's choice; to change religious belief according to conscience; to manifest one's religion individually or in community with others, in worship, observance, practice, promulgation and teaching—subject only to respect for the equivalent rights of others.

We believe that religious liberty includes also the freedom to establish and operate appropriate charitable 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 fellow believers at national and international levels.

We believe that religious liberty and the elimination of intolerance and discrimination based on religion or belief are essential to promote understanding, peace and friendship among people.

We believe that citizens should use lawful and honorable means to prevent the reduction of religious liberty, so that all may enjoy its inestimable blessing.

We believe that the spirit of true religious liberty is epitomized in the Golden Rule: *Do unto others as you would have others do unto you.*

Statement of Purposes

The purposes of the International Religious Liberty Association are universal and nonsectarian.

- (1) To disseminate the principles of religious liberty throughout the world.
- (2) To defend and safeguard the right of all people to worship, to adopt a religion or belief of their choice, to manifest their religious convictions in observance, promulgation, and teaching, subject only to the respect for the equivalent rights of others.
- (3) To support the right of religious organizations to operate in every country by their establishing and owning charitable or educational institutions.
- (4) To organize local, national, and regional chapters, and to conduct seminars, symposiums, conferences, and congresses.

Mission Statement

The mission of the International Religious Liberty Association is to defend, protect, and promote religious liberty for all people everywhere.

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Looking Back, Looking Ahead

John Graz

Secretary General
International Religious Liberty Association

Significant steps taken by the International Religious Liberty Association during recent years have served to increase activity and visibility.

In cooperation with the Hungarian government, our regional chapter in Europe sponsored an international symposium in Budapest in 1997. Later that year we convened the IRLA's Fourth World Congress in Rio de Janeiro. These two events opened many doors. We were encouraged to continue.

All of our national and regional chapters celebrated the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 with various commemorative programs. The one here at our world headquarters near Washington featured Ambassador Robert Seiple, Dr. David Little, and religious freedom attorney Karen Lord from the U.S. Commission on Security and Cooperation in Europe.

And 1998 also saw the fulfillment of an IRLA dream: Our annual journal, *Fides et Libertas*, was first published. For his excellent work as editor, I thank my friend and colleague, Richard Lee Fenn.

Last year—1999—the IRLA's Conference of Experts commenced a major study of proselytism and religious freedom. The result: In January 2000 the IRLA issued a major document detailing guiding principles on this important issue. I am happy to report our statement has been well-received by religious freedom thought-and-action leaders in Washington, New York, and elsewhere.

The India chapter of the IRLA, ably led by Justus Devadas, organized and conducted a World Conference on Religious Freedom in November 1999. (In our parlance, a "world conference" is only a step or two below a "world congress.") Believe me when I say this meeting, held in New Delhi's fine Meridien Hotel, was superb in every respect.

By the end of 1999 our website was up and running. Access it at www.IRLA.org.

A regional conference held in Cameroon earlier this year opened Africa's Francophone nations to the work of the IRLA.

In cooperation with Andrews University in Berrien Springs, Michigan, U.S.A., the IRLA sponsored an enriching symposium on Religious Freedom After Auschwitz, a consideration of Judeo-



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Christian perspectives on religious liberty. And AU recently voted to establish an on-campus international center for church-state relations in which the IRLA expects to play a significant role.

Meanwhile, the IRLA has maintained its NGO recognition with the United Nations Department of Public Information. Our application for consultative status with the UN Economic and Social Council should be granted early in 2001.

While I am gratified by all the IRLA has achieved in recent years, I must remain humbly modest because the task ahead looms large. On the schedule for 2001 is an international symposium in Bermuda (March 15-18) and an international conference in South America (November 27-29 in Lima). The IRLA will conduct its Fifth World Congress in Manila June 14-18, 2002.

And beyond? Yes, we are already planning several symposiums, an international training seminar for 2003, and another world conference in 2004.

Religious freedom is indeed an issue ever increasing in importance and sensitivity. New waves of persecution have violated the very principle of religious freedom. How shall we respond? I invite your support—spiritual as well as material—as the International Religious Liberty Association continues “to defend, protect, and promote religious liberty for all people everywhere.”



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A Primer on the Rights and Wrongs of Proselytism

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The problem of proselytism is one of the great ironies of the democratic revolution of the modern world. In the last third of the 20th century, more than 30 new democracies were born around the world. More than 150 major new national, regional, and international instruments on religious liberty were forged—many replete with generous protections of liberty of conscience and freedom of religious exercise, guarantees of religious pluralism, equality, and non-discrimination, and several other special protections and entitlements for religious individuals and religious groups.¹

This modern democratic revolution has helped to catalyze a great awakening of religion around the globe. In regions newly committed to democracy and human rights, ancient faiths—once driven underground by autocratic and colonial oppressors—have sprung forth with new vigor. In the former Soviet bloc, for example, numerous Buddhist, Christian, Hindu, Jewish, Muslim, and other faith communities have been awakened, alongside a host of exotic goddess, naturalist, and personality cults. In post-colonial and post-revolutionary Africa, these same mainline religious groups have come to flourish in numerous conventional and enculturated forms, alongside an array of traditional groups. In Latin America, the democratic revolution has not only transformed longstanding Catholic and mainline Protestant communities, but also triggered the explosion of numerous new Evangelical, Pentecostal, and Traditional movements.² Many parts of the world have seen the prodigious rise of sundry new or newly minted faiths, some wielding ample material, political, and media power. Religion today has become, in Susanne Rudolph's terms, the latest important "transnational variable."³

This same democratic revolution, however, has helped to trigger a new war for souls between local and foreign religious groups. With the political transformations of Russia and Eastern Europe, and parts of sub-Saharan Africa and of Latin America, foreign reli-



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gious groups were granted rights to enter these regions for the first time in decades. In the 1980s and 1990s, these foreign groups came in increasing numbers to preach their faiths, to offer their services, to convert new souls. Initially, local religious groups—Orthodox, Catholic, Protestant, Sunni, Shi'ite, and Traditional alike—welcomed these foreigners. Today, they have come increasingly to resent these foreign religions, particularly those from North America and Western Europe which assume a democratic human rights ethic. Local religious groups resent the participation in the marketplace of religious ideas that democracy assumes. They resent the toxic waves of materialism and individualism that democracy inflicts. They resent the massive expansion of religious pluralism that democracy encourages. They resent the extravagant forms of religious speech, press, and assembly that democracy protects.

A new war for souls has thus broken out in many of the newly democratizing nations of the world: a fight to reclaim the traditional souls of these new societies and a fight to retain adherents to traditional faiths, cultures, and identities. Beneath shiny constitutional veneers of religious freedom for all and unqualified ratification of international human rights instruments, several countries of late have passed firm new anti-proselytism laws, adopted cult registration requirements, tightened visa controls, and placed various discriminatory restrictions on new or newly arrived religions.

Hence the modern problems of proselytism: How does the state balance one community's right to exercise and expand its faith against another person's or community's right to be left alone to its own traditions? How does the state protect the juxtaposed rights claims of majority and minority religions, or of foreign and indigenous religions? How does the state craft a general rule to govern Christians who have easy conversion into and out of the faith; Jews who have difficult conversion into and out of the faith; Muslims who have easy conversion into the faith, but allow for no conversion out of it; among many other views of conversion? These are not new questions. They confronted the drafters of the international bill of rights from the very beginning. But some of the compromises of 1948 and 1966 have today begun to betray their limitations.

On the issue of conversion or change of religion, the major international human rights instruments largely accept the religious voluntarism common among libertarian and Western Christian groups. Article 18 of the 1948 Universal Declaration of Human Rights included an unequivocal guarantee, despite the objections of some Muslim delegations and non-governmental organizations: "Everyone has the right to freedom of thought, conscience, and religion; this



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right includes *the right to change his religion or belief . . .*” (italics supplied). Article 18 of the 1966 International Covenant on Civil and Political Rights, whose preparation was more highly contested on this issue, became a bit more tentative: “This right shall include the right to have or *adopt a religion or belief of his choice. . . .*” (italics supplied). The 1981 United Nations Declaration on Intolerance and Discrimination Based on Religion or Belief repeated this more tentative language. But the dispute over the right to conversion contributed greatly to the long delay in the production of this declaration, and to the number of dissenters to it. Today, the issue of religious conversion has become more divisive than ever, in legal and theological circles.⁴

On the issue of proselytism and its regulation, the international instruments provide somewhat more nuanced direction. Article 18 of the 1966 International Covenant on Civil and Political Rights protects a person’s “freedom, individually or in community with others and in public or private, *to manifest his religion or belief* in worship, observance, practice, and *teaching*” (italics supplied). But the same article allows such manifestation of religion to be subject to limitations that “are prescribed by law and are necessary to protect public safety, order, health, or morals, or the fundamental rights of others.” It prohibits outright any “coercion” that would impair another’s right “to have or adopt a religion or belief of [his or her] choice.” It also requires state parties and individuals to have “respect for the liberty of parents . . . to ensure the religious and moral education of their children in conformity with [the parents’] convictions”—a provision underscored and amplified in more recent instruments and cases on the rights of parents and children.

Similarly, Article 19 of the 1966 ICCPR protects the “*freedom to seek, receive, and impart information and ideas of all kinds* [italics supplied], regardless of frontiers, either orally, in writing, or in print, in the form of art, or through any other media of his choice.” But Article 19, too, allows legal restrictions that are necessary for “respect of the rights and reputation of others; for the protection of national security or of public order (*ordre publique*) or of public health or morals.” As a further limitation on the rights of religion and (religious) expression guaranteed in Articles 18 and 19, Article 26 of the ICCPR prohibits any discrimination on grounds of religion. And Article 27 guarantees to religious minorities “the right to enjoy their own culture” and “to profess and practice their own religion.”⁵

The literal language of the mandatory 1966 ICCPR (and its amplification in more recent instruments and cases) certainly protects the general right to proselytize—understood as the right to



“manifest,” “teach,” “express,” and “impart” religious ideas for the sake, among other things, of seeking the conversion of another. The covenant provides no protection for coercive proselytism; at minimum, this bars physical or material manipulation of the would-be convert and, in some contexts, even more subtle forms of deception, enticement, and inducement to convert.⁶ The covenant also casts serious suspicion on any proselytism among children or among adherents to minority religions. But, outside of these contexts, the religious expression inherent in proselytism is no more suspect than political, economic, artistic, or other forms of expression, and, at minimum, should have the same rights.

Such rights to religion and religious expression are, of course, not absolute. The 1966 ICCPR and its progeny allow for legal protections of “public safety, order, health, or morals,” “national security” and “the rights and reputation of others,” particularly minors and minorities. But all such legal restrictions on religious expression must always be imposed without discrimination against any religion and with due regard for the general mandates of “necessity and proportionality”—the rough international analogues to the “compelling state interest” and “least restrictive alternative” prongs of the strict scrutiny test of American constitutional law. General “time, place, and manner” restrictions on all proselytizers, applied without discrimination against any religion, might thus well be apt. But categorical criminal bans on proselytism, or patently discriminatory licensing or registration provisions, are *prima facie* a violation of the religious rights of the proselytizer—as has been clear in the United States since *Cantwell v. Connecticut* (1940) and in the European community since *Kokkinakis v. Greece* (1993).

To my mind, the preferred solution to the modern problem of proselytism is not so much further state restriction as further self-restraint on the part of both local and foreign religious groups. Again, the 1966 International Covenant on Civil and Political Rights provides some useful cues.

Article 27 of the ICCPR reminds us of the special right of local religious groups, particularly minorities, “to enjoy their own culture, and to profess and practice their own religion.” Such language might well empower and encourage vulnerable minority traditions to seek protection from aggressive and insensitive proselytism by missionary mavericks and “drive-by” crusaders who have emerged with alacrity in the past two decades. It might even have supported a moratorium on proselytism for a few years in places like Russia so that local religions, even the majority Russian Orthodox Church, had some time to recover from nearly a century of harsh oppression that destroyed most of its clergy, semi-



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naries, monasteries, literature, and icons. But Article 27 cannot permanently insulate local religious groups from interaction with other religions. No religious and cultural tradition can remain frozen. For local traditions to seek blanket protections against foreign proselytism, even while inevitably interacting with other dimensions of foreign cultures, is ultimately a self-defeating policy. It stands in sharp contrast to cardinal human rights principles of openness, development, and choice. Even more, it belies the very meaning of being a religious tradition. As Jaroslav Pelikan reminds us: "Tradition is the living faith of the dead; traditionalism is the dead faith of the living."⁷

Article 19 of the ICCPR further reminds us that the right to expression, including religious expression, carries with it "special duties and responsibilities." One such duty, it would seem, is to respect the religious dignity and autonomy of the other, and to expect the same respect for one's own dignity and autonomy. This is the heart of the Golden Rule. It encourages all parties, especially foreign proselytizing groups, to negotiate and adopt voluntary codes of conduct of restraint and respect. This requires not only continued cultivation of interreligious dialogue and cooperation—the happy hallmarks of the modern ecumenical movement and of the growing emphasis on comparative religion and globalization in our seminaries. It also requires guidelines of prudence and restraint that every foreign mission board would do well to adopt and enforce: Proselytizers would do well to know and appreciate the history, culture, and language of the proselyte; to avoid Westernization of the gospel and First Amendmentization of politics; to deal honestly and respectfully with theological and liturgical differences; to respect and advocate the religious rights of all peoples; to be Good Samaritans as much as good preachers; and to proclaim their gospel both in word and in deed.⁸ Moratoria on proselytism might provide temporary relief, but moderation by proselytizers and proselytes is the more enduring course.

Notes and references:

¹ See Natan Lerner: *Religion, Beliefs, and International Human Rights* (Maryknoll, New York: Orbis Books, 2000).

² See Abdullahi Ahmed An-Na'im, ed.: *Proselytization and Communal Self-Determination in Africa* (Maryknoll, New York: Orbis Books, 1999); Paul E. Sigmund, ed.: *Religious Freedom and Evangelization in Latin America: The Challenge of Modern Pluralism* (Maryknoll, New York: Orbis Books, 1999); John Witte, Jr., and Michael Bourdeaux, eds.: *Proselytism and Orthodoxy in Russia* (Maryknoll, New York: Orbis Books, 1999); Symposium on "Pluralism, Proselytism and Nationalism in Eastern Europe" in *Journal of Ecumenical Studies* 36 (1999), 1-286.



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³ Susanne Hoeber Rudolph and James Piscatori, eds.: *Transnational Religion and Fading States* (Boulder/Oxford: Westview Press, 1997).

⁴ See the series of articles in *Fides et Libertas: The Journal of the International Religious Liberty Association* (1999), 1-74.

⁵ Each of these instruments is reprinted in Tad Stahnke and J. Paul Martin, eds.: *Religion and Human Rights: Basic Documents* (New York: Columbia Center for the Study of Human Rights, 1998). Also see Tad Stahnke: "Proselytism and the Freedom to Change Religion in International Human Rights Law" in *Brigham Young University Law Review* (1999), 251.

⁶ See Lerner: *op. cit.*, Chap. 4.

⁷ Jaroslav Pelikan: *The Vindication of Tradition* (New Haven: Yale University Press, 1984), 68.

⁸ See Anita Deyneka: "Guidelines for Foreign Missionaries in the Soviet Union" in Witte and Bourdeaux: *op. cit.*, 331-340; Lawrence A. Uzzell: "Guidelines for American Missionaries in Russia," *ibid.*, 323-330; John Witte, Jr., and Richard C. Martin, eds.: *Sharing the Book: Religious Perspectives on the Rights and Wrongs of Proselytism* (Maryknoll, New York: Orbis Books, 1999).

Dr. Witte adapted this article from his lecture at a Conference on Religion and Foreign Policy arranged by the United States Department of State, Washington, May 2000.



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Constitutions and Proselytism

Jose Maria Haro Sabater

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Foreword. The present article constitutes the introduction to a study I carried out in 1999, in which I collected the articles or sections from the constitutions of 146 nation-states of the world concerning the following items:

- Religious freedom.
- Restrictions to religious freedom.
- The right to propagate religion.
- Religious proselytism.

I selected the 146 states from among the 189 members of the United Nations, then grouped them by continent because the constitutional texts within a geographical area have great affinity. (But it is also obvious that one can find great differences in one and the same continent as, between the Islamic and non-Islamic nations of Africa and Asia.)

In some nation-states where a formal constitutional text does not exist, I referred to articles from basic laws equivalent to a constitution. Again, I limited myself to material relating to the items listed above.

Having gathered the material, I have prepared an introduction in which I attempt to abstract the entire survey and provide a brief comparative study. I do not intend to offer any value judgments. The aim of my research is to report objectively on the legal situation of these matters as they appear in the constitutional and legal texts.

I. Constitutions of African Nations. Virtually all African constitutions recognize the right to religious freedom, although they differ in emphasis. Based on this difference, the nations may be divided into three groups:

(1) Islamic countries, i.e., nations whose constitutions declare Islam the state religion: Algeria, Egypt, Libya, Morocco, Sudan, and Tunisia. All proclaim the right to freedom of conscience and worship, but without further detail. Libya's Constitution does state, however, that religious freedom will be exercised "in accordance with established customs," a reservation that raises many questions.

(2) Secular countries, i.e., those whose constitutions declare



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the state to be secular: Eritrea and Ethiopia. Religious freedom will be exercised without prejudice to the secular status of the state.

(3) The rest of the countries, nearly all located in sub-Saharan Africa. Many of the constitutions of these nations adopt almost literally the text of Article 18 of the United Nations International Covenant on Civil and Political Rights.

Quite a few of the constitutions of black Africa explicitly recognize the right to change religion as well as the right to propagate religion. These rights are acknowledged in Botswana, Kenya, Mauritius, Nigeria, Sierra Leone, Swaziland, Zambia, and Zimbabwe. Tanzania recognizes the right to “promote worship and evangelization.” Thus the countries most favorable to proselytism, at least according to their constitutional texts, are those of equatorial and southern Africa.

With regard to constitutional limits on the exercise of these rights, African nations impose restrictions for a variety of reasons. In order of importance, they are—

- Public order (Chad, Republic of the Congo [Brazzaville], Ethiopia, Liberia, Seychelles, Sudan, Swaziland, Tunisia).
- The rights of others (Cape Verde, Eritrea, Ethiopia, Gambia, Liberia, Namibia, and Seychelles).
- Public health and morals (Eritrea, Ethiopia, Liberia, Seychelles, Sudan, and Swaziland).
- National security (Eritrea, Ethiopia, Seychelles, Sudan, and Swaziland).

Other restrictions are based on—

- Economic welfare (Sudan).
- Accepted customs (Chad, Republic of the Congo [Brazzaville]).
- National interest or unity (Gambia, Namibia, Nigeria).
- Social peace (Nigeria).
- Defense (Swaziland).

To a large extent, these limitations coincide with those recognized under the principal international instruments, e.g., Article 18.3 of the ICCPR. But here, as is the case on other continents, the limitations are lacking in definition.

II. Constitutions of the Americas: Canada, United States, and the Nations of Latin America. Nearly all the constitutions of North, Central, and South America recognize the right to religious freedom. Quite a few of them (including Bahamas, Barbados, and Belize) incorporate the content of the ICCPR into the texts.

Some constitutions explicitly recognize the right to propagate religion: Belize (Article 11.1), Colombia (Article 19), Dominican Republic (Article 9.1), Grenada (Article 9.1), Guyana (Article



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145), Jamaica (Article 21.1), and Nicaragua (Article 29). But the absence of such precise language in the constitutions of other nations in the region does not mean that propagation of religion (which is closely related to proselytism) is prohibited.

The right to change religion is implicit in any constitution that provides for religious freedom, but it is specifically recognized in (among others) Bahamas (Article 22.2), Barbados (Article 1.1), Belize (Article 11.1), Cuba (Article 55), Grenada (Article 9.1), Guyana (Article 145), and Jamaica (Article 21.1).

With the sole exception of the United States, religious freedom is subject to constitutional limitations in almost every country within the Americas. The impositions are, in general, the restrictions found in international conventions with slight differences in detail: morals, accepted customs, and law and public order. But the Constitution of Ecuador sets pluralism, public safety, and the rights of others (Article 36.11) as limits to religious freedom. The Constitution of Guatemala (in Article 36) states that religious freedom will be subject to limitations for reasons of public order and "due respect for the dignity of the hierarchy." Mexico's Constitution says that the only limitation is the commission of offenses or infractions punishable by law (Article 24). But the Mexican Constitution also states that religious acts celebrated outside places of worship will be subject to governmental authorization (Article 24).

The United States presents an unusual case. The main body of the Constitution makes not one mention of religious freedom. But the First Amendment (which with all the amendments is an integral part of the Constitution) forbids Congress from making any "law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ."

III. Constitutions of Asian Nations. While the constitutions of Asian states vary widely in their recognition of religious freedom, four general classifications may be identified:

(1) Constitutions that recognize religious freedom without restrictions: Japan ("freedom of conscience is inviolable"), Lebanon ("freedom of conscience is absolute"), and the Philippines (Article 5: "The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed").

(2) Constitutions of the Islamic states (which form a group with the Islamic states of northern Africa): Bahrain, Bangladesh, Brunei, Iran, Iraq, Jordan, Kuwait, Maldives, Oman, Pakistan, Syria (which, while not proclaiming itself an Islamic state, does require the president to be a Muslim), United Arab Emirates, and



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Yemen. Although most of these nations recognize the right to freedom of conscience in their constitutions, some (such as Kuwait and the U.A.E.) add that this right will be exercised “in accordance with established or observed customs.”

However, the right to freedom of conscience and religion is not expressly recognized in the constitutions of Iran, Oman, and Yemen. The Constitution of Iran confers liberty only on three non-Islamic religious minorities. The Constitution of Oman only guarantees “the freedom to practice religious rites according to the recognized customs.” But the Constitution of Yemen states (Article 5) that “the state shall abide by the United Nations Charter, the Universal Declaration of Human Rights, the Charter of the Arab League, and the universally recognized rules of international law.”

(3) Constitutions of secular states (a subdivided classification).

(A) Revolutionary socialist states: North Korea and Vietnam, both of which officially recognize freedom of conscience and religion.

(B) Secular states such as Turkey and Turkmenistan. Both countries recognize freedom of conscience and religion, but Turkey imposes certain limits (see below).

(4) Israel, the world’s only Jewish state. Because Israel does not have a written constitution, it is necessary to refer to its Declaration of Independence (which guarantees freedom of conscience and religion to all citizens) and to its fundamental laws, in particular the law on human dignity and freedom.

The right to disseminate or to propagate religion is specifically mentioned only in the constitutions of Azerbaijan, Fiji, and the Solomon Islands. And only the constitutional texts of the latter two countries explicitly recognize the right to change religion.

The constitutions of some countries restrict proselytism: Malaysia (Article 11.4: “a state law . . . will control and restrict the dissemination of any doctrine or belief among persons who profess Islam”) and Nepal (Article 19 prohibits converting persons from one religion to another—which amounts to prohibiting proselytism).

The constitutions of various Asian nations contain a variety of limitations on the practice of religious freedom ranging from the usual to the unusual:

- Public order (Azerbaijan, Cambodia, India, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mauritius, Pakistan, Singapore, Sri Lanka, Syria, Thailand, United Arab Emirates).
- Public morality (Burma [Myanmar], India, Iraq, Jordan, Kuwait, Malaysia, Pakistan, Singapore, United Arab Emirates).
- Public health, peace, and safety (various nations).
- National customs (Bahrain, Thailand).



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- Shari'a (Islamic religious law) (Maldives).
- Any act intended to divide the people or religions (Laos).
- A national belief in socialism and in the unity and solidarity of the nation's races (Burma [Myanmar]).
- Use of religion as a pretext to form a foreign alliance (North Korea).

The Constitution of Turkey recognizes freedom of conscience and religious belief and conviction (Article 24). But it also limits rights and freedoms. Here is Article 14:

"None of the rights and freedoms embodied in the Constitution shall be exercised with the aim of violating the indivisible integrity of the State with its territory and nation, of endangering the existence of the Turkish State and Republic, of destroying fundamental rights and freedoms, of placing the government of the State under the control of an individual or a group of people, or establishing the hegemony of one social class over others, or creating discrimination on the basis of language, race, religion or sect, or of establishing by any other means a system of government based on these concepts and ideas."

IV. Constitutions of European Nations. Constitutional texts of the nations of both Eastern and Western Europe establish the principle of freedom of conscience and religion as a right of the individual. They are adapted to accepted international instruments, in particular the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms (November 4, 1950; see Article 9.1). Religion can be practiced freely in public as well as private. In general, the only limits are public law, public safety, public order, public health, public morals or accepted customs, and the rights and freedoms of others. But given that most of these stated limits are indefinite and variable concepts, their interpretation varies from state to state. In fact, such limitations are not specifically stated in many constitutions. Belarus, for example, limits religious freedom in a quite different way: The Constitution prohibits the activities of religious denominations that are "directed against the sovereignty of the Republic of Belarus, its constitutional system and civic harmony; . . . preventing citizens from fulfilling their duties to the State, society, or their family."

Some constitutions go further in their recognition of religious activity. Article 19 of the Italian Constitution recognizes the right to "propagate" religion. However, such recognition is not necessary in other European countries where it is generally protected by the right to freedom of speech.

Proselytism is typically related to a change of religion or belief.



The right to change religion is clear in several constitutions including those of Cyprus (Article 18.4), the Czech Republic (Article 15), Finland (Article 8), and Slovakia (Article 24.1). Any change of religious profession or belief must be made freely and without coercion. But few constitutions specifically prohibit coercion. Four that do are Cyprus (Article 18.5: "The use of physical or moral coercion to force a person to change religion or prevent a person from changing religion is prohibited"), Estonia (Article 41: "No one may be coerced to change their opinions or beliefs"), Iceland (Article 64: "No one may be forced to change religion against their will"), and Sweden (which addresses this issue in the context of the rights of foreigners. Article 22 specifies that a foreigner "has the same right as a Swedish citizen to be protected from any coercion for . . . belonging to any religious congregation or other association").

Separate mention should be made of the Greek Constitution (Article 13.2) which prohibits proselytism. It is the only European constitution to use this term, the interpretation of which is so problematic. What is meant by proselytism under the Constitution of Greece would require a study of Greek legislation and jurisprudence.

V. Constitutions of Australia and the South Pacific. I selected the most representative constitutions of this region. First of all, the Constitution of Australia, in language similar to the First Amendment of the U.S. Constitution, guarantees that "the Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion." Australia may therefore be included among those nations placing no restrictions or obstacles on the practice of religion.

With respect to limits placed on religious freedom, two particularly interesting constitutions refer to proselytism without using the term. The Constitution of Papua New Guinea (Article 45.3) states: "No person has the right to intervene in the religious affairs of another person with different beliefs or to attempt to impose another religion . . . on others by harassment or by other means." Secondly, the Constitution of Samoa prohibits "unsolicited interference by members of other religions" in the practice of one's own religion.

Conclusions. From this survey I draw the following conclusions:

(1) The large majority of the 146 selected constitutional or legal texts recognize religious freedom as a fundamental right in a manner similar to the international instruments of universal or regional scope. However, in some states, particularly the Islamic nations,



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such a general declaration is not expressed in their constitutions.

(2) The limitations to the exercise of religious freedom vary widely. In American and European constitutions, the restrictions generally specified are in the areas of law, public order, public safety, public health, public morals or accepted customs, and the rights and freedoms of others. These restrictions are in line with, among others, the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the American Convention on Human Rights. But there are other constitutions, particularly in African and Asian countries, that establish peculiar limitations. In any case, standards of public morality or public health, for example, may vary considerably from one nation to another, and therefore the constitutional texts may be interpreted in many different ways.

(3) The right to change religion is implicit in the right to freely choose a religion or not to have any religion. Some constitutions, mostly in European and American nation-states, expressly state this. Some European constitutions specifically prohibit the use of physical or moral coercion to force someone to change his or her beliefs. In a similar manner, some nation-states of the Pacific constitutionally forbid attempts to impose a religion on another person by harassment or by the unsolicited interference of members of other religions in the practice of their own faith. These two behaviors could well be termed *improper or inappropriate* methods of proselytizing.



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Multiculturalism and Missions

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Today it is common to hear academics and churchgoers alike question the commission that Christ gave His disciples: “Go . . . into all the world, and preach the gospel to every creature; baptizing them in the name of the Father, and of the Son, and the Holy Ghost” (Mark 16:15 KJV, Matthew 28:19 KJV). Those who take this mandate seriously are likely to find themselves labeled as “ethnocentric,” “bigoted,” or worse, not only by anthropologists and sociologists, but by people in the street. Today it is considered uncool to “impose” one’s religious commitments upon others. Thanks to James Michener, author of *Hawaii*, and the proponents of cultural relativism, missionaries have been widely categorized as ignorant, intolerant, and bigoted.

Should we send missionaries? Is it acceptable to send missionaries to other cultures to “impose” the gospel message on those who have differing religious orientations? I asked this question to people of all walks in Russia—Orthodox, Protestant, scholars, and politicians—and received answers ranging from a hateful and xenophobic, “No! You have no right to be here. Get out and mind your own business!” to a more conciliatory, “Yes, please help us do the work of the church and get Christ’s message out to those who are lost in darkness, but let us do it with care and consideration of the sensibilities of the people.”

In the past few centuries, no one questioned the appropriateness of sending missionaries to other cultures. All of the major world religions have been spread this way. But in today’s political climate, the core value of evangelism is being questioned. Postmodern values teach that each culture is unique and precious, and every expression of diversity is valuable. According to this view, all cultures are basically equal and no culture is entitled to impose its values on another. Missionary activity is a form of cultural aggression and sending missionaries abroad is a deep violation of the rights of that culture.

But there is a problem with the postmodern multicultural way



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of looking at the world. If all cultures are equally valuable, then an aggressively Christian culture must be as valid and valued as an aboriginal culture or any other culture. Yet, if multiculturalists were to take the view that all cultures are equal in value, including the positive value of Christian missionaries evangelizing for their faith, they would do violence to their own world view. Hence the multiculturalist has a problem with his or her own worldview which may be labeled as ethnocentric, closed minded, or even xenophobic as those they criticize. Are all cultures equal in value or aren't they?

Since the relative status of Christianity has declined in Western intellectual circles and multiculturalism is in ascendancy, this logical flaw has not been exposed or explored. Instead, the Christian religion has served as a straw dog for the multiculturalist argument. As a result, Christianity has been seriously denigrated in intellectual and academic circles—even Christian academic and intellectual circles! Young people in the West understand very well that it is better to be anything—Buddhist, Hindu, Muslim, atheist, goddess worshiper—than to profess Christ as Lord.

Cultural aggression and imperialism? For more than just the past century, Western civilization has tended to identify religion—particularly Christianity—as an instigator of cultural aggression and imperialism. For the previous fifteen hundred years, when Western society had a Christian orientation, there was an atmosphere of relative cultural tolerance within what might be loosely termed Christendom. Cultural unification occurred by means of sacred understandings and worship with two distinct cultural poles: Roman in the West and Orthodox in the East. As a result of this bipolar cultural unification, there was a rather peaceful coexistence of cultures in Europe. After Christianity was established, mission activities usually did not involve the imposition of cultural standards. For example, Irish Christianity differed from Gaelic Christianity, and these differences were honored and respected. Likewise in the East, Russian Christianity had its own cultural imprint which distinguished it from a purely Byzantine Christianity.

The cultural imperialism of Europe in the 19th century had a deeply secularized nature. In the 20th century, it was not religion but Western secular culture that was the most aggressive and imperialistic force. The force of this cultural aggression has only intensified as the world has grown smaller over the past hundred years. Missionaries were guilty of cultural aggression only as they participated in the paradigm of the secular culture of the 19th century.

The grand idea of a multicultural world where no one culture



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or philosophy reigns supreme has burst upon the postmodern mind lately as a new and exciting touchstone. In actuality, however, the world had been, for millennia, multicultural without anyone realizing it. Historically, numerous cultures co-existed, but each adherent to a specific culture believed that “My culture is superior to any other.” It was natural to impose cultural standards upon vanquished adversaries. Adherents to the numerous cultures were hardly eager to put aside their judgments and aggression towards other cultures.

Whether you talk about the Chinese domination of Tibet, the historic and the recent wars of the former Yugoslavia, or the Russian wars with Chechnya, adherents of most cultures adhere to the notion of cultural superiority—the superiority of one’s own culture. The modern Western view looks with optimism at the possibility of bringing its more enlightened culture to those who are in darkness. But the postmodern Westerner views his modern compatriot with scorn, abhorring the arrogance of thinking that one culture is a more positive expression of the human spirit than another.

The hottest issue one can discuss in a multicultural context is the idea of mission, evangelism, or proselytism. For multiculturalists all three concepts are equally deplorable. For them proselytizing means the forced imposition of not only religious, but cultural values. For modern multiculturalists, this understanding of proselytism has also been attributed to the concepts of mission and evangelism, unless a particular “outreach” is devoid of religious content, like a soup kitchen that serves only food and no doctrine. It doesn’t take long for a modern Christian, steeped in multicultural ideology to ask which should take precedence: the multicultural mandate or the “great commission.” How can you have it both ways? The answer of the modern era was quite direct. As Elton Trueblood stated: “There is no such thing as a non-witnessing Christian.” But what should the Christian’s answer be in the postmodern era?

The Pauline standard. The multiculturalist’s contempt for evangelism and missionary activity ignores the question of indigenous missions—missions whose instigators belong to the cultural milieu in which they evangelize, like the Christian house-church leaders in China or the Serbian Christian missionary activities in Muslim locales. The early disciples of Jesus, who were the first Christian missionaries, preached to compatriots whose cultural understandings and values were their own. The Apostle Paul was the first Christian missionary to reach out to those of another culture.

Saying that what a different culture believes is “good enough for them,” or saying that they don’t need “the truth as we under-



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stand it,” would seem to imply one of three things:

(1) We Christians don’t have anything significant to share with others and therefore we actually believe there is no universal truth that humankind can know.

(2) We are dulled in our sensitivity and awareness as to what it is that Christians have to offer. Or—

(3) We possess an inherent disdain for other cultures and judge them not to need knowledge and faith in Christ, for after all (as goes the common talk), “God will judge them according to their measure of knowledge and His mercy.”

This last position is as ethnocentric as the forcible imposition of any culture or religious teaching on “less developed” people.

Can there be any way of mediating or ameliorating the cultural divide between extreme multiculturalism and the calling to the great commission? Logically speaking, the postmodern multiculturalist should be very tolerant toward all religions, including the most intolerant religious expression because, if for no other reason, all religious expression is a special genus of culture. But the reality is quite different. When pushed to its limits, the multiculturalist ideology inhibits discussion and debate, cultivates grievances and self-pity, and then lays claims to entitlements rising from alleged victimization. It attacks individualism by defining people as manifestations of groups rather than participants in free societies.

The peculiarity of postmodern civilization is the disappointment in the idea of progress. The faith in progress that defined the modern era resulted not only in great achievements, but also in great disappointments and disillusionment. Our present ecological crisis, complete with global warming and huge ozone holes in the atmosphere, is the result of an ill-placed faith in progress. Not only do we not know how to solve these problems, but we do not have the political will to do so. The human race is so fractured and divided politically that even if solutions were created, it is unlikely they would be implemented any time soon. Postmodern thought was founded on these great stumbling blocks which have sunk the optimism of the modern era.

In the West it is fascinating to watch postmodern intellectuals as they criticize Christianity. To understand their vehemence against Christianity, we need to understand the function that the Christian faith has played during the modern era. Christianity was an ideal spiritual complement for the modern era. The Christian faith lent itself to the notion of progress: There was no sin so heinous that it kept a person from ultimate salvation. This central act of faith gave rise to a great hope in those who embraced the Christian religion.

This hope was seemingly confirmed by people’s experience



in the secular world. In the Americas the dispossessed peasantry of Europe found an apparently endless horizon onto which they could advance and claim as their own. For cultures dependent on agriculture, an endless supply of land was equivalent to an endless supply of wealth. The world around them reflected the spiritual values of Christianity.

At the dawn of modernity, in the 16th and 17th centuries, it was commonplace to compare Christian missions with trade. Missionaries actually went hand-in-hand with traders because traders were looked upon as “preachers” of new economic ideas. Conversely, missionaries were looked upon as “merchants” selling new religious ideas. The new economic model that spurred the beginnings of global commerce had common roots with the missionary model.

This innovation in the idea of Christian mission was significantly different from what had transpired before. Through medieval times Christian missions were aimed not at the individual, but at converting collective entities—household, family, tribe, people, race. From the 13th century, however, Christian missions attempted to convert individuals. It is problematic whether this new missionary model preceded and determined the new capitalist model of economic life, or vice versa. In the modern and postmodern worlds, mission clearly belongs to the sphere of private life.

The postmodern criticism of Christianity and Christian missions is, at its root, a criticism of the idea of constant progress and eternal optimism. It is a profoundly conservative reaction to the optimism of Christianity. The postmodern worldview is rooted in the notion that things should stay the same. Cultures should be corralled and not be allowed to aggressively intrude on one another. Taken to its logical conclusion, this would mean the cessation of global trade and travel. It would mean a return to a more primitive life, perhaps rooted in agriculture. It would mean the loss of many of the economic and social freedoms that have developed as a result of the progress achieved in the modern era. These are tremendous prices to pay. But if progress can no longer be achieved, then what other choice is there?

Missions in Russia. Let’s look at missions in Russia for a moment. It may be a shock to learn that the experience of the last four centuries demonstrates that Protestant missions have had little or no cultural or social effect in Russia. Beginning with Peter the Great’s attempt to import forward thinking Protestant ideas from Western Europe, Protestants have made few deep inroads if you look at Russia on a very broad, macro scale. While Western technological advances



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have been appropriated by the Russians over these centuries, the social and cultural effects of the Protestant faith in progress and its accompanying optimism seem to have been minimal.

In fact, Russia's most important import from the West was the revolutionary economic thought of Karl Marx. While masquerading as "progressive," and rooted in a common hope for economic and social improvement, Marx's ideas in actuality stultified and oppressed the culture, economically and socially. The communist regime actually delayed Russia's economic development. Correspondingly, there has been a delay in cultural and individual progress as well.

Why, then, engage in mission activity at all? Why intrude on foreign lands to give a version of the truth which is not going to change the cultural mind-set? Christians would reply that they are going to proclaim the truth of Jesus Christ. The reason for mission is to give the hearer the means to achieve spiritual freedom irrespective of culture. If the hearer can understand the proclaimed truth and apply it within his/her own cultural context, then from a Christian perspective, that person has inherited the kingdom of God.

There are some fine examples of present-day missionaries who have gone to lands and cultures foreign to themselves and were able to present the truth of the gospel within that culture without violating it. Bruce Olsen went to Colombia and lived with the Motilones for five years before he told the story of Jesus Christ to one Motilone friend. With the conversion of Bobarishoara, the entire tribe embraced Christ as Lord. This tribe then went to the neighboring village and won that entire tribe to Christ. Don Richardson and his family went to the Sawi tribe in New Guinea and related Christ to the Sawi people as the eternal "peace child." The Sawis were able to cease the practice of exchanging babies in an attempt to "keep peace" and avoid war when they realized that God Almighty had given His only Son as the eternal Peace Child. Jackie Pullinger, a twenty-year old British woman left her comfortable Anglican parish to go to the walled city near Hong Kong to work among the drug addicts. Today she has throngs of indigenous followers in colonies all over Asia who feed the poor and hungry and help gang members get off drugs and get their lives together—all without betraying the culture. And we remember Hudson Taylor and James Fraser and Eric Liddell who went to China to live, preach, and die among the indigenous peoples there.

Is religion superordinate to culture or is it subordinate to culture? How do we view the truth claims of Christ? Are there boundaries beyond which He cannot be shared? Do we teach our young people to stay home and mind their own business? Do we tell them to engage in some form of "helpful" missionary activity and let the



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truth claims of Jesus Christ be incidental? However these questions are asked and however they are answered, Christians must also respond in some way to another mandate: ““All authority in heaven and on earth has been given to me. Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all that I have commanded you”” (Matthew 28:18-20 RSV).

Why did Jesus ask His disciples to intrude on others’ private religious beliefs and cultural understandings? The commandment was, after all, to go to all nations! Didn’t He understand that all peoples in their search to answer the great questions of life—the questions of pain, suffering, and death—would have to come up with answers on their own?

Who has ultimate authority? All of these questions revolve around a single question: Who has ultimate authority? From the Christian’s perspective, scientific postmodernism is not the ultimate and final authority. Christ is. In addition to the Christian appeal to a higher authority, there are fatal flaws in the postmodern logic. Looking at the beliefs of the postmodernists critically, they are logically inconsistent. If accepted, the postmodern beliefs about multiculturalism destroy those very beliefs. It is the problem of a tolerant person’s intolerance of another’s intolerance.

However, some postmodern criticisms of present mission practices are well taken. Christians are not commanded to reproduce Western culture, but to witness to the kingdom of God on earth so that fellow human beings can enjoy and participate in the kingdom of God here and now. We Christians are to witness to the truth of Jesus Christ because we believe that hearing this truth is a basic human right for all people. Why should those of other lands be bereft of the knowledge of the truth of Christ? Why should they be left in darkness if indeed Christ is the one who can make a difference in this life as well as in the next? Is it not the epitome of ethnocentrism to leave others in darkness, saying that they have no right to the truth? It is because all cultures are equal that they all have the equal right to hear and know the truth of Jesus Christ.

Who are we to attempt to convert others? We are disciples of Christ, the living God, who loves all peoples of all cultures equally, who wants all peoples of all cultures to know Him as the truth, so that they may experience eternal life. Ethnocentric? Unwarranted aggression? An artificial imposition of Western cultural values? Leaving others in darkness would certainly be all of those things.



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Proselytism and Its Limitations in Israel

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Next to the issues of war and peace, the relationship between religion and state is probably the most difficult and fascinating problem for Israel. This is due to:

(1) The special character of the state, only a half century old as an independent, sovereign, political entity.

(2) The complex interaction between the Jewish majority and non-Jewish citizens.

(3) The tensions between Orthodoxy (in both its Zionist and non-Zionist versions), Conservative, and Reform Judaism, and the secular, or undefined, majority of the population.

(4) The nature of Jewry as an ethno-religious community, or a community of religious origin, in general, as developed over more than three millennia.

Seen against this background, the issue of proselytism and its limitations constitutes a minor issue in Israel. This does not mean either underestimating the importance of this problem for some churches and people or its need for proper regulation. It only means locating it adequately in the framework of a most complicated situation, exceeding by far any strictly local implications.¹

A subject which, of late, has occupied not only Israeli society (the Knesset, the political parties, and the judiciary in all its echelons), but also Jews in the Diaspora (particularly in the United States, which has the largest concentration of Jews outside Israel), is the matter of conversions to Judaism—an issue closely connected to, although not overlapping, the question of proselytism. The polemics on conversion is mainly on the issue of which authorities are entitled to authorize conversions to Judaism. A controversial draft law engendered a stormy debate, prompting *The New York Times* to comment editorially (April 20, 1997): “A schism



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among the Jews?" The editorial underlined the risks of an absolutist approach in a pluralistic society. I do not believe that such a religious schism is a real and present danger, but when a respected newspaper perceives the possibility, it cannot be ignored. Israel, *The New York Times* indicated, "is the last country" that can afford a religious schism.

Simultaneous with the vehement debate on conversion came legislative proposals to restrict proselytism—proposals criticized by liberals and opposed by Christian religious groups for whom freedom to proselytize is very important. Of such was 1996's draft law No. 950, introduced by two members of the Knesset—one from Labor, the other from an ultra-orthodox faction. It was abandoned, however, so the only legal text concerning proselytism was a law dating from 1977, but never enforced: the Enticement to Change Religion Law, an amendment to the penal law. (I shall refer to this later.) Ultra-orthodox thugs also committed a few acts of violence against Christians accused of being missionaries. Some of the culprits received jail sentences.² In general, it would appear that conversion and proselytism issues are much more related to intra-Jewish religious quarrels than to an inter-religious problem such as, for instance, the situation in Greece which led to interesting decisions in the European Court of Human Rights in the cases of *Kokkinakis* and *Larissis*.³

In an important 1997 decision of the Supreme Court,⁴ President Justice Aaron Barak reiterated the frequent claim that in Israel, a "Jewish and democratic State," one finds in matters concerning religion a balance adequately reflecting a pluralistic philosophy of society based on mutual compromise and tolerance. Proper respect and consideration for the religious feelings of the majority should not lead to limitations affecting human rights of people not belonging to the majority. And this is a goal not easily achieved in a society as complex as that of Israel.

*

The population of Israel is multi-ethnic, multi-religious, and multi-cultural. Of around 6 million people, Jews constitute about 80 percent. Arabs are the principal minority. Most of them are Muslim. The rest include Druze, Bedouins, Circassians, and others. There are about 150,000 Christians in Israel, most of whom are Arabs, with the rest of Western origin. Despite differences rooted in history, culture, and sociology, the large Jewish majority shares the feeling of belonging to a single nation with a common past and a common religion. Jewry has been described as an ethno-religious community, or people, in which religion and ethnicity are inseparably united, notwithstanding the views of individual Jews who may



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be non-believers, agnostics, atheists, or adepts of other attitudes concerning religion.

Within the population as a whole—

(A) Israeli Arabs, the largest minority, consider themselves extremely different from the majority in terms of ethnicity, culture, language, national origin, and most certainly religion. Israeli Jews, the majority, acknowledge these differences with full awareness.

(B) The Jewish majority itself comprises several religiously differentiated groups running from pure rationalistic secularism to a pronounced ultra-orthodoxy demanding an inflexible interpretation of *Halacha*, Jewish religious law.

(C) Ethnic and cultural divisions within the Jewish majority introduce additional differentiations.

(D) The Palestinian-Israeli conflict and its Arab-Israeli extensions impress their mark on the majority-minority relationship.

(E) Internal party politics permeates religious issues as experienced in the few cases directly or indirectly involving issues of conversion and proselytism.

The Israeli legal system must be kept in mind in this regard.⁵ Its sources are various:

(1) Modern legislation adopted after the creation of the state.

(2) The *millet* system within Ottoman legislation which, in matters of personal status and family relations (marriage, divorce, and successions), provides autonomy to each of the major religious communities.

(3) British law, particularly from the period of the Mandate.

(4) Traditional Jewish law applicable in the area of family matters to all Jews, religious or not.

The prevailing complicated system attaches considerable weight to the group or community. Defined in religious terms, there are at present 14 recognized communities, the largest of which is, of course, the Jewish community. Certainly this system plays a role when it comes to proselytism, an activity likely to affect the group dimension.

*

The State of Israel is a unique case in nation-making. It was conceived, born, and built as a polity committed to the purpose of Zionism, the movement aimed at changing the life conditions of the world-scattered community called *the Jewish people*—a people who have had a great influence on the development of humanity in the religious sphere; a people who, despite their dispersion for two thousand years, kept the hope of rebuilding their national sovereignty in their ancestral land. Zionism conceived a state which was to be Jewish—a political entity in which the peculiar



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nature of Judaism and/or Jewry, an inextricable combination of ethnicity, faith, and culture, would be embodied not only in symbols—the flag, the anthem, the star of David, the menorah—but also in its legislation and institutions, and in its policies governing immigration, absorption, and development. But a clear-cut, legally binding definition of what “Jewish” means has never been agreed upon. Depending on the person doing the interpreting, being Jewish may be taken as a demographic, anthropologic, or cultural notion, or as a religious concept, or as a combination of both. It is therefore not surprising that many Jews, whatever their religious views, see any attempt to proselytize among Jews as an intrusion into their collective identity and an attempt to separate the religious element from the total, global, integral notion of Jewry. Such a view is evident in certain judicial decisions.

One of them is the well-known *Rufeisen* case.⁶ The Supreme Court had to decide if Oswald Rufeisen (also known as Brother Daniel), a Catholic priest living in Haifa, born in Poland of Jewish parents who converted in 1942 during World War II, was entitled to become a citizen of Israel under the 1950 Law of Return, as amended in 1954 and 1970.⁷ In Europe during the war, Rufeisen had acted heroically, helping persecuted Jews, frequently risking his life. He immigrated to Israel in 1958. Although he had embraced Catholicism, he continued to see himself as belonging to the Jewish people. Though the court had words of praise for him, it rejected his claim, opining that since the Law of Return is secular, it was not relevant to Rufeisen’s argument that (according to *Halacha*) he was, indeed, a Jew. Thus the court took the view that, in the popular understanding of the man on the street, a Jew who gave up the Jewish religion, adopted another, and even became a priest of the new religion, could not be considered a member of the Jewish community. The court advised Rufeisen to apply for citizenship under the naturalization law instead of the Law of Return—which he did. Wrote Justice Silberg in the decision:

Whether he is religious, non-religious, or anti-religious, the Jew living in Israel is bound, willingly or unwillingly, by an umbilical cord to historical Judaism from which he draws his language and its idiom, whose festivals are his own to celebrate, and whose great thinkers and spiritual heroes . . . nourish his national pride. . . .

It is not my purpose to . . . present any particular point of view as to the most desirable course for the future development of the Jewish people. I know well that opinion in Israel as to what is and should be is divided into all the various shades of the spiritual rainbow—from the extreme orthodox to the total agnostic. But there is one thing that is shared by all Jews who live in Israel (save a mere handful) and that is that we do not cut ourselves off from our historic past nor deny our ancestral heritage. We continue to drink from the original fountains. The shape has changed, the channels have been altered, but we have not sealed the wells. . . .⁸



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The *Rufeisen/Brother Daniel* case has obvious implications regarding proselytism. Relevant to this are the activities of those who call themselves Messianic Jews, persons not accepted as Jews by either the authorities or by public opinion. They do proselytize. To offer information about their views (which are based on the conviction that Jesus is the Messiah who will return to establish a kingdom on earth as foretold in the Biblical book of Daniel), the Messianic Jews publish newspaper advertisements.⁹ Another group, claiming to have about 1,000 members in Israel, many of Jewish origin, are the Jehovah's Witnesses. Of late they have started what is described as a proselytizing campaign by visiting people, distributing literature, and explaining their suffering under the Nazis.¹⁰ The right of the Jehovah's Witnesses to establish a meeting place, despite the views of a municipal body, was recognized by a Tel Aviv district court in 1997.¹¹ The decision, which pointed out that suspicion of the Witnesses' missionary activities may have prompted the municipal authorities, was appealed to the Supreme Court.

In 1995 a Supreme Court panel of seven justices dealt with the meaning of a Mandate-period ordinance regarding registration of conversions.¹² Court President Justice Meir Shamgar wrote the decision:

Freedom of religion and conscience is one of the fundamental principles of our system. This freedom belongs to the values composing the normative bases of our system since the establishment of the State. The freedom to change one's religion is grounded in the framework of the freedom of religion and conscience. Therefore, a reasonable interpretation of the existing legal situation is that the different authorities will not intervene in this sphere of the individual's autonomy, and that the decision of an inhabitant or citizen to change his religion, on the one hand, and the decision to admit a person within a religion to which he wants to adhere to, on the other, will be free from any intervention on the part of the State. Conversion is a private matter. In a free society every person is entitled voluntarily to change his religion.

He does not need any official authorization. The need of an authorization only comes up in our view in relation to the personal status. Religious membership carries many consequences with regard to the law of the State in everything concerning the sphere of the personal status. But not beyond that.

On the whole, with the exception of the 1977 law against incitement, there are no legal limitations concerning proselytism. Except for censorship in the area of security matters, there are no restrictions on freedom of expression—oral or written, and the courts have granted full protection to this right. In some instances, religious sensitivity—Jewish and non-Jewish—was protected by the courts, but this did not affect the issue of proselytism.

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At this point I should summarize my views with regard to proselytism in general. (I have done this in detail in an article included in the *Emory International Law Review's* comprehensive issue on the problem of proselytism in Russia.¹³) The right to proselytize—to try to convince people to adopt a specific religion—is closely related to the issues of the freedoms of expression, association, scientific research, and education. It is not absolute. It may clash with other legal provisions in countries where family law is under the influence of religion or where some formalities are necessary in order to join or leave a religious community. It is not easy to strike a balance in this respect. The controversy between the universality of human rights and cultural relativism is relevant. In democratic societies people should be free to disseminate their religious views. But there is also a right to privacy; uninvited speech should not necessarily prevail. Proselytism may be limited when it is conducted in places where people constitute a “captive audience” or “captive target” such as classrooms, military installations, prisons, hospitals, and the like. Proselytism involving material enticement—money, gifts, privileges, housing, employment, etc.—should be considered a form of coercion and thus appropriately limited by law. Communal or collective identities are entitled to protection. Minority rights are relevant. Within certain limits, state education may include religious teachings.

A downward, deteriorating trend in the recognition of the right to proselytize is to be pointed out in international instruments. The 1948 Universal Declaration of Human Rights establishes in Article 18 a broad right both to teach and to change religion or belief. But Article 18 of the 1966 Covenant on Civil and Political Rights had to use milder language. The 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief was in danger of not being adopted if a compromise had not been reached. Western lawyers and United Nations rapporteurs do not see in this trend a change in the international position with regard to proselytism, but some religious communities claim that the rights to proselytize and to change religion or belief are not binding on them. In its comment on Article 18 of the Covenant, the UN Human Rights Committee has followed the classic universalist approach.¹⁴

To summarize: The right to proselytize and the right to change religion must be protected. But they are not absolute rights. They are included in the current common minimum standard accepted by the majority of legal systems, but not by all of them. In any case, these rights should exclude coercion and intrusion in privacy.

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Against this general framework I shall now refer to the present



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situation in Israel. To protect my claim of relative objectivity, I quote from the Israel chapter in the United States Department of State Human Rights Report for 1998.¹⁵

Missionaries are allowed to proselytize, although the Church of Jesus Christ of Latter Day Saints has agreed not to do so under an agreement with the Government. (This agreement led to the construction of the beautiful building of the Mormon University on Mount Scopus.) A 1977 anti-proselytizing law prohibits anyone from offering or receiving material benefits as an inducement to conversion, but the law has not been applied for several years. In 1997 a bill was introduced to impose restrictions on proselytizing, including a ban on the distribution of written materials encouraging conversions. A more restrictive bill that would ban virtually all forms of proselytizing passed a preliminary reading in the Knesset last April with significant government support. Neither bill is expected to be enacted. Christian and other evangelical groups assert that the draft bills are discriminatory and serve to intimidate Christian groups.

Jehovah's Witnesses suffered verbal abuse, assaults, theft, and vandalism during the year, apparently by ultra-Orthodox groups. Jehovah's Witnesses assert that police did not adequately investigate two break-ins at a meeting house in Lod in February.

As to the territories under Israeli military occupation, the Occupied Territories chapter states: "The Israeli government respects freedom of religion and does not ban any group or sect on religious grounds. It permits all faiths to operate schools and institutions. . . ."

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The only instance of positive legislation concerning proselytism in Israel is the aforementioned Penal Law Amendment (Enticement to Change Religion) Law (5738-1977). The official English translation of its operative paragraphs reads as follows:

1. Whosoever gives or promises to a person money, money's worth, or some other material benefit in order to induce him to change his religion or in order that he may induce another person to change his religion, is liable to imprisonment for five years or a fine of 50,000 pounds.
2. Whosoever receives or agrees to receive money, money's worth, or some other material benefit in return for a promise to change his religion or to cause another person to change his religion, is liable to imprisonment for a term of three years or a fine of 30,000 pounds.

The Explanatory Note¹⁶ says this (free translation):

... [T]he missionary organizations active in the country use many and different means in order to chase souls and cause the conversion of those falling into their web.

Those organizations which possess unlimited monetary means utilize material enticements. They are particularly active among people whose economic situation is difficult. [They] promise them big sums of money, grant them economic benefits, and induce them to leave the country and change their religion.

Lately there has been an increase in the activity of the missionaries that take advantage of the difficult situation in the country in order to advance their aims. The missionary organizations are also active among Israeli Armed Forces soldiers. [They] try to influence them to abandon their units.



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The only way likely to stop the missionary work in Israel is by enacting legislation against such activity.

The purpose of the proposed law is thus to stop the activities of the missionary organizations through the prohibition of all missionary activities accompanied by material enticement. Similar legislation exists in many countries in the world.

As already pointed out, this law was not applied in practice. A parliamentary investigation undertaken more than a decade ago to deal with the "danger of cults" did not produce any results. The attempts to introduce new legislation to oppose proselytism that took place in recent years have to be seen in the light of internal Israeli politics. Non-religious politicians obviously tried, by joining such attempts, to gain favor among the religious parties. Such was the case of the aforementioned draft law 950 of 1996. The Labor politician who sponsored the draft withdrew his support, allegedly in return for the declaration of some Protestant groups not to engage in active proselytizing.¹⁷ In the light of the results of the elections on March 17, 1999, there is no reason to believe that this kind of legislation will succeed. The prevailing trend in the Knesset is to preserve the so-called status quo in matters of state and religion, based on the politics of compromise. For example on January 26, 1999, a draft law on freedom of religion that would have insured, among other things, equality between the different creeds and cultures, was defeated 28 (yes) to 43 (no; these votes from the coalition).¹⁸ It is to be expected that such legislative attempts will be repeated.

As to judicial intervention, frequently an area of religion-state relations charged with emotion, some decisions are relevant to the subject at hand. The Supreme Court has ruled that a person converted to Judaism in any Jewish community abroad is entitled to be registered as a Jew in the Israeli Population Registry. Jerusalem judges recently imposed prison sentences on youths involved in acts of vandalism against the home of three Christian girls who had been accused of missionary activity by the ultras. There were also acts of violence against the leaders of Jews for Jesus and Chabad and against the Baptist church in Jerusalem. The police intervened.

On December 30, 1998, a Jerusalem district court ruled that converts to Reform and Conservative Judaism must be registered by the Ministry of Interior regardless of where the conversions took place. This decision is related to the attempts to reach an agreement on the creation of a "conversion institute," where Orthodox, Conservative, and Reform teachers would train aspiring converts, while leaving the actual conversions to the Orthodox courts. The conversion issue is also closely connected to the large number of immigrants from the former Soviet Union who are not Jewish in faith, but for whom recognition as Jews is important in many respects.



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Not accepting the imputation of proselytism, the Supreme Court rejected an attempt to prevent Chabad, an ultra-orthodox group, from operating a counter at Lod International Airport for the purpose of trying to induce Jews to behave according to religious norms. The court did state, however, that the counter cannot be used for Chabad propaganda or to attract arriving passengers to the group, as has been done on some occasions.¹⁹

In order to complete this Israeli case study, it is pertinent to mention the Report on the Implementation of the Covenant on Civil and Human Rights submitted by Israel to the UN Human Rights Committee. In the chapter devoted to Article 18 of the covenant, the report points out that there is no established religion in Israel, although Israel does not maintain the principle of separation of religion and the institutions of government. While Israel has been quite successful in guaranteeing the freedom of religious practice, particularly for the non-Jewish communities, "it is more difficult to claim that 'freedom from religion' is fully protected, particularly for the Jewish population." Sections 170-173 of the Penal Law (5737-1977) prohibit any utterances likely to "outrage" the religious feelings or beliefs of a person. Under the heading "Conversion," the report says that in general every person in Israel has the right to change religion, and that the state does not intervene in an individual's decision to adopt or change religion nor in the decision of a particular religion to accept any person as a member.²⁰ In some circumstances a formal official approval of conversion may be demanded. It is necessary to distinguish between recognition of conversion by the secular organs of the state and approval of a change of religion for purposes of matters of personal status. Religion is an item appearing in the Population Register and on one's identity card. While the Ministry of Interior cannot refuse to recognize non-Orthodox conversions, the rabbinical courts do not recognize as Jews persons converted by a non-Orthodox body.

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I have tried to explain to what extent the right to proselytize exists and is both protected and limited in Israel. A full, objective picture can only result from an understanding of the nature of Israeli society, the social forces acting in the state, the interaction between the majority and the minorities, and the character of the majority. The Jewish majority, as well as the Arab main minority, are ethno-religious communities determined to preserve their collective identity. Although they respect the right to freedom of expression, which includes the right to proselytize, the communities do not like intrusions which result in splitting that collective identity. Thus proselytism is legal, is tolerated, but resented by some.



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This may result in attacks against the right to disseminate one's religion in communities where a different religion prevails and comprises an inseparable component of the group's global identity, notwithstanding the individual philosophies or attitudes of, loosely speaking, non-religious persons.

Notes and references:

¹ Literature on state and religion in Israel is enormous. In English see, generally, Asher Maoz: "Religious Human Rights in the State of Israel" in J. D. van der Vyver and J. Witte, Jr., eds.: *Religious Human Rights in Global Perspective—Legal Perspectives* (The Hague: Kluwer, 1996), 79-134; S. Zalman Abramov: *Perpetual Dilemma: Jewish Religion in the Jewish State* (Cranbury, New Jersey: Rutherford, 1979); and Amnon Rubinstein: "Laws and Religion in Israel" in *Israel Yearbook on Human Rights*, 3.

² *Haaretz* (March 2, April 20, and June 9, 1999).

³ On this issue, see my article "Proselytism, Change of Religion, and International Human Rights," in *Emory International Law Review*, Vol. 112, No. 1, 1998.

⁴ H.C. 5016, 5025, 5090, 5434 / 1996.

⁵ See Yoram Schachar: "History and Sources of Israeli Law," in Amos Shapira, Keren C. DeWitt-Arar, eds.: *Introduction to the Law of Israel* (The Hague: Kluwer, 1995).

⁶ 72/1963, 16 *Piskei Din* 2428.

⁷ *Sefer Hachukim*, 51, 159, and 586, 34.

⁸ The quotation is from the English translation of the record, published by the Ministry of Justice in 1963.

⁹ *Ha'ir*, March 12, 1999.

¹⁰ *Haaretz*, March 3, 1999.

¹¹ *Haaretz*, August 15, 1997.

¹² *Pesarro (Goldstein) v. Minister of Interior*, H.C. 1031/93.

¹³ See Note 3 above.

¹⁴ On the evolution of United Nations instruments, see my article "Religious Human Rights Under the United Nations," in van der Vyver and Witte (referenced in Note 1 above).

¹⁵ United States Information Service, March 2, 1999.

¹⁶ *Hatza'ot Chok* No. 1313, 5738, p. 40.

¹⁷ *The Jerusalem Post*, March 31, 1999.

¹⁸ *Haaretz*, January 27, 1999.

¹⁹ H.C. 714/89.

²⁰ *Pesarro (Goldstein)*. (See Note 12 above.)

This article expands on a paper Prof. Lerner presented at the IRLA Conference of Experts, San Lorenzo de El Escorial, Spain, May 1999.



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An Ethical / Catholic Perspective of Proselytism

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I. The Need for a Code of Good Conduct. Ethics are invoked when a choice has to be made between opposite options: The imperative of mission and the temptation of proselytism. Christianity is a missionary religion. Evangelizing—sharing the good news and calling for conversion—is a duty for all Christians and churches. How this duty is interpreted and carried out is the basic question. Though missionary activity is always deeply associated with the specific social and cultural context in which it operates, it nevertheless seems possible to work out some principles of proper evangelizing activity rooted in the attitude of Jesus and the apostles. In particular, the good news is a call directed to free human beings. It cannot be imposed from outside by means of psychological or physical constraint. In our present understanding of human rights, the freedom to communicate and the freedom to receive a message of religious faith is anchored in the very nature of human beings and must be recognized as a civil right protected by law. This civil freedom also implies the right not to be prevented in any way from converting to another religion, or not belonging to any religion. A person can be moved to adhere to God's call only through inner persuasion. This inner movement is provoked by the power of truth itself.

Behind the range of attitudes towards proselytism is the fundamental concept one has of the religious truth in which one believes. Does your religious faith invite you to respect and consider persons with other creeds, or does it suggest that they need to be converted by all means? Only if your own faith gives you a strong motivation to respect the dignity of all human beings can the temptation of proselytism be avoided. Only if you behave as a servant, not as an owner of the truth, can God be preached and His word freely shared with others.

In the past, evangelization was often carried out through violent means and state-supported initiatives. This period is now over in so far as Christianity is concerned. Christian churches have



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made a remarkable effort to distinguish between mission and proselytism, often reaching a common understanding of how they should behave in propagating their faith. But now we are facing a new challenge. The most active proselytizing groups today are not the traditional churches but the new religious movements, either of Christian or other inspiration. Most of the time they are reluctant to dialogue with others, relying instead on a simplistic dualism between themselves as those who are saved and the rest of the world which is condemned. Here is the main challenge today. It has both a theological dimension—the question of the truth, and a legal dimension—the respect for human rights.

When it operates in the public domain, proselytization should indeed submit itself to an evaluation of its ethical criteria. International legal limits to proselytism are not at hand, but some national laws expressly prohibit unfair proselytism. In a strict sense, international norms only protect the individual from external aggression or pressure. Only by implication do these norms suggest the right of a religious organization to win, honestly, new adherents. International law is concerned with limiting the power of the state in these matters and defining exactly its duties in protecting public order, public health and morality, and the rights of others. Improper forms of proselytism are employed by groups or individuals who may unduly intrude on the private sphere of others. This behavior may generate a conflict of rights: the right to free expression on the one hand and the right not to be coerced on the other. Different cases at the European Court for Human Rights show how fluid the borders are between correct and incorrect proselytizing. For example, a military officer may not take advantage of his position to engage in religious talks with his subordinates, but he may do so with civilians who have the freedom to escape. It is not permitted to take advantage of captive audiences. Personal physical and psychological freedom must always be guaranteed. Behaving according to commonly accepted norms should be the goal to be achieved by all religious groups. Helpful to this end would be a code of good conduct.

II. Catholic Principles of Proselytism. In Catholic literature, “proselytizing” is a concept which has become synonymous with unfair and morally unacceptable methods of propagating the Christian faith. The Second Vatican Council (1962-65) concluded that while all religious groups have a right to “publicly teach and witness their faith by voice and writings . . . all action having the savor of coercion or dishonest or incorrect solicitation” must be avoided, “specially when uncultured and needy persons are in-



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volved.”¹ Such conduct is not only morally wrong, it constitutes an abuse of human rights. As an offense against the rights of others, it falls under the sanctions of state law. The state must protect the rights of all its citizens. When the right to express one’s conviction turns into illegal pressure, it is an abuse of this right and must be prosecuted as such.

Theologically speaking, Catholicism’s duty is to “announce the good news”—to proclaim it, not to impose it. The proclamation is a call to be freely accepted or rejected.² The document on the missionary activity of the church clearly draws the distinction between evangelization directed towards non-Christians as a call to freely convert and all methods which are a negation of conversion itself: “The church severely forbids forcing anybody to embrace the faith or alluring or enticing people by unworthy techniques.”³ The definition given of religious freedom as an immunity from coercion implies that “no one is to be forced to act in a manner contrary to his/her own beliefs, whether privately or publicly, whether alone or in association with others.”⁴

The *Ecumenical Directory* (March 25, 1993) recommends that bishops take measures to overcome the temptation to indifference and proselytism, mainly in the younger churches. The mission of the church develops between these two extreme attitudes: The false assumption that all religions are equally valid on the one hand, and on the other, that conversion should be obtained by unfair means. “In their relationship with other churches and church communities, Catholics will behave honestly and prudently. . . . Falling into the temptation of indifference or proselytism would be the end of a true ecumenical spirit.”⁵ Catholics are invited to nourish esteem and consideration for other Christians and to expose doctrinal issues in ways that do not jeopardize dialogue (n. 61). Another document (1997) from the Council for Christian Unity insists on the ecumenical training of ministers. Particular attention should be given to the phenomenon of proselytism, considered as a challenge to be addressed in the present context.⁶

But the church does not give up the duty to evangelize. In his 1990 encyclical *Redemptoris missio*, Pope John Paul II regrets that today the call to conversion, which is at the heart of the church’s mission, is often interpreted as an attempt at “proselytism.” It is also wrong to pretend that Christians should just encourage everybody to be faithful to his/her own religion. Any person has the right to hear the good news of Christ and to respond to it.⁷

III. A Catholic View of Proselytism as a Practice in Other Christian Churches. Missionary activities such as home visita-



tion, evangelistic campaigns, street preaching, media ministries, and mass mailings are popular within the evangelical movement. The Catholic, Orthodox, Lutheran, and Anglican churches shy away from such action. Evangelicals rarely complain about undue Catholic proselytization among evangelicals, but the opposite is not true. In many venues where it is firmly established, the Catholic Church is heavily exposed to the organized activities of many evangelical movements. Consider, for example, Brazil where many of the newer Christian churches win adherents from Catholicism on a daily basis. Their methods often employ dishonest incentives as well as anti-Catholic psychological harassment.

The threat of unfair proselytism does not occur among the older, traditional Christian churches. The Vatican II declaration on ecumenism⁸ and subsequent church documents recommend ecumenical cooperation in missionary activity. The first *Ecumenical Directory* (May 14, 1967) observed that when, among Christians, sharing of spiritual gifts is not possible and mutual respect is not evident, at least proselytism must be avoided (n. 28). In the manifold dialogues between Christian confessions, proselytism among Christians is always rejected.⁹

This point was strongly emphasized by the Third Joint Commission of the World Council of Churches and the Roman Catholic Church in its special document *Common Witness and Proselytism*.¹⁰ The Joint Commission defines proselytism as a corruption of the duty of Christian witness: "It includes any attempt to offend the right of any person, Christian or non-Christian, to be free from external constraint in religious matters, and also those forms of evangelization which contradict the will of God, who invites men and women to follow His call freely and to serve Him in spirit and truth."

The commission document emphasizes these ideals:

- A common witness is given when Christians recognize the spiritual gifts in other churches and testify to what they have in common.
- Christian witness must be coherent with the spirit of the gospel; it should not offend ongoing inter-Christian dialogue.
- God-centered Christian witness focuses on His glory and man's salvation, not on the advantage of one confession over another. It always respects the freedom of those to whom it is addressed; it never exploits their weakness or their poverty; it never offers material or social benefits resulting from a change of confession; it excludes all methods of compulsion, including the uncritical use of mass media.
- Christians bearing witness to their faith do not denigrate the faith of others. Witnessing Christians do not spread prejudices about other Christians. They do not distort their own spiritual con-



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victions the better to attract others.

The document does not reject the missionary activity of Christians in areas where traditional Christian churches are already established. This should not lead to competition, but rather to a reinvigoration of the credibility and witness of the local church. With regard to foreign missionaries, they should intervene only when the local church fails to meet the spiritual needs of its own members.

In 1989 the Middle East Council of Churches, embracing Eastern Orthodoxy, Catholicism, and certain Protestant Evangelical denominations, adopted a document on *Proselytism, Sects, and Pastoral Challenges* which expressed the wish for a "pastoral agreement" among member churches on the issue of proselytism: Any attempt to attract believers from one body to another should be replaced by a "dialogue of love." Such a positive attitude, the council held, would enrich each church with the experience and missionary zeal of the others.

IV. Proselytism as a Catholic-Orthodox Issue. Most Catholic statements on proselytism are related to the Orthodox churches simply because the Orthodox churches accuse the Catholic Church of practicing proselytism among them. This accusation emerges from the historical background of "uniatism." From the 16th century through to the 20th, most of the Eastern churches were separate, but a few chose to join in communion with Rome. For instance, in 1595 a part of the Ukrainian Church left Russian Orthodoxy. At the very end of the 17th century a part of the Romanian Church entered into communion with Rome. These changes did not require changes in faith, liturgy, or canon law. But the respective Orthodox churches refused to accept the divisions on the basis of the concept of "canonical territory." Based on this criterion and under the pressure of communist rule in 1948, the Russian Orthodox Church forced Ukrainian Greek-Catholics into the Russian patriarchate, and the Romanian Orthodox Church similarly compelled Romanian Greek-Catholics to submit to the Romanian patriarchate. Following the fall of communism, the captured churches regained the freedom to confirm their bond with Rome.

But the Orthodox hierarchy continues the accusation of Roman Catholic proselytism. The patriarchs consider the very existence of these restored Greek-Catholic communities an offense to the ecclesiastical unity of the so-called Orthodox territories. Russian Orthodoxy considers John Paul II's appointment of new bishops for the Catholic communities in Russia as proselytism.

For the same reason, the Orthodox hierarchy rejects the activity of foreign missionaries in general. At the Patmos Summit



(September 1995) 12 Orthodox patriarchs condemned both Catholic and Protestant proselytism in Orthodox countries. To such charges the Catholic Church answers that its priests do not intend to convert Orthodox Christians, but only to minister to its own members.

The Church of Rome fully respects its Orthodox sister churches and fosters loyal dialogue with them. In 1990 a joint Catholic-Orthodox commission published *A Statement on the Subject of Uniatism* which declared that uniatism was no longer valid. This position was restated in the 1993 Balamond agreement on *Uniatism: Method of Union in the Past and the Present Search for Full Communion*. The document made clear the pastoral activity of the Catholic Church in non-Catholic eastern countries does not aim to proselytize among the Orthodox, but the Catholic Church maintained the right to evangelize by honest means any person searching for faith. On their part, the Orthodox did not challenge the freedom of Greek Catholics to remain Catholic. Rather, they admitted that the Greek Catholic churches could play a role in preparing for full Catholic-Orthodox communion.

V. Proselytism Among Other Religions and Among Nonbelievers. With reference to the missionary activities among followers of other religions, many questions are at stake. Theologically, the only answer is “We have a duty to introduce you to Christ and His salvation. You are free to follow Him or not.” But in practice it is not so simple. Is it morally justified to separate somebody from their own religious tradition and thus perhaps marginalize that person within his or her native community? In the past, there has been a strong link between European colonialism and mission. Christians are seen as Europeans or as Westerners who are alien to local cultures and traditions. In India and in Muslim countries, ethnic and religious identity are often one and the same. Thus violent reactions to, and rejections of, Christian witness are still observed.

Witnessing Christian faith among believers of other religions implies a positive attitude about “all that is true and holy” in these religions. The Vatican II declaration on non-Christians religions insists that Christian witness means paying attention to the “spiritual and moral goods . . . and the values” within other religions.¹¹ The attitude of the Christian should be one of respectful dialogue and cooperation: No denigration, no coercion, no indirect incentives.

It must be said that the current philosophy of human rights facilitates to a certain extent proselytism directed at individual persons. It is understandable that native cultures in the Third World now react more or less vigorously against some prominent assump-



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tions of this philosophy based on the rights of individuals in a pluralistic society where diversity of opinions, creeds, and behaviors is seen as a positive factor in fostering social cohesion rather than threatening it. In Western legal philosophy individuals are often thought of as being isolated atoms, with no vital bond to a family, a culture, a social network, a nation, or a religious community. Liberated individuals are rather abstract entities who are supposed to decide, on the basis of their free will, all that they are going to be and to do—even their gender. Non-Western cultures definitely reject this philosophy of individualism as a kind of anthropology all too incompatible with their own cultures. In point of fact, most cultures of the world do give more attention to the social dimension of human beings; they simply cannot isolate individuals from their socially humanizing context. This is not without consequences to the very concept of freedom of religion and of missionary activity.

At present, African and Asian scholars often assume that Christian and Islamic methods of spreading their respective faiths in Africa and Asia was, historically, proselytism on a large scale. Weak cultures could hardly resist the invasions of both colonialists and missionaries whose external superiority created an imbalance with local traditions. The offer of the local people to change their religion often began a process of acculturation which destroyed native cohesion and resulted in a deep crisis of identity.

Therefore local politicians and religious leaders claim the “right to be left alone” and to have this right protected by international instruments. This right would consist of a legally recognized limitation not only on improper proselytism, but also on honest missionary work, the idea being to preserve weaker cultures from being absorbed by stronger, i.e., Western, cultures. This challenge has to be addressed. Now that the era of colonialism has ended, and with the ongoing process of secularization in the West, it can no longer be said that Christianity is to be identified with Western culture only. The West is interested in winning markets, not souls. But Christianity is, in many respects, actually opposed to the negative aspects of individualism, hedonism, and materialism propagated by popular Western culture. No Western state has any political interest in expanding Christianity in Africa or Asia. But the same cannot be said for some Islamic states where religion is identified with social and legal systems and is supported by state power. Regarding the United States, the interesting question rises whether, by linking financial aid to effective respect for individual religious freedom in nations of Eastern Europe and the Third World, the government does not indirectly contribute to the exporting of American evangelical missionaries to these countries.



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Indeed, this is a challenge for the understanding of human rights, but it is primarily a moral challenge. The point made by Africans, Asians, and Latin Americans is that the freedom to spread religious convictions does not license the destruction of traditional cultures and religions. They deplore the current philosophy of human rights which, from their point of view, fails to protect the social and cultural background in which a person grows and develops. The huge spheres of Hinduism, Islam, and Orthodoxy try to protect themselves from foreign religious influence through legal measures. Islamic law actually forbids any attempt to convert a Muslim.¹² Some Buddhist and Hindu states also prohibit proselytism. In 1992 the United Nations General Assembly endeavored to apply an internationally recognized legal limitation to proselytism with a *Draft Declaration on the Rights of Indigenous Peoples*. The document would have considered as racist any attempt to rank the relative superiority of peoples over other peoples on the basis of cultural or religious differences. In the Bangkok Declaration of 1993, Asian-Pacific states stressed that the universality of human rights has to be understood in the context of "various historical, cultural, and religious backgrounds" (Article 8). Even Western states make reservations to the international instruments they sign when international human rights conflict with national legislation. Little wonder the approach to religious proselytism differs from one culture to another.

This, however, must be emphasized: If the views reported above were all acted upon, they would foreclose further human development. Cultures naturally interact and enrich themselves with new insights. Is it possible to prohibit the propagation of ideas, including religious concepts, among indigenous peoples? Not even the *African Charter on Human and Peoples' Rights* of 1981 calls for such a radical rejection of external influence. Rather, it encourages the preservation of "positive African values" without saying a word about African religions. Nor do African constitutions built on European models mention special protections for native religions. A few constitutions only restrict undue proselytism. For example, Mauritius (1971; Section 11 5(b)) insists on the freedom to practice any religion "without the unsolicited intervention of persons professing any other religion or belief. (See also Zimbabwe, 1980; Section 19 5(b).) One could hardly agree with African claims to create a kind of protected zone of traditional culture and religion where all forms of missionary work would be forbidden. This is indeed an ethical challenge in which the theoretical principles set forth must prove to be applicable.



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VI. Proselytism and the New Religious Movements.

Catholic ethics in relation to the proselytism practices of the new religious movements maintains a rather defensive stance. Here the ethical norms are invoked to protect Catholic populations. Often inadequately accorded necessary pastoral care by their ministers, such clusters of Catholicism and other traditional faith groups are an easy ground for the expansion of the NRMs. In the last decades several statements from conferences of Catholic bishops and even from the Holy See itself have deplored the attitude of foreign missionaries enjoying massive financial support who build up new religious associations using marketing techniques and a good deal of anti-Catholic preaching. Indeed, NRM preaching is often full of denigration and hatred of what it imagines Catholic faith and order to be. In 1986 three Church of Rome dicasteries issued a document on *The Phenomenon of Sects or New Religious Movements: A Pastoral Challenge*.¹³ Though the NRMs come from different backgrounds, they are consistent in delivering their message with aggressive methods.

In Latin America, where evangelical, Pentecostal, or millennialist groups (generally from the United States) are widespread, Catholic bishops have called for renewed vigilance in their pastoral programs. Addressing the Fourth General Assembly of the Latin American Union of Twenty-two Conferences of Bishops (CLELAM) in 1992, John Paul II deplored the planned strategy of the NRMs to destroy the religious bond of the Latin American countries "with important economic resources dedicated to sustain sectarian proselytism campaigns."¹⁴

In Africa independent NRMs grow in number each day. There are more than 6,000 in South Africa alone. These groups are not ecumenically oriented. With these groups there is no common ground to discuss anything. They may win adherents by denigrating institutionalized churches or by simply ignoring them. African bishops have published a study on these new religious movements in Africa and Madagascar.¹⁵ They see the NRM phenomenon as a spur to improve the inculcation of Christianity in the African context. At the present time, however, these proselytizing NRMs show little interest in joining an inter-religious reflection on the observance of a common code of ethical norms.

VII. Conclusion. In summary, proselytism and genuine missionary work face a common enemy: closed social and cultural systems. But proselytism is the opposite of genuine missionary work. Missionary activity is ethically acceptable only if it respects others and their convictions, provides freedom to people to search



for and adhere to the fullness of truth, and freedom from pressure of any kind, either by legal constraint or personal harassment. Finally, missionary activity needs one more element: To share one's convictions with love.

Notes and references:

¹ Declaration on religious freedom: *Dignitatis humanae*, 4.

² The announcement is called *kerygma*. See also the Vatican II Constitution on the Liturgy: *Sacrosanctum concilium*, n. 6 and n. 9.

³ Declaration: *Ad gentes*, 13.

⁴ *Dignitatis humanae*, 2.

⁵ Council for the Promotion of Christian Unity (March 5, 1993; n. 23).

⁶ Council for the Promotion of Christian Unity (1997): *The Ecumenical Dimension in the Training of Pastoral Ministers*, n. 25k and n. 82.

⁷ John Paul II (December 7, 1990): *Redemptoris missio*, n. 46.

⁸ Cf. Declaration: *Unitatis redintegratio*, 12.

⁹ For instance, the Anglican-Lutheran *Pullach Report*, n. 1; and the Lutheran-Roman Catholic Commission (1980; III, 90): The end of discrimination or suspicion of partners supposes the rejection of all forms of proselytism.

¹⁰ Cf. "Report on Common Witness and Proselytism," Annex II to the Third Joint Report adopted May 1970, in *Dokumente wachsender Ubereinstimmung 1931-1982*, pp. 625-634. See also the Sixth Joint Report (1981), n. 53.

¹¹ Declaration: *Nostra aetate*, 2.

¹² Cf. *The Cairo Declaration on Human Rights in Islam* (1990; Art. 10).

¹³ Published in *Enchiridion vaticanum*, Vol. 10, pp. 252-281 (Bologna: Ed. Dehoniane, 1989).

¹⁴ Discourse at the opening session, October 12, 1992, n. 11 (in DC 1992, p. 1026).

¹⁵ SCEAM (Symposium of the Conferences of Bishops of Africa and Madagascar): *The New Christian Movements in Africa and Madagascar* (March 13, 1992) (in DC 1992, pp. 989-996).

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Latin American Perspectives on Religious Liberty: Pluralism and Proselytism

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General Considerations. The majority of religions or beliefs is immersed in a sense of the unity of the human race. But history provides more examples of man's inhumanity to man than of his kindness in the treatment of others. In some periods, organized religions have displayed extreme intolerance, denied human liberties, and curtailed freedom of thought. Many atrocities and excesses have taken place in the name of religion. Such manifestations of intolerance on the part of organized religions or beliefs are usually the result of traditions, practices, and interpretations which have formed around them. The followers of a particular religion or belief may consider themselves the only depositary of truth. Therefore, they believe, it is their duty to attack other religions.

This being the case, it is important to underline that the dignity of man is claimed to a greater degree by those who demand freedom—including religious freedom—for every human being. Religious liberty must be a part of life itself and the basis of all other fundamental rights. True religious liberty respects the most reserved spheres of a person's privacy and autonomy. Man has the right to search for religious truth. In this search, he may make mistakes, he may fall into error, or he may simply choose to remain in doubt. Regardless, he is morally obligated to follow the voice of conscience.

As a personal human right, the practice of a religion or belief supersedes the rights of the state. Far from hindering or obstructing a person's religious practice, the state must actually protect the person in his religious practice, for this is one of the purposes for which the state is established.

International law has acknowledged the right to free exercise of religion since at least 1648 and the signing of the Peace of Westphalia. In subsequent centuries this right has received protection in various ordinances. More significantly, it has been incorporated into the constitutions of many democratic states.



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The arena of religious liberty now transcends national frontiers. The limitation or restriction of a religious group in one country may impact other groups in other countries. When, for example, a religious community predominates in one nation, that community might be a minority in another. This reality must be considered within any schema of pluralistic reciprocity. This is why any solution must be a global solution.

Volatile Church-State Relationships in Latin America. We should note first the volatility of church-state relationships in Latin America—relationships sometimes marked by violence, as in Mexico. During the latter part of the 19th century, various countries (among which Ecuador, Haiti, Brazil, and Colombia) were able to sign concordats with the Holy See. But others (including Argentina, Chile, and Uruguay) were unsuccessful.

Religious Liberty Legislation in Latin America. The constitution of Costa Rica alone places no restrictions on religious liberty. Other countries—Argentina, Paraguay, and Peru, to cite just three—give the Roman Catholic Church special mention in their constitutions. Since 1980, however, when Spain adopted its Organic Law of Religious Liberty, some of the Latin American democracies have proposed new legislation.

Mexico deserves special consideration. To implement the constitutional reforms of January 1992, the Law of Religious Associations and Public Cults was enacted the same year. But religious freedom was still non-existent. Subsequently the Law of Religious Liberty was promulgated—a law similar to those passed in Poland and Russia as they emerged from communism. It—

- Prohibits non-Mexicans from running religious associations.
- Restricts the political rights of clergy.
- Prohibits religious associations and their ministers from possessing or administering mass communication media.
- Restricts religious associations in possessing real estate.
- Limits worship in general to the interior of churches or temples. When, by special permit, worship is allowed outside, the service must not be broadcast.

This law is weak on religious liberty as a concept, but for Mexico it is an advance.

Argentina has, since 1990, debated religious liberty and the need for a law which protects the existence of diverse denominations. Government bills were not supported. But a newer proposal starts by delineating rights derived from religious liberty and goes even farther than international treaties. Regardless of nationality,



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the proposal seeks to provide for—

- Assistance to religious ministers in hospitals, nursing homes, and prisons.
- Burial of the dead according to confessional traditions.
- Public preaching without censure.
- Observance of religious days and festivals.

Most of these religious liberty-based rights are similarly outlined in a law Colombia adopted in 1994 and some of them are listed in a bill Chile is considering. The Colombian law and the Argentinian and Chilean bills also enunciate rights pertaining to churches and religious associations, communities, or denominations, with reference to internal organization, free and open communication with members, designation of ministers and other religious personnel, establishment of places of worship, formation of institutes of theology, and educational and public welfare activities. The Colombian law and the Argentinian bill also address public health and the rights of third parties. Argentina's bill includes the right to own cemeteries. In any event, the only limitations these instruments impose on religious liberty are those imposed by standards of public order and morality.

In Latin America, religion is an increasingly important component of society. It makes new claims, sparks new conflicts, and issues new demands. In response, new legislation evolves. While the states of Latin America are basically secular, they can and should be encouraged to support and promote denominations and religious groups because they constitute such an essential and dynamic part of our societies.

Religious Liberty and the Argentinian Constitution. The constitutions of 1819 and 1826 and statutes adopted in 1815 and 1817 were opposed to religious liberty. But in 1853 the Constitutional Commission of the Constituent Convention debated the concept of religious liberty. Those who opposed lost. Following the reforms of 1994, the Constitution of Argentina preserved (1) the right of every person, citizen or alien, to profess freely his or her religion; and (2) the principle of privacy which holds that "men's private actions should by no means disturb public order or morality, nor prejudice a third party. Men's actions are reserved to God and are therefore exempt from the authority of the magistrates." A code was written to protect against any public action or neglect which would alter, injure, or threaten rights guaranteed by the Constitution, determined by a treaty, or stated in a law; and any form of discrimination. The 1994 reform abolished the 140-year-old requirement that the president and the vice president



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be Roman Catholics, and further, they are now free to take their oaths of office according to their own religious beliefs. (How an agnostic or an atheist would be sworn in remains unresolved.)

New Religious Movements in a Pluralistic Schema. Not only in Argentina and throughout Latin America, but around the world, we now note a degree of uneasiness regarding the rise of “free religious movements” or “new religious movements.” Society often demands juridical answers to questions made worrisome by politicians, legislators, and journalists who frequently express their opinions in ways that reveal a lack of seriousness and real preparation. The so-called new religions (pejoratively identified and differentiated by some from a state’s predominate historical or traditional religions) are also called alternative religious movements, marginal religions, cults, or (worst of all) sects. Moderates prefer to use a term which is thought to be impartial, neutral, and precise, but which is no less discriminatory: new religious movements.

In various ways and in various places, the secular world has approached the “sect” problem:

- The 1983 report of the French prime minister (the Vivien Report).
- The 1984 report of the European Parliament (regarding the activity of certain religious movements in the European community).
- The 1989 commission created by the Spanish courts to investigate the “phenomenon.”

The term “sect” presents certain semantic and epistemological difficulties. It originates from the Latin *sequi, sequere, sectare* (to follow, to separate, to cut). “Sect” refers to the separation of a particular doctrine from a general doctrine. The word has had different meanings in history. During the Apostolic period, it referred to “Christians,” those (first Jews, then Gentiles also) who in following Jesus Christ were separated from Judaism in general. Today “sect” has many applications depending on whether the term is used in a juridical, psychological, sociological, or theological sense. In Latin America and in Western Europe, “sect” is usually used in a pejoratively discriminatory sense. Not necessarily so in other regions. For instance, in Japan religions with origins in Buddhism and Shintoism are often referred to as “sects” in a non-pejorative way.

To avoid confusion, it is important to understand the perspective from which the issue of “sects” is addressed. One might approach the subject from the particular perspective of the religious believer. Or one might examine the matter from the perspective of the government: Relative to “sects,” what are government’s limits?



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what limits shall it set? what legislative action shall it take? But, as a secular institution, the state must not act as a judge of beliefs because this will lead to the curtailing of religious liberty. Rather, government must respect the nation's religious trends including the majority denomination, the historical or traditional denominations, the minority denominations, and the new religions. All are entitled to all the rights of religious freedom which is the cornerstone of all human rights.

At the same time, no organization purporting to be religious and claiming the rights of religious freedom has any right to criminal activity. Groups which exploit religion for illegitimate gain or violate the fundamental values of individuals and of society as a whole are deserving of a specifically penal reproach. It is simply untrue to state that society is defenseless before the advance of religious or pseudo-religious organizations which resort to criminal activity. There are laws which, if appropriately applied, are sufficient for a legitimate response to the majority of cases. So then, within carefully drawn parameters, the state may seek to identify the behaviors frequently related to certain religious organizations. Do the behaviors contravene the juridical values the state should protect? Do the behaviors in fact violate religious liberty? (Some religious groups are known to block complete liberty for their members.) Certainly such state action is critical. Consider, for example, a group of persons living in a house, secluded, without exterior contact, sharing their time in prayer and in works for the benefit of the world outside their doors—works for which the members of the group receive no remuneration. We could be looking at a strange cult of fanatics—or a venerable community of monks.

Limitations of Criminal Law Relative to the Issue of Sects.

Argentina's penal code lists crimes that are regularly attributed to religious organizations. Among them are—

- Assault and battery (“to harm a person’s body or health”): Applicable to sects whose actions cause or result in malnutrition or psychological damage.
- Violation (including “intimidation of the victim”): When committed by a priest or other religious leader, it may have an aggravating effect.
- Promotion or provision of prostitution; corruption of a minor: These offenses become aggravated when they involve coercion, intimidation, or misuse of authority; or when the offender is the victim’s guardian or teacher.
- Slavery.
- Deprivation of personal freedom: Penalties may be in-



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creased when it is committed by threat or “with religious objectives,” or by an individual to whom the victim owes a particular respect; or when the deprivation continues for more than one month; or when the victim, or a third party, is obliged to do or not to do or to tolerate something against his or her will.

- Abduction of a person (kidnaping).
- Interception of correspondence: Sects are often accused of isolating their followers and preventing them from communicating with relatives and friends outside the group.
- Public disturbance: The code specifically considers the disturbance of worship services.
- Fraud: The swindling of followers to deprive them of their possessions.
- Illegal practice of medicine.
- Cruelty to animals.
- Usurpation of authority, honors, or titles: Committed by phony religious ministers.
- Use, possession, distribution, or production of narcotics.

I would point out that among the juridical values Argentina’s present code seeks to protect, there is one unstated fundamental value which many religious groups violate directly: religious liberty.

Recognizing that being “religious” is not a societal negative, but a positive, it follows that religious expression and religious manifestation ought to be protected in a special way. Offenses against them deserve a greater penalty. We protect artistic, cultural, and historical values. Religious values should also be protected.

Proposed Penal Code Revision. In June of 1995 the Executive Branch of the Argentinian government sent Congress a new bill specifically crafted to protect, without exception, religious liberty in general and freedom of worship in particular. If passed, the bill would penalize anyone who—

- Impedes a person from practicing his or her faith or attending worship services.
- Compels a person to cease practicing his or her faith or attending worship services.
- Forces a person to accept or to renounce a religious denomination.
- Assaults a minister while he is fulfilling the functions of his or her office.
- Impedes or disturbs a religious ceremony or a funeral.
- Profanes a worship place or a sacred object or vandalizes a sepulcher, grave, or corpse.

These offenses would be deemed aggravated if committed by



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religious ministers of any denomination.

The bill directed the setup of an efficient mechanism for the protection of religious liberty. It defined the government's relationship with churches, denominations, and religious communities. It guaranteed, and then applied, principles and rights delineated in the Constitution and in the international instruments ratified by Argentina: the Pact of San Jose (Costa Rica); the International Covenant of Economic, Social, and Cultural Rights (1966); the International Covenant of Civil and Political Rights (1966); the Convention on the Rights of the Child (1989); and the United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981). Remarkably, the bill omitted all references to "sects" on the premise that there is no juridical definition of what the term really means. Finally, the bill called for the government to replace the existing system of obligatory registration of religious denominations with voluntary registration.

Unfortunately, by March of 1997 it had failed to garner any Congressional support.

Proselytism and Inter-Confessional Relations. Mutual respect and continuing dialogue are the fundamental principles of cordial inter-confessional relationships. Proselytism—the activity of one religious community seeking and acquiring new members from another community—is an issue that strains inter-confessional relations. But every religious organization should recognize the individual's right to choose or not to choose a religious faith, or to modify his or her faith. Here are some suggestions for reducing inter-confessional friction resulting from proselytism:

(1) Only when the potential proselyte is fully informed on doctrine or ideology can he or she choose in complete freedom. Children and youth must be given special attention. The right of parental or guardian intervention must be accorded particular importance.

(2) The denomination receiving a new member must be humbly mindful of the personal effects this change may have in an individual. The receiving denomination should resist arrogance.

(3) The denomination losing a member shall not condemn the person nor act against him or her with animosity. The losing denomination shall, instead, evaluate every reason the person provides for this important change in lifestyle.

(4) No advantage, material or otherwise, shall be offered as an inducement either to leave or to stay.

Tensions may rise among denominations over mis-perceptions of doctrinal requirements for membership. Here are some examples:



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- (1) A church requires its adult proselytes to be baptized again notwithstanding they were baptized as children in the former church.
- (2) Some denominations hold that the marriage of their members to persons of other denominations amounts to proselytism.
- (3) The union of certain oriental churches with Rome is considered by Orthodoxy to be the fruit of proselytism. Catholicism makes the same point regarding oriental churches in the Orthodox camp.

Denominational Positions Regarding Proselytism. According to Pope John Paul II's apostolic letter *Ecclesia in America*, the Catholic Church censures proselytism that wins people in ways not respectful of their liberty. In its own evangelizing action, Catholicism asserts, such methods are excluded. Catholic evangelism is said to respect the conscience of each individual. The pope's letter states, however, that the Catholic Church cannot view with indifference the evangelistic advances of new religious movements in the Americas. These advances require the church in each nation of South America in particular to undertake a serious study to discover the reasons why so many Catholics are abandoning the faith. I should emphasize that the Catholic Church rejects all religious discrimination and persecution. Religious differences should never be a cause for violence or war. To the contrary, the peoples of diverse denominations should be motivated by their faith to work together for justice and peace.

The Lutheran Church believes that proselytism (the calling of persons to become disciples) is essential to the identity and the mission of the church. And this is true independent of the church's majority or minority status. The ecumenical character that marks Lutheranism indicates it considers positive Latin America's ecclesiastical and religious pluralism. People are free to respond to the propositions of a particular church without causing a confrontation with other churches. In Article VIII of the Augsburg Confession, the Lutheran Church rejects the position that church membership is a privilege reserved for those considered ritually and morally pure. Lutherans question the concept of the church as "granter" of salvation when it ignores community and social needs whose fulfillment is intrinsic to the call of the gospel. But they support the premise that a church challenged by new religious ideas should revise its structures, its priorities, and its methods of communicating the gospel. I would note here that the proliferation of religions and the success of proselytizing efforts in Latin America indicate the existence of a demand for the spiritual that is not being addressed adequately. In the context of pluralism, ecumenical Christianity may not meet all religious needs. Thus the Lutheran response seeks to



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face this challenge not by blaming anyone, but instead by making its message more accessible to the vast sectors of society.

The Baptist term for proselytism is “evangelism.” Baptists apparently distinguish between “evangelism” and “evangelization.” The first represents the specific process by which the gospel is preached to a person with the objective of converting him or her to Jesus Christ and thus gaining eternal salvation. (Baptists reject proselytism that “buys” converts to their churches. On the other hand, Baptist churches have historically resisted the manipulation of their own members by other organizations seeking converts.) Evangelization stands for a more involved process which includes the action and the testimony of either or both individuals and churches as they relate to the world. It is common for each Baptist church to sponsor activities, campaigns, and programs to promote an evangelistic spirit among the believers and in the community. To accomplish the same purpose, associations, or conventions, of Baptist churches evangelize on a regional or national scale. In 1998 the president of the Baptist World Alliance, Dr. Fanini, and the BWA’s general secretary, Dr. Denton Lotz, were able to meet with Pope John Paul II who was visiting Argentina at the same time. The pontiff asked the Baptists to exclude Latin America from their evangelistic efforts because, according to the pope’s definition, Latin America is a Catholic continent. In response, Dr. Fanini noted that most Latin Americans are indeed Catholics, but in name only; thus they do no justice to their declaration of faith, but actually live as unbelievers. Dr. Fanini expressed the view that Latin America cannot be identified as either a Catholic continent or an evangelized continent, but a continent with a great need to hear and respond to the message of Jesus Christ.

We turn now to Judaism. Its attitude toward proselytism ranges from total opposition to full support. When Rome’s Christian emperors executed converts to Judaism, proselytism was dangerous not only for the Jewish convert but also for the Jewish community at large. Now new factors have entered the situation. The risks that accompanied conversions in times past have largely disappeared. As in ancient times, Jews still demonstrate their solidarity and understanding with every person searching for answers to the basic questions of life and faith—questions that may not be answered by the religion of the person’s parents. It would seem, however, that most converts to Judaism are motivated more by the desire to marry a Jew than by religious conviction itself. Are such conversions valid? The general practice is to accept them as long as there is some indication during preparatory studies of a sincere desire to embrace Judaism. Experience shows that many such con-



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verts reach a level of devotion to the faith even greater than those born in it. Orthodox Judaism recognizes the authority of Israel's Superior Rabbinate and its court which, regarding conversions, have set precise regulations as well as general criteria to be considered by the various rabbinates throughout the Jewish diaspora. The recommended approach calls for converts to Judaism to be prepared in Israel itself. Living with adoptive families, the proselytes learn the Hebrew language and absorb the traditions of the Jewish people. I must note that Argentina's Jewish community maintains a significant social presence in the nation. The Jewish population is smaller in other South American countries.

From the end of the 19th century onward, Muslim immigration has resulted in the dissemination, establishment, and stability of Islam in Latin America. Since the 1970s Islamic proselytism has enjoyed a more accommodating atmosphere.

The Seventh-day Adventist Church supports the concept that proselytism should not be used as a verbal weapon in religious wars against other denominations—wars marked by dispute, division, and malice. It asserts that the employment of false and intimidating methods of evangelism represents the corruption of legitimate witness and an immoral abuse of religious liberty. Additionally, the Adventist Church believes government is not competent to decide if its testimony or witness is valid, unless, of course, its methods of evangelism are shown to violate non-religious legal norms such as laws against defamation and disturbance of the peace.

In Argentina and throughout Latin America, members of the Church of Jesus Christ of Latter Day Saints conduct missionary work. The main function of Mormon missionaries is to give to others a personal testimony of Jesus Christ, encouraging them to turn to God and become a part of God's family—and this work produces the majority of converts. To find interested individuals and families, Mormons go from door to door. They also preach in public plazas and other places.

Challenges to Proselytism in the 21st Century. Proselytism has to be considered a factor in religious intolerance. The term itself presents difficulties of interpretation. Each denomination has its own definition, but may not appreciate another denomination's understanding. For example, when a large religious organization shares its faith, this is described as "evangelism" or "missionary activity." But when the same thing is done by a small group it is often accused of "proselytizing." In general, inter-religious proselytism refers to an individual's changing from one religion to another or



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from one denomination to another. Ecumenical proselytism is simply a call to follow Christ, irrespective of denomination. I describe sectarian proselytism as the acceptance of an offer made by an individual, or an offer based on Manichaean syncretism. Indeed, “proselytism” has a negative connotation since it is usually associated with aggressive campaigns to “win” persons of other religions. Proselytism, therefore, must categorically exclude—

- All forms of violence and psychological pressure that tend to diminish an individual’s personal judgment, free will, and full possession and control of his or her faculties. (But it is important here to reference the degree of abuse the mass media may inflict on the whole business of proselytism.)

- Every offer, open or concealed, of material advantages, permanent or temporary, as an inducement to change from one religious denomination to another.

- Taking advantage of the potential convert’s personal situation—his or her need or weakness.

- Utilizing a non-religious motive—a political motive, for example. (In this context, a nation’s majority religions must not resort to economic, legal, or social pressure to diminish the freedom of minority religions.)

- Every unjust and self-serving reference that disparages the convictions of faith or conduct of other religious communities as a means of trying to win their members. (This is important: We must avoid comparing the perceived strengths and ideals of one community with the perceived weaknesses and lack of ideals of another community. Every effort should be made to maintain mutually friendly respect.)

Proselytism was at the center of the 1972-98 International Catholic-Pentecostal Dialogue. It concluded that proselytism exists because—

- There is no common understanding of “church.”

- Both Catholics and Pentecostals have acted and reacted, attacked and counterattacked. (Does not such behavior cancel any claim to being members of the unique body of Christ?)

- There is no unity.

The dialogue’s final document described proselytism as disrespectful, insensitive, and unkind. Proselytism is something to be condemned—at the least, avoided—because it is an illicit, unethical activity not to be likened to evangelism.

If this is a correct definition, then as time goes on, proselytism itself may indeed constitute a threat to religious liberty and peaceful coexistence.



Appropriate Proselytism in the Framework of Religious Liberty. Religious liberty is based on two fundamental suppositions:

- All human beings are equal. (The corollary: All religious beliefs and their associations are civilly equal.)
- Equality rules out all forms of discrimination. (Therefore, notwithstanding size or seniority, all denominations have an inherent right to practice and to spread their faith.)

Accordingly, we must consolidate and strengthen the principles and recommendations recorded in the August 1998 Declaration of the Oslo Conference on Freedom of Religion or Belief. (I had the honor of being one of the presenters at that conference.) The Oslo Declaration is based on the United Nations Universal Declaration of Human Rights (1948) and the Declaration on the Elimination of Every Form of Intolerance and Discrimination Based on Religion or Belief (1981).

I affirm the imperatives for concrete action to protect religious freedom as stated by International Religious Liberty Association Secretary General John Graz at the Bar Ilan Hebrew University of Buenos Aires in October 1998:

- In schools and places of worship, promote religious liberty according to Article 18 of the UDHR.
- Cultivate tolerance and dialogue among religious denominations.
- Avoid stereotypes and generalizations: “All Muslims are extremists and terrorists.” “All Roman Catholics are part of the inquisition.” “Protestants are really members of dangerous sects.”
- Ensure that religious institutions and governments can accomplish their unique missions on the basis of a respectful separation of church and state.

There is in Latin America at this time a general determination to legislate in religious matters. How shall laws include an appropriate interpretation of religious proselytism without infringing—even eliminating—the rights of religious organizations, majority and minority? Those who respect the fundamental liberties of the individual and recognize religious pluralism as “evangelization” for some and “missionary activity” for others will insist that all legislation must include three pillars: the religious freedom of every individual, the autonomy of all religions as they relate to the state, and for both, equality and fairness.

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Proselytism in European Union Law

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I

(1) Proselytism is a “yes” and a “but.” It is a human right to spread one’s faith. Everyone has the right to act according to one’s belief. Everyone may speak freely about what he or she believes. Everyone may try to convince others about the truth of what he or she says. Everyone has the right to gather new believers. Everyone has the right to change his or her religion. All this is part of religious freedom—a part of it, but not all.

Without doubt, this is true within the European Union. Although EU law has at present no direct, explicit provision for religious freedom, religious freedom remains strong in its legal framework.

Thus proselytism, as a part of religious freedom, is rightly included in the common constitutional traditions of the member states of the EU. All member states protect religious freedom constitutionally and throughout their legal orders. This entails the right to spread one’s faith, to try to convince others, to gather adherents. (Even Greece’s penal law against proselytism is no exception to this fundamental law.) Moreover, undergirding the legal order of all the EU member states are the international covenants on human rights: Article 18 of the Universal Declaration of Human Rights; Article 18 of the Convention on Civil and Political Rights; Articles 2 and 13 of the Convention on Social, Economic, and Cultural Rights; the 1981 UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief; as well as other international conventions and declarations addressing freedom of religion or belief.

Another important source of protection of proselytism is Article 6 of the European Convention on Human Rights. The fundamental rights and freedoms expressed therein form part of European Union law:

Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to change his religion or be-



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lief, and freedom, either alone or in community with others, and in public or private, to manifest his religion in worship, teaching, practice, and observance.

Clearly, EU law owes much to the UDHR's religious freedom clause. The wording is virtually identical.

Any draft of an EU Charter of Human Rights (a project suggested by the ongoing EU presidency) will certainly include a provision for religious freedom as have all earlier EU declarations on human rights. Failure to include such a provision would constitute an unprecedented disruption of constitutional history.

(2) No freedom stands alone. Every freedom is part of a system of freedoms and duties. Respect for the plurality of human life requires limits to individual freedoms—to foster freedom itself. The question in Europe is not whether there is freedom; the question is where it ends, how it is balanced, what level of importance shall be attributed to any one right, freedom, or interest. The answer must rise from within the systems of traditions and histories, sets of values, ways of life, emotions, fears, and unique experiences of a specific people.

The European Court of Human Rights (which time and again has held proselytism a part of religious freedom, to be protected as a fundamental right) interprets Article 9 of the European Convention on Human Rights thus:

Freedom to manifest one's religion or belief shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interest of public safety, for the protection of public order, health, or morals, or for the protection of the rights and freedoms of others.

Referring to the 1956 report of the World Council of Churches, the European Court of Human Rights distinguishes between proper and improper proselytism. The latter is a corruption, a defamation, of religious witness. It may include the offering of material or social advantages with a view to gaining new members for a church. It may unduly pressure people in distress or in need. It may even resort to brainwashing (a crude concept) or violence. In general, such methods of proselytism are seen as incompatible with the ideal of respect for the freedom of thought, conscience, and religion of others. (On this point, see the line of reasoning in Greece's *Kokkinakis* case.) We should note, however, that offering a better life, materially or socially, is not, per se, legally improper. Indeed, a better life may be the result of adherence to a particular religion.

The European Court of Human Rights is an international court. Its jurisdiction differs from that of a national court. It has to respect different sets of values, different experiences, and certainly different



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human sovereignties. Wisely, the court has thus far recognized that the process of European integration would be harmed if it went too far in imposing a legitimately debated set of values everywhere alike. Thus the court has consistently held that a certain margin of discretion is to be left to the member states in assessing the existence and extent of the necessity to interfere in the right of proselytism.

II

(1) Why is it that, in many languages, the word “proselytism” has such a bad sound? Why is it so politically incorrect? In Germany and in many other parts of Europe, the translation of the term “proselyte-making” is a four-letter word. This is certainly not because of a lack of religious freedom, nor is it a reflection of anti-liberalism. There are historic reasons emerging from profound, long-term experiences.

“Proselyte-making” carries the memories of endangered peace among religious denominations. It goes back to the religious wars of the 16th and 17th centuries that devastated Central Europe, leaving two equally weak and exhausted churches. The precarious peace that followed was established on the basis of equality—on the equal protection of the two major religious denominations. Catholics and Lutherans—with the Reformed Church being attributed to the Lutheran side—gained equal right of access to public institutions. For example, each had the same number of judges on the empire’s Supreme Court. This pattern was also followed at lower levels of public office. During the year 1628, set as the normal year of equality, balance, and stability, those who were Catholic could choose to remain Catholic or they could convert. The same right applied to Protestants. Freedom of religion was granted in so far as public authorities could not force anyone to change his or her religion. Accordingly, any attempt by either side to “make proselytes” endangered the balance. It was seen as giving one side an advantage over the other, thus threatening Central Europe with the resumption of a bloody war. In other parts of the Continent, everyone knew of the danger. Ever since, the unity of Christianity has remained a major aim, not by making proselytes and thus bleeding down the other side, but by uniting the confessions as a whole through social change.

(2) And the social situation has changed, indeed. There is no imminent danger of a religious war between Catholics and Protestants. But what about the Orthodox? Do they not actually fear proselytism more than they do the real membership statistics of other religious organizations? The Orthodox seem to see their own role in many of the eastern European countries as quite different



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from that of any other particular religion in any other particular part of the world. Since the fall of communism, Orthodoxy is one of the major ideological and cultural factors integrating those societies.

(3) To apply and implement international and regional legal provisions on religious freedom in an adequate manner, we will need to analyze the role of religion in society intentionally and sophisticatedly. To ignore this need is to endanger the integrity of a culture, the members of which may take as a threat to their pride and power, even their very existence as a people. For a society in search of a new identity—uncertain and subject to being easily hurt—will be the more sensitive to what, rightly or wrongly, it perceives as a threat. Thus religion, sublime though it may be, remains a major factor in uniting Europe. Orthodoxy cannot be excluded. Neither can Islam. The unification of Europe is a question of future peace or future war—with war being the natural enemy of freedom, the long-cherished value. Accordingly, we can never impose values by force. They must be adopted by conviction.

(4) I once heard an Orthodox patriarch insist on the territorial rule of religion. Then I heard another ask him this question: “Your Eminence, what would you answer to someone who believes God has sent him or her to make new followers? Should not such a one be free to do so?” The patriarch did not answer. Certainly he should have been in favor of freedom. But afterwards I asked myself: *What if someone really believes that God has sent him or her to keep His flock and to accomplish this by excluding any missionary offering new beliefs? Should not that person's religious freedom be the same?* The lawyer has to find a way for both—for peaceful and fruitful coexistence.

Proselytism entails a specific concept of religious freedom which can also be seen as a specific limitation of religious freedom: It does not allow any religion to prohibit change. This limitation is a serious matter for those religions which do not accept the right of an individual to abandon one's faith and then perhaps adopt a new one. Similarly, it is a serious matter for those religions which hold that no one has the right to remain without a religion.

The theological precondition to the right of proselytism is that true belief and true worship is possible only by individual choice—by the completely free will of the individual person. There are still many who believe that freedom is just another word for “nothing left to lose.”

(5) When we speak about the free market place of religious ideas, we should be careful not to overstress words and pictures. The market place too needs its own rules and structures, its unspoken preconditions, its common consensus, its do's and don'ts. In



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the field of religion, do we really want consumer protection laws? fair competition regulations? anti-trust provisions? A free market presupposes equal access to available resources, but some markets seem to have all the money, while others do not have even a chance. I would not be misunderstood. Freedom will flourish where people believe in it. Implementing human rights means convincing people, not controlling them with sanctions. Freedom be the friend, not the foe. If ever freedom is felt to be a threat, freedom fails. Specifically, the way missionaries use their freedom contributes to the way their freedom will grow—or cease.

(6) Gone are the times when human rights in general and religious freedom in particular were endangered only by the state, the government, or some other public authority. The situation today is more complex. Human rights are deemed to be under attack by other powers—by groups within society. People correctly expect government to be their ally in defending that which is right and good against infringements by other people. So it is only a step from this position to another—a position that asserts the right to raise their children in their own religion not only free of governmental threats, but also free of action taken by other religions which might result in the alienation of their children. Moreover, some feel it is their right to maintain their religion free of any perceived threat coming not from government, but rather from another religion itself—one that is rich and powerful and persuasively tempting. To understand this does not mean to agree with it; to understand is just the first step in search of a common perspective.

(7) Proselytism properly practiced is part of religious freedom—a part not to be forgotten. Nor should it improperly prevail or override other parts. Religious freedom is something broad, something deep. Religious freedom means to pray and to preach, to act according to belief. Religious freedom means running hospitals and schools, to have one's place in private and in public. It means one who wishes to do so may live in quiet peace. And religious freedom also means gaining followers, growing the flock. When one decides to help religious freedom grow one must see on the horizon the whole range of possibilities. With regard to proselytism, one possibility is the development of a code of conduct. But for any such code to flourish, to be of use to society for the protection of religious freedom, it must be developed by the very people it will impact.



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Proselytism and Religious Freedom in Spanish Law

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(1) Safeguarding the right to free expression of religious belief and thought. This analysis of proselytism and Spanish law begins with the Constitution of 1978 which clearly placed Spain's democratic values in the West. The safeguarding of human rights—freedom and equality for every individual and for all groups—became, and continues to be, the main piece of the political system. Spanish law guarantees freedom of expression in two ways that provide full protection in the courts: Internationally through Spain's ratification of the international covenants on human rights—universal¹ and European;² and domestically through the Constitution and laws and statutes. The Constitution assigns a double role to the international instruments. They are part of Spanish law and as such they should be directly applied by the courts and by civil servants (Article 96.1). Within the Constitution, they also play an interpretive role regarding human rights (Article 10.2) because they have the same force as domestic laws and statutes derived from the Constitution. This has the effect of avoiding contradictions in legal texts.

Regarding the issue of proselytism, the Spanish Constitution proclaims “the right to freely express and disseminate thoughts, ideas, and opinions by word, in writing, or by other means of communication” and guarantees that “the exercise of these rights may not be restricted by any form of prior censorship” (Article 20.1 and 20.2). In the realm of religious belief, Article 16.1 generically guarantees “freedom of ideology, religion, and worship of individuals and communities.” This right is developed by the General Act of Religious Liberty (July 5, 1980). Essential to the right of religious freedom are the right of “change or relinquishment of their faith,” the right to “freely express their own religious beliefs or lack thereof, [or] from making any statement in such regard,” and the right to “receive and give religious teaching and information of any kind, orally, in writing, or any other means.” Churches have the right “to promulgate and propagate their beliefs . . .” (Article 2).



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As with all other fundamental rights, the right of religious freedom does have its limits. Article 16.1 of the Constitution states a single restriction: It “may be necessary to maintain public order as protected by law.” Article 3.1 of the General Act of Religious Liberty treats the concept of public order similarly to the international covenants by defining the elements of public order as “the right of others to practice their public freedoms and fundamental rights of public safety, health, or morality.” With regard to the eventual determination of proselytism as “illicit,” Article 2.1.b of the General Act of Religious Liberty refers to the right “to be free from any obligation to receive spiritual support or participate in religious services that are contrary to their personal convictions.”

(2) Punishing illicit proselytism. Through the centuries that Roman Catholicism was the religion of the state, the Catholic Church, with state support, punished any person who held to a doctrine or a thought the church considered heretical—against the official teaching of the church. At the beginning of the 19th century, special courts continued to consider “religious offenses,” submitting the country to a narrow view of Catholic orthodoxy and closing it to liberal and secular views prevalent in Western societies since the 17th century. The Penal Codes of the 19th and 20th centuries prohibited the expression of doctrines opposing Catholic dogmas. There was one brief exception: the Second Republic’s Penal Code of 1932. But during the Bourbon Restoration and the regime of General Franco, the Church of Rome was Spain’s established church. Accordingly, the state banned all public worship and activities of other religious groups. The Franco regime did not count propagation of non-Catholic religious views as a penal offense, but as a misdemeanor against public order punishable by fine. Generally speaking, until 1967 all external activities of non-Catholic groups were considered “illicit proselytism” subject to governmental sanctions.

The first small recognition of conditional religious freedom for certain religious groups came when the government issued the Religious Liberties Act of June 28, 1967. It allowed external activities of non-Catholic groups—including the expression of belief, but only with the limits of Catholic dogma or morality. For the first time, “illicit proselytism” was specifically defined and distinguished from “licit proselytism” as practiced by the non-Catholic groups and now protected by the law. Article 2.2 stated: “Those acts shall be considered specially dangerous which, in any way, resort to physical or moral coercion, threat, gifts or promises, deceit, invasion of family privacy, or other illegitimate means of persua-



sion, in order to obtain followers for a certain belief or religious group, or for the diversion to other religions or beliefs.”

Directly resulting from this new law was the creation and definition of a new crime listed in the Spanish Penal Code.³ In 1971 the Penal Code was amended in an effort to conform it to the 1967 Religious Liberties Act. A new Article 205 was enacted which set punishment for “those who force or prevent the attendance to a religious worship by threat, violence, or any other legal constraint” (Paragraph 1) and “those who . . . use . . . threat, violence, gifts, or promises, in order to obtain followers for a certain belief or religious group, or for the diversion to other religions or beliefs” (Paragraph 2). The crime of illicit proselytism as defined in Paragraph 2 is thus a special crime carrying a higher sentence against those who make threats or use coercion. Thus far, scholars have not considered critically whether this crime, with few variations, is actually being perpetrated.

For certain, the Penal Code Reform of 1983 provided for the punishment of the illicit proselytism of “those who [using the same means as referred to in the first paragraph: violence, intimidation, force, or any other illegal constraint] force another or others to practice or attend acts of worship, or to perform acts revealing the profession or otherwise, of a religion, or to change their religious beliefs” (Article 205.2). This last phrase—“force[d] to change their religious beliefs”—has been identified by scholars as “illicit proselytism.” Regarding the “means” of the crime (essentially they are the reasons for legal sanctions), Article 205.2 eliminated the “gifts or deceit” that had appeared in the 1971 version. Legislatively, this must be considered a positive action because the inherent difficulties in precisely defining “gifts or deceit” as a crime jeopardized citizen security.⁴ In the opinion of many scholars,⁵ however, the law served to protect the individual—believer or nonbeliever—from physical aggression against his or her freedom. “Violence” or “intimidation” must be understood in a restrictive way. So the law does not cover eventual attacks on internal freedom by, among other methods, mental control, the use of narcotics, and hypnosis. This then is a legal loophole. But these methods could be punished by application of the common penal definition of “threats or coercion.”

Spanish society worries about the actions of the “new religious movements” (NRMs), often pejoratively described as “dangerous cults or sects.” A common accusation against these groups is that they gain followers by manipulation of conscience. Thus the 1995 Penal Code, which already defined physical coercion as a method of illicit proselytism, added provisions for dealing with religious groups which use violence and alteration or control of personality.



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(With regard to the earlier regulation criminalizing individual illicit proselytism, the present regulation has not really changed.)⁶ Overall, the inclusion of techniques of mental manipulation as forms of criminal proselytization is remarkably important. It is clear that this crime has its roots in the social controversy over “cults” and “sects.” As Article 515.3 states: “[I]llicit associations . . . shall be considered . . . [as] those that, despite having been established for licit purposes, use violent means or personality alteration or control to achieve [their] purposes.” But the wide meaning of the terms “personality alteration or control” places at risk the security and the presumption of innocence of both individuals and groups. I think that the decisions of the courts will depend on the testimony of psychiatrists—testimony that tends to be variable and subjective simply because of the unmeasurable subject psychiatrists deal with: the human mind. In the end, Spain’s courts of justice will be the institutions that interpret these imprecise terms and apply the punishment. Therefore it is important for us to consider now how the courts have dealt with cases of illicit proselytism.

(3) Court cases involving illicit proselytism. Without doubt, there is one meaningful fact in this issue: Since 1971, when illicit proselytism became a crime in Spain, there have been no trials and no convictions of any person accused of compelling another person to change his or her religion—to convert to a different religion. Many are the reasons for this, but one is particularly clear: It is difficult to prove that the conversions were effected by the use of methods punishable by law: violence or physical coercion. There just has not been enough time to discover if any NRM could be convicted under Article 515.3. One can only hope that as society continues to support court decisions based on fact rather than personal opinions about belief systems and to recognize the difficulties inherent in proving the existence of manipulation of conscience, that this “crime” will remain unprosecuted. Nevertheless, it is surprising indeed that in certain cases, while the courts established that religious leaders exercised mental control over and caused psychic injury to their followers, the courts did not try the leaders, much less find them guilty of illicit proselytism, threat, control, or any such crime, and hold them responsible for damages. In penal law, psychic control is only taken into account in order to attenuate the criminal responsibility of an individual belonging to a religious group.⁷ This principle is an advantage to a defendant who acted under the pressure of the leader of a religious group considered by society to be a “cult” or a “sect.”

On December 21, 1989, the Barcelona Provincial Court con-



victed several male members of the Rashimura group of falsifying a public document.⁸ In the Civil Register the defendants were recorded as the fathers of their children, but evidence presented during the trial proved that the children had been conceived by the leader, Rashimura. The court applied a partial exemption on the grounds of mental alienation and reduced the sentences. In the opinion of the court, “. . . [T]he accused suffered what science calls ‘coactive persuasion syndrome.’ Because of the intensive teaching to which they had submitted themselves, they had a highly altered perception of themselves and their relationship to society. They got to that state through a program of continuous oral instruction and deprivation of both food and sleep. All of this significantly altered their intellectual and volitional faculties. . . .”

In another case in Barcelona (July 16, 1990),⁹ the court exempted members of the Esoteric Research Center (the leaders of which were imprisoned for “professional intrusion” and “cooperation with crimes of prostitution”) because of “the situation of absolute dependence and mental control the CEIS leaders held over them.” Said the court: “[On the basis] of the most absolute mental annulment through the use of control techniques, it seems evident [that there] exists the abuse by superiority as a coactive practice to [convince] a person to prostitute himself.”

Among other cases is one from a Madrid court (October 31, 1990)¹⁰ which absolved two members of the Church of Scientology of stealing. The court concluded that “the proven evidence . . . [is] a consequence of many crimes committed by individuals belonging to Dianetics/Scientology and its affiliate organizations, resulting in (as the witness in the oral argument has testified) not only mental blockage, disconnection from reality, and rejection of everything foreign or external to the organization, but also bribery, extortion, rape, sequestration, robbery, theft of public documents, forgery, confidence games, and false accusations and charges.”

The following observation, therefore, cannot be ruled out: In these decisions the judges may have been influenced by societal suspicions that at least some of the new religious movements compel totalitarian submission to the leader, gather funds by dubious means, and use techniques of mind control to weaken the will of their followers. Such suspicions do apply to the traditional churches. Therefore they reflect prejudice. And if judges let prejudice influence their decisions, they are not impartial in their function. As institutions of a secular state, courts are prohibited from giving more or less judicial weight to the doctrines or beliefs of some religious groups than to others. To do so can lead to decisions that are not based on the proven facts of the case. An exam-



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ple is found in a Supreme Court ruling delivered March 27, 1990.¹¹ A male Jehovah's Witness removed the blood transfusion line from the arm of an unconscious and hemorrhaging female Jehovah's Witness and prevented the hospital from further treatment. The woman died. The court found the man guilty of manslaughter. But the court's decision indicated that the judges' consideration of the belief system of the Witnesses had prompted mitigation: "The dogmatism and inflexibility of their moral framework . . . gives . . . an absolute value . . . over the freedom of conscience and the right to life. The radical [nature] of these beliefs that authorize the sacrifice of, or put at risk, the lives of worshipers . . . may provoke, and in fact has provoked, the loss of the will and the confusion of the mind, and may lead to a situation characterized by a psychological disturbance that reduces the individual's capacity to be culpable." In my opinion, the court's decision was based on a pejorative misunderstanding of the beliefs of Jehovah's Witnesses. Thus it violated the rules of a secular state and the ban against placing value judgments on citizens' ideology and belief systems. The logical extension of the court's decision is to conclude that every crime committed on the basis of solid reasons of conscience will be mitigated in terms of personal responsibility.

(4) Final considerations on illicit proselytism as a crime. As we have seen, freedom to express one's own ideas is a right recognized by Spanish law. It is in the Constitution, it is in the international covenants ratified by the state. Accordingly, the Religious Liberty Act states that divulgence of religious beliefs is a fundamental element of the constitutional right of religious freedom. As with other rights, it has its limits—limits which must be interpreted restrictively and applied to the least number of circumstances defined by law. In order to safeguard the rights of third persons not to be aggressively proselytized, Franco's penal code defined as a punishable crime the use of certain methods to effect a change in individual religious beliefs. The current Penal Code not only retains that crime, but enlarges its sphere, aiming to combat the patterns of conscience control or manipulation employed by some groups. The new Article 515.3 clearly goes to the repression of the actions mass media and social opinion attribute to "sects" and "cults." It is clear that Spanish law and international law intend to punish methods—coercion, physical force, mind control, but not the spread of ideas. How then can we justify the existence of the specific crime of illicit proselytism as a more serious offense when compared to other common crimes?

First, Spain would be guilty of discrimination if it punished in-



dividuals for religious reasons more severely than it does for political, ideological, or commercial reasons. In Western society, we know, for example, all about the pressures one can bear in order to belong to a political party or a trade union, or to vote in an election, or, simply, to buy certain goods. If we defend the freedom and the autonomy of the individual, every such violation in every field should be similarly punished.

Moreover, from my own point of view, the existence of a specific crime of illicit proselytism has other dangers and disadvantages:

(1) The present Penal Code of Spain, following the European Court's interpretation of Article 7 of the European Convention, says that crimes must be clearly defined by the law. There is no doubt that terms such as "change the beliefs" or "illegal constraint" in Article 522.2, or "personality alteration or control" in Article 515.3, give governmental authorities and judges wide discretion in the application of the law—and, therefore, great reduction in the security of citizens. We must think seriously about the difficulty in drawing a distinguishing line between "an intensive apostolate" and real mental coercion. We must clearly recognize the difficulties inherent in presenting as evidence such indeterminate elements as mental coercion and personality control.

(2) Within the law's discrete use of the terms, and under the influence of public opinion that blames religious denominations distant from Western Christianity, it is possible that judges might use the crime of illicit proselytism as the method of stopping the spread of NRMs in order to preserve the consciences of the majority of citizens who belong to the traditional religious communities. We cannot forget, as Iban has stated, that in Europe—and in Spain, "The one who determines which are the beliefs that should not be attacked . . . is a legislator—or, if we want, a judge, a politician, a society—and, essentially, Christian. It is extremely improbable that he could be so objective as to be able to give a different treatment to different religious realities based on their objective diversities, but on his subjective perception of those diversities. This is a phenomenon we must worry about with regard to the defense of freedom. . . ." ¹² We are living in a social climate more and more nervous about the so-called "sects." Let us remember the recent parliamentary lists of sects in Belgium and France. I am concerned about the danger the "crime of illicit proselytism," as it is currently defined in Spanish law, presents to minority religious groups. As we have stated, it could be used to value beliefs. Cases outside of Spain prove this is a real problem, not an imagined one. Most of the countries that have enacted laws against "illicit proselytism" have established churches—and they have used those laws to protect majoritarian belief systems against



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minority religious groups or denominations.¹³

(3) Since secular states ought not to indulge in value judgments of individual ideologies or beliefs, and since good principles of penal law hold that the least intervention is the best, reserving only those measures absolutely necessary to repress criminal action, illicit proselytism as a crime should just disappear. But if these theoretical reasons were not enough, there is also a practical argument towards the abrogation of illicit proselytism as a crime. In Spain the law against illicit proselytism has not been applied to a single case in the 30 years since its enactment. The need for Spain to have a realistic penal code should push legislators to repeal those laws regarding crimes that have not been committed. Such laws have no use. The punishment of the illicit conduct of proselytism—the use of illegal methods such as force and coercion—should continue to be applied to common crimes without regard to the kind of idea or belief behind the conduct.

Notes and references:

¹ The Universal Declaration of Human Rights was ratified in 1950, and the additional Protocols Nos. 3, 5, and 6 in 1963 and 1966. The International Covenant on Civil, Political, Economic, Social, and Cultural Rights was ratified in 1977.

² Instrument of ratification of September 26, 1972. With regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950, and its additional Protocols Nos. 3 and 5: Instruments of ratification of 1963 and 1966.

³ On its history and meaning, see Perez-Madrid: *La tutela penal del factor religioso en el Derecho español* (Pamplona: Eunsa, 1995), p. 179; and Rossell Granados: *Religion y jurisprudencia penal (Un estudio de la jurisprudencia de la Sala 2ª del Tribunal Supremo en el periodo 1930-1995)* (Madrid: Editorial Complutense, 1996), pp. 180, 210.

⁴ See De Otaduy: "La tutela penal del derecho de libertad religiosa," in *Tratado de Derecho Eclesiástico del Estado* (Pamplona: Eunsa, 1994), p. 535.

⁵ See Bueno: "El ámbito de amparo del derecho de libertad religiosa y las asociaciones," in *Anuario de Derecho Eclesiástico del Estado, I* (1985), p. 199; Fernandez Coronado: "La tutela penal de la libertad religiosa," in *Anuario de Derecho Eclesiástico del Estado, II* (1986), p. 46; Agustin Motilla: *Sectas y Derecho en España: Un estudio en torno a la posición de los nuevos movimientos religiosos en el Derecho español* (Madrid: Edersa, 1990), p. 192; Tamarit: "Las sectas y el Derecho Penal," in *Aspectos socio-jurídicos de las sectas desde una perspectiva comparada* (Vitoria: Onati International Institute for the Sociology of Law, 1991), p. 243. On the contrary, see Lopez Alarcon: "Tutela de la libertad religiosa," in *Derecho Eclesiástico del Estado* (Pamplona: Eunsa, 1993), p. 557; Lopez Alarcon: "Las sectas y los nuevos movimientos religiosos (NMRs): Problemas de su tratamiento jurídico: Reconocimiento o prohibición?" in *Ius Cononicum*, 74 (1997), p. 480; Perez-Madrid: *Op. cit.* (in Note 3), p. 195.

⁶ New Article 522.2 of the Spanish Penal Code states: "The following persons shall incur penalties of four to six months . . . 2. Those who, through the use of the same means—violence, intimidation, force, or any other illegal constraint—force another or others to practice or attend acts of worship or rites, or to perform acts reveal-



ing the profession or otherwise of a religion, or to change their religious beliefs.”

⁷ We are talking about criminal law because it is more relevant to the issue of illicit proselytism. But that does not exclude the incidence in jurisprudence of individual mental control of a follower of an NRM in other branches of law. Thus, on September 13, 1982, a First Degree Court, considering circumstances of dependency and lack of individual autonomy within a group, annulled the marriage of two members of the Hare Krishna movement: “. . . [W]e understand there is a cause of nullity because of the lack of matrimonial consent. In those moments the couple were depersonalized and unable to understand and wish. They acted as robots without critically evaluating how serious and important an act marriage is, and with the total lack of freedom in their mental faculties to discharge their matrimonial aims. . . .” See the decision in *Il Diritto Ecclesiastico*, II (1990), pp. 329-333.

⁸ *Il Diritto Ecclesiastico*, II (1990), pp. 314-320.

⁹ *Ibid.*, pp. 293-307.

¹⁰ See the decision in the Appendix of my paper “Grupos marginales y libertad religiosa: los nuevos movimientos religiosos ante los tribunales de justicia,” in *Anuario de Derecho Ecclesiastico del Estado*, IX (1993), pp. 125-131.

¹¹ *Repertorio de Jurisprudencia Aranzadi*, No. 2, p. 626.

¹² Iban: “Tolerancia y libertad religiosa en la Europa occidental,” in *Quaderni di Diritto e Politica Ecclesiastica*, I (1997), p. 200.

¹³ For an example in Greek law, consider the statements of Judges Petit and Martens in their dissenting opinions in *Kokkinakis v. Greece* (European Court, May 25, 1993).



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Religious Freedom in Russia: The Necessity for Stability

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I am comfortable with the assumption that, notwithstanding their different views of religious doctrine, the readers of *Fides et Libertas* are basically one in the general understanding that religious freedom is a fundamental human right. But unfortunately, it is necessary for us to repeatedly proclaim this principle. Here at the beginning of the 21st century, we must say again and again that freedom must be protected.

Freedom is a gift of God. Humankind was created free. It was by the Creator's own freedom of choice that humankind was created in the likeness of God.

Freedom of conscience is a gift of God. It is neither a benefit of the state nor a present from a political regime. But protection of freedom of conscience is a duty of the state. No one need feel an obligation to thank the government for his or her rights not being violated. The government exists to defend those rights. If it fails to do so, it is rightly described as a totalitarian, anti-people regime.

Freedom cannot be measured in terms of too much or too little. One cannot be *relatively* free; either one is free or one is not. One cannot say that a particular group or people is free, or some denominations are free, even when the talk is about the majority. It simply means that there is no freedom for all.

Freedom is not only a right but a duty. In order for an individual to have personal freedom, one is duty-bound to respect the religious choice of another even when he or she cannot agree with it. If today a Krishna is persecuted and a temple destroyed and I am silent because I do not accept the teaching of Krishna, or if today a Seventh-day Adventist church is demolished in Turkmenistan and I say nothing because I am not a Seventh-day Adventist, then, inescapably, tomorrow I will be persecuted and my chapel destroyed, and nobody will come to my defense. History records many such examples. In Germany during the 1930s democratic institutions were destroyed one by one. This is why today I, as a member of a Pentecostal church, defend the rights of Adventists. Their rights are my rights as well. This is



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why I defend the rights of the Hare Krishna. I cannot share in their religious choice, but I do share in their rights for they are mine too.

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Let me now turn to Russia. In many ways stability in Russia defines stability in the entire world. We have not forgotten how during that period of 70 years five-sixths of the world viewed the remaining one-sixth with fear as the U.S.S.R. tried to force its ideology on everyone else. Remember the cold war? Remember World War II when two totalitarian regimes did not succeed in dividing the world? This is why democratic institutions in Russia are not only a Russian issue, but a concern everywhere for everyone. And if today we talk about creating democracy in Russia, we are not interfering in Russia's internal affairs. Human rights and human freedoms are not any state's strictly internal affair.

As the 1980s ended Russia ended a period of religious persecution. Millions of citizens of my country were victims of political repression. For me this is not an abstract tragedy. Religious persecution touched my family intimately. My father, a Pentecostal bishop, was convicted three times for sharing his faith: once during Stalin, then during Khrushchev, and again during Brezhnev. His 1950 sentence was for "expressing his religious convictions and his doubt in the constructing of communism in a socialistic village." My father's life and experience predefined my own choice of a profession: defending the rights of believers.

In 1990 Russia passed its first religious liberty law—"On Freedom of Religion." In 1993 the new Constitution proclaimed the principles of freedom of conscience and equity of religious associations before the law. This gave a powerful boost to citizens' religious activity. Many churches emerged from the underground; new churches and missions were created.

But today we express our concern not only for freedom of conscience as a principle, but for the fate of other democratic institutions in Russia. Certain groups are striving to return the nation to one leading ideology. Their method is not communism; it is nationalism and the establishment of one religion. In 1997 Russia adopted a new act dealing with the freedom of conscience and religious associations. Many of its provisions are contrary to the Constitution and to the accepted norms of international law on human rights. Furthermore, the "new" act contains other controversial elements which allow arbitrary interpretations at the local level of government. Application of this law results in violations of the rights of believers. At the federal level it is sometimes possible to resolve these contradictions, but out in the vast regions of Russia



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we are confronted by intransigent arbitrariness.

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Created in 1998, the Slavic Center for Law and Justice comprises the Christian Legal Center and the Institute of Religion and Law. The main purpose of the SCLJ is to defend individual freedom of conscience and to provide legal assistance to religious organizations. We differ from other Russian NGOs in the religious freedom arena in that we actually litigate in behalf of believers and religious associations. In my role as co-chairman, I am a practitioner, not a politician or a theoretician. The audience with which I am most comfortable is a jury. Let me report on a few of our recent cases.

In the city of Magadan, in northeastern Siberia on the coast of the Sea of Okhotsk, I represented an American Baptist missionary accused of carrying undeclared U.S. currency. In court he said that due to the very serious criminal situation in Russia he was afraid to declare the entire sum of money. He stated that the funds were designated to finance the charitable projects of a church in Magadan. Ordinarily the fine for such a violation amounts to U.S.\$10. But the fact that he was a foreign missionary defined the undeclared money as contraband. Carrying contraband is a criminal offense, punishable by a prison term of up to ten years. I am thankful to report that the court acquitted the American missionary. Also in Magadan, we successfully defended a Pentecostal church three times in one year. The local procurator (or prosecutor) accused the church of using hypnosis to attract new members, a procedure harmful to good health. The absurdity of the accusations was exposed when the procurator declared that only if a person were under hypnotic influence would it be possible for him or her to choose a church other than the Russian Orthodox Church. Some 600 members of the Pentecostal church then appealed to the U.S. Embassy for political asylum. The accusations were subsequently withdrawn.

Although Lutherans have a 400-year history in Russia, they have faced exclusion in the internal Republic of Khakassia because there the church is under 15 years of establishment. The local procurators ordered the members to stop their missionary work. They declined to do so. The procurators then requested the court to dissolve the church altogether. The Slavic Center for Law and Justice came to the defense of the Khakassia Lutherans—and won.

For the first time a Russian has appealed to the European Court of Human Rights for her religious freedom. The case involves a judge from the city of Noyabrsk who was dismissed simply because she is a member of a Pentecostal church. Russia's Supreme Court denied her appeal for restoration to her position. The center will now represent her before the European Court.



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Finally, the Slavic Center for Law and Justice is planning to open a museum of religious freedom. Its purpose: To remind one and all of the dark pages in our country's history and to warn the new generation never to return to the past.

Adapted and edited from an address Mr. Ryakhovsky presented at the IRLA World Conference, New Delhi, November 1999.



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Legal Provisions for Proselytism in the United States

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Is there freedom to proselytize in the United States? The short answer: "Of course there is." But as usual, the short answer misses some important nuances.

Freedom to proselytize involves at least two facets: the freedom to change one's religion and the freedom to urge another, by effective means, to change his or her religion. The first has long been established in American constitutional jurisprudence. The second is the subject of ongoing struggle as it is far more threatening to majoritarian impulse and established interests.

No American law or court decision overtly states that Americans have the right to change their religious views. It is an application of the entrenched principle that government must be neutral in religious matters and must treat all religions equally.

Perhaps the earliest Supreme Court enunciation of this principle came in a church property dispute where the court was asked to rule as to which group constituted the rightful owners based on adherence to true doctrine. Way back in 1872 the court said: "The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect."¹ Religion "should flourish according to the zeal of its adherents and the appeal of its dogma,"² without the influence of government.

In a 1944 case in which a man was accused of fraud by dissemination of religious doctrines he allegedly knew to be false, the court stated:

Freedom of thought, which includes freedom of religious belief, is basic in a society of free men. It embraces the right to maintain theories of life and of death and of the hereafter which are rank heresy to followers of the orthodox faiths. Heresy trials are foreign to our Constitution. Men may believe what they cannot prove. They may not be put to the proof of their religious doctrines or beliefs. . . . The Fathers of our Constitution . . . fashioned a charter of government which envisaged the widest possible toleration of conflicting views. Man's relation to his God



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was made no concern of the state. He was granted the right to worship as he pleased and to answer to no man for the verity of his religious views.³

In what has been described as its finest hour, from a religious freedom point of view, the Supreme Court, in the midst of World War II, held that children of Jehovah's Witnesses could not be forced to participate in a pledge of allegiance which they considered religiously repugnant. Justice Jackson wrote for the majority:

The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no election.

We can have intellectual individualism and the rich cultural diversities that we owe to exceptional minds only at the price of occasional eccentricity and abnormal attitudes. . . . Freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.

If there is a fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein. If there are any circumstances which would permit an exception, they do not now occur to us.⁴

A more modern statement of the right to change one's religion may be found in the 1987 case *Hobbie v. Unemployment Appeals Commission of Florida*.⁵ After working 2½ years for the Lawton Jewelry Company, Paula Hobbie informed her employer that she had become a Seventh-day Adventist and thus was no longer able to work on her Sabbath—from sunset Friday to sunset Saturday. Although she and the store manager were able to work out a mutually satisfactory arrangement for coverage, upper management fired Hobbie for her refusal to work when scheduled. The employer also contested Hobbie's application for unemployment benefits on the ground that she was disqualified, having been discharged for misconduct connected with her work.

The case appeared to be controlled by earlier Supreme Court decisions holding that one could not be denied generally available governmental unemployment benefits because of conduct mandated by or forbidden by religious belief. In *Sherbert v. Verner* (1963), a Seventh-day Adventist lost her job because she would not work on the Sabbath, and was subsequently denied unemployment benefits because she was not available for work, as required by South Carolina statute. The Supreme Court ruled that such a denial was the equivalent of a tax on her religion.⁶

In 1981 the court was asked to reconsider this ruling. Eddie



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Thomas, a Jehovah's Witness, worked for an Indiana steel mill. When production slowed, he found that all remaining work involved military armament—work that was religiously unacceptable to him. He quit his job—and was denied unemployment benefits, in part because other Jehovah's Witnesses similarly employed did not resign. Citing *Sherbert*, the court awarded Thomas the requested benefits.⁷

In *Hobbie*, the state of Florida attempted to distinguish the previous cases by emphasizing that Hobbie was the “agent of change.” In *Sherbert* and *Thomas*, the employees held their religious beliefs at the time they were hired. Subsequent changes in the conditions of employment made by the employer caused the conflict between work and belief. But, Florida argued, Hobbie's beliefs changed during the course of her employment, creating a conflict that had not previously existed and was not of the employer's making. In essence, she should be denied otherwise available benefits because she changed her religion.

Not relevant, said the court:

In effect, the Appeals Commission asks us to single out the religious convert for different, less favorable treatment than that given an individual whose adherence to his or her faith precedes employment. We decline to do so. The First Amendment protects the free exercise rights of employees who adopt religious beliefs or convert from one faith to another after they are hired. The timing of Hobbie's conversion is immaterial to our determination that her free exercise rights have been burdened; the salient inquiry under the Free Exercise Clause is the burden involved.

Hobbie is significant because it involves something that governments—and most other organizations—hold dear: the expenditure of funds. The right to change one's religion is of sufficient value as to be allowed to trump an appeal to conserve government funds. The first part of the proselytization equation—the freedom to change one's religion—is secure.

The foregoing notwithstanding, another thread, constant in American case law on religious freedom, must be recognized. “The [First] Amendment embraces two concepts—freedom to believe and freedom to act. The first is absolute, but in the nature of things, the second cannot be.”⁸ The second part of the proselytization question involves urging others, by effective means, to change religious views. This is “action,” not “belief,” and therefore not the subject of an unlimited freedom. How has this second part of the right to proselytize fared in American life?

A chain of cases beginning in 1938 rejected numerous attempts to restrict the sort of public advocacy of religious belief necessary for effective proselytization. In the first of this group, the court ruled that an ordinance prohibiting the distribution of literature of any kind is an unconstitutional abridgement of the freedom



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of the press.⁹ The following year the court held that an ordinance making it unlawful to distribute handbills on a sidewalk, street, or other public place is unconstitutional.¹⁰

In its famous *Cantwell v. Connecticut* decision (1940), the court held that a state may not unduly suppress communication of religious views under the guise of conserving public peace or deciding what is a legitimate religion for solicitation purposes. This decision for the first time expressly applied the Free Exercise Clause to the states through the Fourteenth Amendment.¹¹

But religious advocacy did not always win. As World War II began, the court ruled that it is not unconstitutional to charge a parade or assembly fee limited to the purpose of meeting the expense incident to administration of licensing and the maintenance of public order. The authority of a municipality to impose regulations in order to assure safety in the use of public space is not inconsistent with civil liberties.¹²

City ordinances designed to intimidate the dissemination of unpopular religious opinion did not fare well during this period. In 1943 alone, the court decided cases involving five such ordinances. It held that an ordinance prohibiting the dissemination of handbills on public property is unconstitutional;¹³ that an ordinance prohibiting all distribution of handbills is unconstitutional;¹⁴ that a state may not prohibit the distribution of handbills in pursuit of a religious activity because the handbills seek to raise funds in a lawful manner, because, even if the ordinance were non-discriminatory, liberties guaranteed by the First Amendment are in a preferred position;¹⁵ that the mere fact that religious literature is sold by itinerant preachers rather than given away does not transform evangelism into a commercial enterprise subject to regulation;¹⁶ and that an ordinance forbidding door-to-door distribution of handbills, circulars, or other advertising matter is unconstitutional.¹⁷

The court, in 1944, demonstrated one of the reasons for which religious freedom may properly be curtailed: the protection of minors. It held that a statute forbidding boys under 12 and girls under 18 to sell magazines on a street or in a public place is not an unconstitutional denial of the free exercise of religion.¹⁸ But it also ruled that a flat tax on a minister distributing religious material was not constitutionally acceptable.¹⁹

As the war ended, the court took up the question of how these rulings should be applied on private property. It held that the more an owner, for his advantage, opens up his property for use by the general public, the more his rights become circumscribed by the First Amendment rights of those who use the property.²⁰ The court



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also invalidated a statute prohibiting distribution of literature in a government-owned town.²¹

But not all methods of proselytization are permissible. It depends on the existence of objective standards applicable to all applicants and users. Many decisions through the years have held that overly loud sound amplification by evangelists may properly be curtailed. But, said the court, in the absence of standards, an ordinance prohibiting all use of sound amplification equipment infringes the right of free speech;²² the lack of standards in the issuing of licenses renders the practice open to discrimination contrary to the rights of both free speech and free exercise of religion;²³ and ordinances which require that permits be obtained from local officials for the use of public places are unconstitutional in the absence of narrowly drawn, reasonable, and definite standards.²⁴ But an ordinance leaving officials no discretion in granting permits for conducting religious meetings in public areas was upheld.²⁵

Basically, these cases state the law as it stands today: requirement of a permit will be upheld if it is subject to objective criteria, rather than leaving discretion to officials as to who may and who may not be issued such a permit. A fee for such a permit is permissible if it only reflects the cost of processing the application, and is not so high in cost as to make the desired activity impossible. Religious activities must be allowed, but may be subject to restrictions on time, place, and manner. Within reason, the second half of the proselytization equation is also secure: religious people must be given the opportunity to use effective means to urge others to change religious belief and affiliation.

More recently, the court has narrowed the protection of proselytizing activities by allowing the prohibition of the sale or distribution of all written materials on a fairground.²⁶ Although it ruled that an airport regulation banning all "First Amendment" activities within a public or non-public forum is a constitutional violation,²⁷ the court also ruled that an airport terminal is a non-public forum where a ban on religious handbills and solicitation need only satisfy a reasonableness standard.²⁸

The challenges continue, especially for minority and/or unpopular religions. Of the major religions in the United States, Islam is likely subject to the most consistent manifestations of intolerance. In the late 1980s Muslims in Starkville, Mississippi, found themselves with just such a problem. They sought to establish an Islamic center for Muslim students in a residential neighborhood near the university. In that zoning district, religious uses were permitted only by exception. However, 25 houses of worship were operating in the district, 16 as non-conforming uses and nine by



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exception after the ordinance was adopted. The Islamic center was the only applicant ever denied an exception. A federal district court (upheld on appeal) found that the city could have no compelling interest in denying this exception, while all others—all Christian—had been granted.²⁹

In the small city of Hastings, Nebraska, a zoning ordinance permitted religious uses in residential areas, but not in the central business district. The city justified the exclusion by its concern for the effects of non-commercial use on the vitality of the commercial district. However, many other non-commercial uses, such as a Masonic lodge, Alcoholics Anonymous, and a pregnancy counseling center, were permitted in the district. Ruling in favor of a church which challenged the ordinance, a federal court noted: "It is difficult to imagine how a church would displace commercial activity any more than a second story apartment, which is permitted."³⁰ Unspoken was the reality that such an ordinance disproportionately affects new religions which will seek to rent any empty space, as opposed to those religious groups which are already established in their own places of worship.

Perhaps the most flagrant of such cases is that of the *Church of the Babalu Lukumi Aye v. City of Hialeah*. In *Lukumi*, practitioners of the Santeria faith leased land in Hialeah, Florida, and announced plans to establish a place of worship there. A regular element of their worship is the ritual sacrifice of animals. Subsequently, they cook and eat the animals. Shortly after the Santerians' announcement, the city adopted several ordinances aimed at prohibiting the sacrifice of animals, but not other types of slaughter. The ordinances were ostensibly based on public health concerns. But the legislative history and strained definitions in the ordinances themselves tended to show that the regulations were merely a poorly veiled attempt to keep the Santerians out of Hialeah. Overturning the ordinances, the Supreme Court said: "The neutrality inquiry leads to one conclusion: the ordinances have as their object the suppression of religion. The pattern we have recited discloses animosity to Santeria adherents and their religious practices."³¹

Are these zoning cases really relevant to an inquiry as to the freedom to proselytize? Yes, if such freedom really does include the right to urge others to change belief and to use effective means in doing so. How can an individual or group effectively do this if kept from establishing a meeting place and conducting the rituals of worship, as do all other religious groups?

Perhaps the key is in the phrase "as do all other religious groups," for therein lies a claim not just to freedom, but to equal freedom. That equality is something the city fathers—and mothers—



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in places like Starkville, Mississippi, and Hialeah, Florida, are evidently still not prepared to grant. It is a reminder to all of us who advocate religious freedom that the ultimate protection of our freedom rests not with courts and legislatures, as important as they are, but with the understanding of the governed, the people and their representatives, that without both a societal and governmental stance of objective equality toward all religions, we have, at best, a situation where all are free, but some are certainly more free than others.

Notes and references:

- ¹ *Watson v. Jones*, 80 U.S. 131 (1872).
- ² *Zorach v. Clausen*, 343 U.S. 306 (1952).
- ³ *United States v. Ballard*, 322 U.S. 882 (1944).
- ⁴ *West Virginia v. Barnette*, 319 U.S. 1178 (1943).
- ⁵ *Hobbie v. Unemployment Appeals Commission of Florida*, 480 U.S. 136 (1987).
- ⁶ *Sherbert v. Verner*, 374 U.S. 398 (1963).
- ⁷ *Thomas v. Review Board, Indiana Employment Security Commission*, 450 U.S. 707 (1981).
- ⁸ *Cantwell v. Connecticut*, 310 U.S. 296 (1940). See also *Reynolds v. United States*, 98 U.S. 145 (1879).
- ⁹ *Lovell v. City of Griffin*, 303 U.S. 444 (1938).
- ¹⁰ *Schneider v. State of New Jersey*, 308 U.S. 147 (1939).
- ¹¹ *Cantwell v. Connecticut*, 310 U.S. 296 (1940).
- ¹² *Cox v. New Hampshire*, 12 U.S. 569 (1941).
- ¹³ *Largent v. Texas*, 318 U.S. 418 (1943).
- ¹⁴ *Jamison v. Texas*, 318 U.S. 413 (1943).
- ¹⁵ *Jones v. Opelika*, 319 U.S. 103 (1943).
- ¹⁶ *Murdock v. Pennsylvania*, 319 U.S. 105 (1943).
- ¹⁷ *Marin v. Struthers*, 319 U.S. 141 (1943).
- ¹⁸ *Prince v. Massachusetts*, 321 U.S. 158 (1944).
- ¹⁹ *Follett v. McCormick*, 321 U.S. 573 (1944).
- ²⁰ *Marsh v. Alabama*, 326 U.S. 501 (1946).
- ²¹ *Tucker v. Texas*, 326 U.S. 517 (1946).
- ²² *Saia v. New York*, 334 U.S. 558 (1948).
- ²³ *Niemotko v. Maryland*, 340 U.S. 268 (1951).
- ²⁴ *Kunz v. New York*, 340 U.S. 290 (1951).
- ²⁵ *Poulos v. New Hampshire*, 345 U.S. 395 (1953).
- ²⁶ *Heffron v. International Society of Krishna Consciousness*, 452 U.S. 640 (1981).
- ²⁷ *Airport Commissioners v. Jews for Jesus, Inc.*, 482 U.S. 569 (1987).
- ²⁸ *ISKON v. Lee*, 112 S. Ct. 2701 (1992).
- ²⁹ *Islamic Center of Starkville v. Starkville*, 849 F. 2d 293 (5th Cir. 1988).
- ³⁰ *Cornerstone Bible Church v. Hastings*, 948 F. 2d 464 (8th Cir. 1991).
- ³¹ *Church of the Babalu Lukumi Aye v. City of Hialeah*, 508 U.S. 520 (1993).

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Missionary Activities: Minimizing Adverse Reactions Without Sacrificing Rights to Manifestation

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Here is the question: How can missionary activities be adjusted to minimize adverse reactions without sacrificing the right to manifest religious beliefs and practices?

Let me begin by saying that the relationship between the state and those who practice what has come to be called Christianity has, since the very beginning, been a highly ambiguous one—ranging from virtual identification of church with state on one hand, to church as enemy of the state on the other.

I address the question as a son of missionary parents—one of whom became an evangelical Christian out of a Polish-Jewish-Catholic-Pentecostal heritage, while the other came to evangelical faith out of a Canadian mutation of Scottish Presbyterianism—and as one who spent his formative years (until the age of 16) in Ethiopia (to which I return annually if possible).

I respond as the director of a study center that, since 1922, has been a temporary home to Christian missionaries and leaders from every point on the ecclesiastical, geographical, and cultural compass. The persons who reside with us do so voluntarily, despite sometimes formidable obstacles placed in their path by hostile—or simply corrupt—states which demand proprietary rights on the ways in which their subjects identify themselves as human beings.

I respond as the editor of the *International Bulletin of Missionary Research*, a professional academic journal devoted to a sympathetic yet objective analysis and critique of the Christian world mission. The journal seeks to be forthright about the failures and limitations of Christian mission, while at the same time advancing an appreciation of the contributions of Christian mission to the world and its peoples.



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I respond as a Mennonite—as one of those whose theology, history, and painfully personal experiences are the wellsprings of a profound agnosticism with respect to a state's ability either to comprehend or legislate on matters of personal opinion, including religious opinion, no matter how well intentioned.

I respond as one who taught global Christian studies for some 20 years at an interdenominational seminary in Canada.

And I respond as a Canadian—a citizen of a country whose people swell with a smug sense of superiority whenever they compare their hockey players or their health care plans with those of their neighbor to the south; a people whose populism understands the nation's charter of rights and freedoms, with its emphasis on “we,” to be more communitarian, and hence more humanitarian, than the perceived obsession with “me” in competition with “you” espoused by the United States.

This background must be considered by those who read this article because, whatever my contribution, however measured my response, my perspective will be necessarily colored and perhaps even distorted. For this I apologize, but I see no way out of it! Through long practice I have learned that it is much easier to provoke than to enlighten. Accordingly, I will provoke. Provocation produces sparks. Sparks kindle a flame. Flames ignite combustible material to produce light—and heat, of course. So then, I must address some highly questionable assumptions that are implicit to the question raised at the top.

Assumption 1: North America—especially the United States—continues to be the heartland of self-assured Christianity of the missionary variety.

This, in fact, is not the case. Christians number just under an estimated 2 billion—about 33 percent of the total population of the world. An approximate breakdown: Africa—335 million; Asia—307 million; Europe—537 million; Latin America—476 million; North America—212 million; and Oceania—21 million.¹

Assumption 2: Missionaries tend to be from North America, and constitute the religious expression of its cultural, economic, and military domination of the world.

In fact, the North American component of the global Christian missionary force is a steadily diminishing proportion of the whole. In 1900 there were an estimated 16,000 missionaries—mostly from Europe, Great Britain, and North America. One hundred years



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later, the total number of missionaries is estimated to be 420,000—with only 12 percent to 15 percent coming from Europe and North America. The Christian “center of gravity” is no longer the West, whose Christian confidence has been steadily eroded or at least leavened by subliminal agnosticism.² It is—and always has been—the poor who respond to the good news. Christianity has never remained healthily vigorous within comfortable or merely dominant societies. It is a faith that attracts the disenfranchised, even as it poses a threat to the vested interests of the establishment.

Assumption 3: Missionaries are employees of corporate entities known as mission societies.

In fact, the vast majority of missionaries work more or less spontaneously—as formal or informal extensions of local communities of faith, with little or no organic link to the European tribal Christianity we have come to identify as the norm. Western cognitive maps and vocabularies have yet to catch up with this reality, for they often reflect the era of religious triumphalism when missionaries were Americans—or at least Europeans or Canadians—who went overseas to the less civilized (now read, underdeveloped) parts of the planet. Thus to think that by keeping the more inflammatory elements of the Western missionary contingent under control (through such agencies as the U.S. Department of State) will resolve the problem of proselytism is quite like imagining that population control in India will be achieved by strictly enforcing laws forbidding the marriage of eunuchs.

Assumption 4: Missionaries are members of identifiable, mainline Christian denominations and traditions, and as such, can be specifically identified and enumerated.

In fact, most missionaries today derive from denominations whose names do not appear in our most up-to-date encyclopedias. They are lay persons, not ordained clergy, who tend to be associated with non-affiliated charismatic or Pentecostal churches. Furthermore, the rate at which denominations are proliferating makes any kind of control—even of the most draconian variety—well nigh impossible. Governments might try to curtail the activities of their own citizens by issuing various cautions, directives, and stern missives, but given the tremendous diversity of Christian opinion, I doubt that such will work.

Assumption 5: Christian missionaries get paid for what



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they do; they do well by doing good.

In fact, most missionaries do not receive remuneration. Only members of those societies modeled after Western agencies receive more than a subsistence allowance, if that. Thus, if no one is paying the fiddler, he will call his own tune.

Assumption 6: Christian missionaries have a lot of power—including the ability to coerce unwilling people to become converts.

In fact, most missionaries—including those from the West—are persons of moderate intelligence, modest means, and limited dialectical skills. Most missionaries from the West are not involved in aggressive evangelism, but rather in serving churches already established in the countries to which they have gone.

Assumption 7: Given the opportunity to make deeply personal choices affecting themselves and their family's cultural and religious life, most people in the world are not capable of making sensible decisions. State and/or religious officaries can best do this for them.

What an insulting, patronizing view of human intelligence—and one with which Christian missionaries have little sympathy. Laws against proselytizing reflect an elitist view of ordinary human beings—the view that when faced with alternatives, human beings deemed intellectually, socially, or economically inferior will not choose judiciously; the view that authoritarian powers of political or military ilk best dictate all such decisions.

I suspect that the word “offensive,” when used to describe missionary activities, is simply code language to mask the syntax and vocabulary of stifling national, regional, or local xenophobia, and that such xenophobia is not infrequently a reaction to both perceived and real threats to the vested interests of those who benefit most from the status quo. A case in point from India: Laws designed to curb Christianity are being put forward in the states of Gujarat, Orissa, and Uttar Pradesh. In Gujarat and Uttar Pradesh converts will be required to register their conversion with authorities. In Orissa, where in 1998 Graham Staines and his two young sons were burned alive, persons will have to get official permission to change religion.³

The fact is, most missionary activity—even of the Western variety—needs little “adjustment” since most missionary activity



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causes no—or very little—offense to the local populace. One Samaritan assisting a battered Jew by the side of the road was apparently offensive to the sensibilities of the religious authorities of the time, but it was not offensive to the one being helped.

Now let me repeat the question:

How can missionary activities be adjusted to minimize adverse reactions without sacrificing the right to manifest religious beliefs and practices?

Here are some tongue-in-cheek suggestions to policy makers in Washington:

(1) Urge American missionaries not to behave as Americans.

Observed Galbraith: “Nothing so gives the illusion of intelligence as association with large sums of money.” Accordingly, Americans tend to think that they must be right about everything. So, urge missionaries from the United States not to behave like Americans, with their inflated sense of entitlement, their overbearing sense of superiority, their deplorable parochialism, their blatant materialism, their incapacitating mono-lingualism, their cultural boorishness, and the general way they move in noisy herds through exotic lands, cameras at the ready. (The fact is, the many American missionaries I know are, by and large, exceptions to these American “rules.”)

(2) Either halt globalization or engage in genuine free trade with no tariffs, no quotas, no economic borders.

Why? Because Western missionaries are really little more than the religious expression of far more formidable forces of global transformation through economics and cultural destruction through education (a term that now implies some variation of Western enculturation). Western missionaries are like Sidney Smith’s “flies on a chariot wheel”—unable to determine its motion, affect its direction, or dictate its speed.

(3) Perhaps the state could require some certifiable proof of cultural sensitivity.

For example, the completion of a course titled Humility in Cross-cultural Communication. Of course this requirement would



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be applied not merely to religious evangelists, but to all bearers of American glad tidings—scientists, economists, corporate executives, politicians, and development experts as well.

Finally, for those still wondering about the role of the state in missionary activity, i.e., proselytizing, I suggest recourse to Lord Macaulay, one of England's grand old masters of the language. Though it is obviously dated, his review of W. E. Gladstone's 1839 book *The State in Its Relations with the Church*, published in the April 1838 issue of *The Edinburgh Review*, remains salutary. I highly recommend it!⁴

Notes and references:

¹ The figures are provided by David B. Barrett and Todd M. Johnson in their *Annual Statistical Table on Global Mission: 2000*, appearing in the *International Bulletin of Missionary Research*, Vol. 24, No. 1 (January 2000), pp. 24, 25. Barrett is the editor of the *World Christian Encyclopedia*, first released in 1982.

² See Dana L. Robert: "Shifting Southward: Global Christianity Since 1945," in the *International Bulletin of Missionary Research*, Vol. 24, No. 2 (April 2000), pp. 50-58.

³ Reported by Manpreet Singh (in New Delhi) in *Christianity Today* (May 22, 2000), p. 31.

⁴ *Essays by Lord Macaulay* (Reprinted from *The Edinburgh Review*). Complete edition. London: George Routledge and Sons, 1887; pp. 490-524.

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SPECIAL SECTION I

**Guiding Principles
for the
Responsible Dissemination
of
Religion or Belief**

International Religious Liberty Association
Conference of Experts

San Lorenzo de El Escorial, Spain
May 1999

Las Navas del Marques, Spain
January 2000

Guiding Principles for the Responsible Dissemination of Religion or Belief

PREAMBLE

With increasing globalization and growing interreligious and ideological strife, a constructive relationship among religions has become imperative. To deal with these issues, the International Religious Liberty Association convened meetings and conferences of experts in the United States, the United Kingdom, and Spain in 1999 and early 2000, and adopted the following statement on specific points of agreement.

Freedom of religion or belief is a basic human right. Despite the strong support given to this universal right during the past fifty years by the various international instruments, beginning with the *Universal Declaration of Human Rights* of 1948, and including the *International Covenant on Civil and Political Rights* of 1966, the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* of 1981, and the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* of 1992, widespread violations of this right continue to occur and are to be deplored.

Freedom of religion or belief includes the right to manifest and communicate one's faith or belief to others. Religions have differing beliefs about how they should disseminate their convictions. The question of "proselytizing" or making converts inevitably affects interreligious relations. The term "proselytism" has various meanings and connotations. To avoid ambiguity, hereafter this document does not use it.

Accepting the increasing reality of religious pluralism and with the aim of strengthening religious liberty, tolerance, dialogue, and respect for equal rights for all, the Conference of Experts suggests the following guiding principles regarding the responsible dissemination of religion or belief. These principles have primarily an ethical character and provide criteria to guide individuals and communities in their relations with each other. They also have relevance for relations between religious communities and states. These principles are based on the dignity of the human person and



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the person's freedom to follow the voice of conscience.

The conference participants are convinced that the observance of the following guiding principles is invaluable in enhancing a culture of peace, social cohesion, personal and collective responsibility, and the upholding of equal rights for all.

The conference participants hope that all individuals and religious communities will look at these principles in the light of their own beliefs and practices, and make them their own, thus being fully committed to the divine mandate or high ideals in which they believe.

PRINCIPLES

(1) To teach, manifest, and disseminate one's religion or belief is an established human right. Everyone has the right to attempt to convince others of the truth of one's belief. Everyone has the right to adopt or change religion or belief without coercion and according to the dictates of conscience.

(2) Aware of their common responsibilities, religious communities should build relationships through contacts and conversations, manifesting convictions with humility, respect, and honesty. Dialogue should replace confrontation. In witnessing to others or in planning missionary activity, the inviolable dignity of the addressed persons requires consideration of their history, convictions, way of life, and cultural expressions.

(3) Religion, faith, or belief is best disseminated when the witness of a person's life is coherent with the message announced, and leads to free acceptance by those to whom it is addressed.

(4) In disseminating faith or beliefs, one should be truthful and fair towards other religions and beliefs. This requires comparing the ideals of one's own community with the ideals of other communities, and not with the alleged failures of others.

(5) In the dissemination of religion or beliefs, both the rights of majority and minority should be protected in accordance with international human rights instruments which condemn all forms of discrimination and intolerance.

(6) In referring to other religious and belief communities, respectful and non-offensive terminology should be used.

(7) Social and humanitarian activities should not be linked to



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the dissemination of faith or beliefs in a way that exploits the poor and vulnerable members of society by offering financial or other material incentives with the intent to induce people to keep or change their religion or belief.

(8) While the right to hold and manifest religious beliefs and convictions is recognized, interreligious strife, hatred, and antagonistic religious competition are to be avoided and replaced by dialogue in truth and mutual respect.

(9) No one should knowingly make false statements regarding any aspect of other religions, nor denigrate or ridicule their beliefs, practices, or origins. Objective information about these religions is always to be desired in order to avoid the spreading of ill-founded judgments and sweeping prejudices.

(10) Dissemination of religious faith or belief should respect the addressed person's freedom to choose or reject a religion or belief without physical or psychological coercion, and should not force that person to break the natural ties with family, which is the foundational component of society.

(11) Using political or economic power or facilitating its spread under the guise of disseminating religious faith or belief is improper and should be rejected.

(12) Responsible dissemination of religious faith or belief should accept that it may invigorate the faith of the persons or groups addressed, or lead to a free and unfettered choice to change one's religious affiliation.

(13) Bearing in mind their responsibilities for the common good of society, religious communities should, where feasible and in harmony with their convictions, join in efforts aimed at improving justice and welfare, and peace among peoples and nations.

(14) Where conflicts arise with respect to dissemination of religion or belief, the relevant communities should consider entering into a process of conciliation.

*International Religious Liberty Association
Conference of Experts*

Adopted by consensus January 29, 2000

Las Navas del Marques, Spain



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Disestablishment in Sweden: A Reflection on the Development of the Relationship Between Church and State

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The title above states both the theme and the method of this article. My reference point is the changing relationship between the State of Sweden and the Church of Sweden, the latter also known as the Evangelical-Lutheran Church of Sweden.

Christianity was brought to Sweden more than 1,000 years ago by missionary monks of the Roman Catholic Church. In the 16th century Sweden became part of the Lutheran reformation. During the 1520s King Gustavus Vasa seized control of the Catholic Church and its wealth, even minting church bells into coins.

But some of his successors, such as King John, his son Sigismund (later king of Poland), and Queen Christina (who converted to Catholicism in the 17th century), sought to lead Sweden back to the Catholic faith. The church remained, however, a solid Lutheran state church from the middle of the 16th century to the beginning of the 19th. Local parishes were given the tasks of keeping the public records of births and deaths, educating the children of the lower classes, and performing certain other social services. To this end, each parish elected laymen to a church board to govern these local activities. What was “church” and what was “state” became very unclear.

Swedish citizens were not allowed to leave or remain outside the church without leaving the country, the exception being German and Jewish merchants who were permitted to build their own churches and synagogues in certain cities. In 1726 Sweden adopted a law prohibiting private religious meetings—the so-called *konventikelplakatet*. The statute remained in force until 1868.

Challenges to the established church began to appear around the middle of the 19th century, inspired in part by Baptist congregations in Europe and the United States and by the Methodist movement in England. When many local priests, especially in cen-



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tral and western Sweden, clearly showed their lack of personal belief in the faith they preached, people began to hold religious meetings in private homes, sharing Bible study, prayer, and communion without the leadership of clergy. Many lay leaders were severely punished by imprisonment, fines, and even exile; many chose to leave the country with their followers.

In time, the religious laws were changed to allow the activities of the so-called "free churches" of Sweden. In 1860 it became possible to leave the Church of Sweden for another confession. But not until 1951 did Sweden adopt a law on religious freedom that allowed people to leave the Lutheran Church without joining another church.

The free church movement and the temperance movement were strong forces for democracy and the rule of law in Sweden at the end of the 19th century and into the early 20th. The members of these movements used their knowledge of and experience in political life, nationally and locally. The two movements became closely linked to the Folkpartiet, the Social Liberal Party of that period. The Social Liberals actually got Socialist workers elected to Parliament before the Social Democrats were able to win seats of their own.

Up until the middle of the 20th century, about 98% of the population belonged to the Lutheran Church (in that period it was not yet called the Church of Sweden). Children were automatically "born into" the church if at least one of the parents belonged. Most children were baptized in the local parish church. Constitutional law recognized local parishes as local authorities with the right to collect local taxes.

In 1958, however, the first government study was initiated for the purpose of separating the Church of Sweden from the state. Working for 10 years, the first committee prepared recommendations which were turned over to a parliamentary committee. The latter group failed, in 1973, to agree on a proposal based on the work of the first committee. Just one member of the parliamentary committee, representing the Farmers Party (now the Center Party), objected. Olaf Palme, then minister of education and church affairs, did not have the courage to bring the recommendations to Parliament because national elections were imminent.

After some time, discussions began within the church to allow it to comment on the long-overdue reforms which the parliamentary committee had failed to propose. The main goal was to give the church a new structure at the central level. Welcoming this approach, the government invited the church to a four-year dialogue.

In 1979 the government offered a proposal to the church's



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General Synod. At the time, the Social Liberal Party was in sole power, but without a parliamentary majority. Presenting to the decision makers a plan that would give the Church of Sweden independent status was a delicate task. The church would lose the right to tax its members, but the government would assist in the collection of membership fees. The Social Liberal government favored the reform in the face of much criticism from the local parishes which did not want to lose the tax-collection role.

Reform failed again. Prior to the General Synod, a majority of the delegates supported a motion rejecting the government's offer. Lay persons comprised the majority of the opposition.

But Bertil Hansson, then minister of church and community affairs, did not want to give up the reform effort. He appointed four governmental committees to resolve the issues that had prompted the lay rejection of the original proposal.

The first problem concerned women in the priesthood. Many lay persons feared that an independent church structure would overturn the 1959 reform that allowed women clergy. The problem was solved in 1982 by a parliamentary decision reaffirming the right of women to become ministers of the Church of Sweden. The wording of the 1959 action was changed to deny ordination to male candidates if they refused to cooperate with female priests, including the administration of the Eucharist.

The second issue solved through a decision in Parliament was to maintain the existing protocol on burials even if the relationship between the church and the state were to change. Burials have always been a parochial responsibility.

The third area of contention was the keeping of the civil registry, by tradition a function of the vicars of the local parishes. When a person moved, changed civil status, or needed a birth certificate, he or she contacted the local vicar who determined where a person actually resided. Any change in parish maintenance of the civil registry would have financial repercussions since local taxes vary from parish to parish. Here, one of Hansson's parliamentary committees proposed a radical change. The whole system was transformed; registrars became civil servants rather than church servants. But it took about eight years for this solution to be approved by Parliament.

The fourth issue was one of law. A governmental committee was assigned to amend the Constitutional Act in the area of church regulation without changing the formal relationship between church and state (since such an attempt had just failed). However, recent changes in the Constitution on freedom of religion blocked the committee from including paragraphs on church structure.



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Instead (and as a temporary solution), the committee included the old, basic church laws in the new rules of change annexed to the new Constitution. If the proposed reform program was accepted by the church and Parliament approved, the result would be the much-longed-for restructuring of the central church organization.

The committee (of which I was a member) succeeded. Several paragraphs of the old law were deleted. Reform of church structure, albeit only partial, was a big step in the direction of freedom from state regulation. The church now had a democratic central structure. Still, the free churches, among others, immediately heaped criticism on reform because it seemed to give the now officially-designated Church of Sweden a stronger base for influencing parliamentary legislation. Not many then realized that this reform paved the way for, at a later stage, the cutting of the ties between church and state.

Reform commenced formally in 1984. The new central church organization enlarged the General Synod from 96 to 251 persons, representing each parish through indirect election. Each parish elects persons who, on the diocesan level, elect the members of the General Synod. In turn, the new General Synod names persons to a reform innovation, the Central Board (*Centralstyrelsen*). The government originally intended for this body only to draft motions for the General Synod, but in reality, the Central Board soon became the power center in the church, deciding matters previously handled by the government—which nevertheless remained the head of the church.

While this strengthening of the General Synod and the Central Board was taking place in 1984, eight non-governmental church organizations, including Swedish Church Aid (*Lutherhjälpen*), the Church of Sweden Abroad (SKUT), the Church of Sweden Mission (SKM), the Parish Union (*Pastoratsförbundet*), and four others, joined forces to form the Church of Sweden Foundation for Free Activities (the SFRV), an organization totally independent of the state. The SFRV is a service organization for parish financial affairs and, save for parish priests who remain state civil servants, for parish employees. The SFRV decided to use the Church of Sweden's General Synod as its own assembly and the church's Central Board as its own board. This meant that the synod and the board could deal with both matters regulated by church law and private matters at the same meetings.

This, then, is an outline of the organization of the Church of Sweden through December 31, 1999.

The history of church reforms was not complete in 1984; actually, it had only begun. A few years after, a diocesan reform gave



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the diocese the same structure as a local parochial association, with its own synod and the bishop presiding *ex-officio*. The bishop and the members of the cathedral chapter (*domkapitel*) remained civil servants. Until January 1, 2000, the cathedral chapter in each diocese would decide in matters of state church law—matters relating, in the main, to the clergy.

A big step—some say the main step—towards independence for the Church of Sweden was taken in 1994 when Parliament, on a proposal by the church itself, decided that Swedish citizens would no longer become members of the church at birth. Since then, membership comes through baptism. But parents may request their children to be “counted” as members in anticipation of baptism to follow at a later date. At the age of 18, every individual has the opportunity to decide whether he or she wants to stay in the church, baptized or not.

In the late 1980s the government was ready to appoint a state commission to determine the one remaining issue: the formal constitutional relationship between the state and the church. But the approval of the General Synod was a pre-requisite before the process could start. Synod members from three nomination groups were more or less in favor of a reform that would free the church from the state, while others called for reform within the existing framework of church-state relations. The General Synod stipulated that the state commission explore both options.

Some years later, the commission concluded that the old relationship should be discontinued. For the church this was an opportunity to become a real church—a church free from the state. While the state had long wanted to change the church-state relationship through the political process in Parliament, every initiative had been blocked by a majority of the Social Democrats and others who did not want to decide the issue until the synod asked.

The state commission was succeeded by a parliamentary committee, i.e., a committee in which all political parties in Parliament have a seat and voice. The majority report of this committee stated that “from the viewpoint of the state, there is still reason to take a positive view of religious activities, partly because of their important social ramifications. This should be combined with respect for those citizens who choose to disassociate themselves from religious activities. In contemporary society, there is no reason for the state to favor any one denomination. On the contrary, the state should remain as neutral as possible to the different denominations.” In the end, the committee recommended, and Parliament decided, that the Church of Sweden be given legal status in its own right, affiliated neither to national nor local government. Its posi-



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tion would be set forth in the Constitutional Act and in a special Church of Sweden Act. Parishes and charitable and parochial associations would remain legal entities in their own right, but would cease being local ecclesiastical authorities. Additionally, the Religious Denominations Act provided that as of January 1, 2000, the Church of Sweden would automatically become a "registered denomination." Other denominations were given the same opportunity to acquire similar status.

The parochial tax of former years has been replaced by an ecclesiastical charge, payable by members of the Church of Sweden and levied through the regular national revenue system. Other denominations may employ this method of collecting membership fees. In both cases, it is not a question of state taxation, but of receiving the assistance of the national revenue system to collect membership dues. The amount of the fee is determined by each parish of the Church of Sweden and by the national boards of the other participating denominations. The Methodist Church and the Mission Covenant Church, for example, proposed a fee of 1 percent of taxed income. Of the money thus collected, 30 percent supports central church administration, 70 percent benefits the local congregation. Other denominations have different models of collection and distribution.

Church taxes for 1999 averaged 1.17 percent of the taxed personal income. For many years wealthy parishes of the Church of Sweden have paid a solidarity tax based on 50 percent of their levied income. Solidarity tax revenue goes into a church fund to benefit poor parishes including some building expenses. Thus up to 25 percent of the income of some parishes (the Stockholm diocese and other large urban parishes) is shared with poorer ones. Some call it a Robin Hood system, but it is likely to continue.

Each congregation among the free churches must now decide if it wants to use the new fee collection system. Individual members of the congregations have to agree in writing to have the membership fee deducted with his or her taxes.

Under the reform actions, the Church of Sweden retained its property and the general mandate to provide burial services, the latter supported by individual residents paying a burial charge through the national tax system. Burials of non-Christian citizens, however, are no longer a diocesan responsibility, but are handled by local parishes.

In sum, the few changes to the Constitutional Act and the adoption of the two new laws replaced 1,200 paragraphs of old national law and governmental decrees. But in my opinion the remaining number of paragraphs is still too large. The government



says the definition of the Church of the Sweden in the law corresponds to what the church itself is saying. But if the church were to change its identity so that the legal definition no longer applies, Parliament would have to act—and this is not in keeping with full freedom of religion. Still, the changes in church-state relations are so great and the overall results so beneficial that I, for one, am in favor of the reform.

A former teacher and director of the Swedish headmaster organization, Urban Gibson has also served as mayor of a Stockholm suburb, vice chair of the Stockholm County Council, deputy managing director of the Church of Sweden Publishing Company, and (for ten years prior to retirement) president of the Church of Sweden Fund Stock Company. In various years since 1975 he has been a member of the Church of Sweden Assembly and the church's Central Board. This article is edited from an address Mr. Gibson presented at the International Academy for Freedom of Religion and Belief Conference on Religious Pluralism in Northern Europe, Riga, Latvia, March 1999.



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The Rising Star of Religious Freedom: A Fundamental Right in the 21st Century

Inaugural Address of the IRLA World Conference
New Delhi, November 1999

Manmohan Singh

Member of the Parliament of India
New Delhi

I feel greatly honored in being invited to inaugurate the IRLA World Conference on Religious Freedom. India has a unique tradition of religious co-existence and tolerance towards people belonging to different faiths. It is fitting that this conference is being held in the capital of a country which has allowed every religious tradition to flourish and has also provided shelter to those who were being persecuted in the land of their birth. Except for Confucianism and Shintoism, almost all the well-known religious traditions were either born in India or have made India their home. Christianity, for example, arrived in India long before it reached Europe and the Americas. According to popular tradition, St. Thomas, one of the original 12 apostles of Jesus Christ, came to India in the 1st century.

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We are living in a world of unprecedented change. Human knowledge—particularly scientific and technological knowledge—is increasing at a pace unthinkable only a few decades ago and revolutionizing the very basis of human existence by its ability to harness nature to serve humankind. The saga of modern scientific discoveries reveals how humankind, in a disciplined pursuit of science, has developed an extraordinary capacity to wrest from nature truths whose application has greatly enhanced our capacity to satisfy human wants. Properly harnessed, advances in science and technology now make possible, as never before in human history, the eradication of poverty, ignorance, and disease from the face of the earth.

There is, however, a darker side. The power that science and technology has given us over nature has been won at a price.



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Concern for the environment has followed hard on the heels of concern about the destructive potential of weapons of mass destruction gifted to the people of the world by 20th century technology. Moreover, the sheer rapidity of technological change has given rise to a number of social and psychological problems which make the modern world, for all its technological marvels, an uncomfortable and unfulfilling place to live. There is a growing feeling that a society of acquisition prevents human beings from cultivating the warm, affiliative side of human nature.

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Scientific and technological knowledge has immense potential both for good and for evil. For example, both nuclear physics and biogenetic research give rise to profound moral dilemmas as to their possible uses. But by itself science does not provide a moral compass to guide humanity in making wise choices in the use of scientific knowledge. This is possible only when scientific progress is accompanied by a mass moral awakening to raise relevant questions about the use of knowledge. The enlightened notion of man as a creation of reason, proportion, and decency is not adequate. To guide humankind in a socially constructive use of knowledge, we need to develop a morally informed consciousness which emphasizes self-control and asks basic ethical questions.

For the discovery of these moral values and ethical norms we must turn to religion and spirituality. I do not here refer to any particular sect or creed, but to the eternal and universal religion which emphasizes the essential oneness and unity of all mankind. It is this religious tradition which finds eloquent expression in ancient Indian scriptures—to which Vivekananda referred when he said that in India the backbone, the foundation, the very center of life is religion and religion alone. It is precisely this concept of religion that Gandhiji made the basis of his policies, and, on the strength of which, he wished to spiritualize politics. There are alternative spiritual paths supported by different philosophical systems to guide us in our quest for self-perfection and social good through a judicious mix of self-study, self-control of body and mind, and righteous conduct. But basically, they all explore the same fundamental truths, although they use different idioms. Spirituality thus becomes a quest for inner and outer perfection, the better to face the challenges of life. It is a quest for a design for living—a design informed and guided by divinity. This gives our lives meaning and purpose.

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Religious thought has been a powerful factor in shaping the course of human history. Now as never before, we need a new spiritual awakening to ensure that the increased material well-being



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and leisure time made possible by science and technology are not wasted in costly excitements catering exclusively to bodily desires. Science and technology influenced by religious thought ought to become the means to reignite impulses for both self-perfection and social reform, including a reformation of religious practices based on the dignity of the individual human being—on compassion, tolerance, gentleness, truthfulness, and non-violence.

I see religion's key mission as contributing powerfully to the evolution of a truly universal human civilization based on both reason and spirituality. Perhaps Einstein had this synthesis in mind when he stated that science without religion is lame and religion without science is blind. It should be the common endeavor of those engaged in inter-faith dialogue to develop a truly universal value system for the guidance of human conduct in the increasingly interdependent world in which we now live.

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We stand on the threshold of a new century and a new millennium. There are exciting opportunities as well as enormous challenges. At such a momentous point in time, it is appropriate to reaffirm the essence of our unity in peaceful coexistence. More than ever before, we need to rededicate ourselves to the goal of an open society committed to respect for all fundamental human freedoms. Human rights in religion and belief have not been merely intuited; they have been enunciated by every major community of faith. Throughout history people have made enormous sacrifices to uphold the sanctity of these rights. The state, society, and the individual have distinct roles in preserving these rights. Promoting an environment that is more explicitly protective of these rights is urgently relevant today—particularly so in the context of incidents of communal disharmony that are erupting with terrible violence all over the world.

Through specific international instruments, the world has come some distance in its efforts to protect more actively the fundamental human rights to religious liberty and freedom of belief. And yet most of these instruments have been only recently formulated—in just over the last 50 years.

- On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights.
- In 1966 the International Covenant on Civil and Political Rights was adopted. It addresses civil, political, and social rights.
- In 1976 the ICCPR became a legal obligation for ratifying states.
- In December 1981, following 20 years of preparation, the United Nations issued its Declaration on the Elimination of All



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Forms of Intolerance and Discrimination Based on Religion or Belief.

- And in 1989 the Vienna Accords strengthened the 1975 Helsinki Final Act regarding human rights in general and religious liberty in particular.

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I have cited the international instruments that emphasize standards for all nations, all governments, all religions, and all peoples because they are the most recent developments and they are the most widely encompassing. Let me note here that India, in its Constitution and in its religions, provides one of the finest examples of commitment to and respect for the noble concept of religious freedom.

Guru Tegh Bahadur (1621-1675), the ninth master of the Sikhs, sacrificed his life in a defense of the religious faith and freedom of the Hindus of his time. He challenged the authority of the rulers on an issue that did not directly affect him. Thereby he saved Tilak and Janeo, two ritualistic symbols of the Hindus. Such an unprecedented act of defense of human rights was for what Bahadur believed: the right of everyone to believe and to practice the religion of his or her choice.

Freedom of conscience is a fundamental tenet of ancient Indian philosophy. It is indispensable to self-realization (*moksha*). Religious tolerance as a value is deeply embedded in India's culture and civilization. Mahatma Gandhi once said: "Hinduism tells everyone to worship God according to his own faith or Dharma, and so it lives at peace with all religions."

In the preamble to the Indian Constitution, it is solemnly resolved to secure to all citizens "liberty of thought, expression, belief, faith, and worship." In Articles 25 through 28 of the Constitution, freedom of religion is a part of the fundamental rights guaranteed to every citizen. Under the heading "Freedom of Conscience and Free Profession, Practice, and Propagation," the Constitution states:

Subject to public order, morality, and health, and to other provisions of this part, all persons are equally entitled to freedom of conscience and the right to freely profess, practice, and propagate religion.

The essence of Indian nationhood can be characterized as a quest for unity in diversity, peace, freedom, and harmony. Respect for the religious beliefs of individuals is endemic to Indian culture. Tolerance and acceptance mark Indian life. The cultural heritage of this country was conducive to producing Gautama Buddha, Mahavir, and Mahatma Gandhi. Guru Nanak made a significant contribution to the concept of brotherhood and the right of man to live according to the dictates of his conscience. India's long, historical past sparkles with the incidents of men and women who, at great personal risk and sacrifice, endeavored to preserve freedom of religion, communal harmony, and peace.

Unfortunately, the picture today is not so bright. We face grave



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threats to these cherished ideals. The price of religious freedom, communal harmony, national integration, and peace is eternal vigilance. To this let us commit ourselves. Unless the offensive is taken to move public opinion to favor these ideals and see that they are instilled in the hearts of our children, the future will not be better.

Every legitimate grievance must be attended to. Justice and fair play must define our national life. Regardless of religious affiliation, every person must feel accepted as a full-fledged citizen of the country. Opportunities for personal development and contributions to society should not be hindered by caste or religion. These principles underline the concept of religious freedom, communal harmony, and peace.

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In the final analysis, let us not forget that today, as always, the battle is for the minds of men. Our youth must have minds which are independent, free, objective, and devoted to the investigation of truth concerning the issues that are ever before us in regard to life on Planet Earth. Man must be free to seek his own destiny, to establish his own relationship and communion with his Maker, and to follow the dictates of his own conscience; but always in the framework and full consciousness of his place, role, and obligations in and for the society of which he is an integral part, and to the reality that the liberty and individuality he seeks must be extended to every other member of the community. As stated in the Declaration of Principles adopted by the International Religious Liberty Association, the spirit of true religious liberty is epitomized in the Golden Rule: Do unto others as you would have others do unto you.

It is in that affirmation and commitment that we find the genesis and the revelation of communal harmony and peace. It is then we shall see the evolution of communities where freedom of religion shall be both cherished and nourished in an atmosphere of mutual love and respect, where fellowship and service to others shall flow like rivers, where everyone shall call our God, Father, and his neighbor, brother. It is then we shall see and experience the star of religious freedom rise and shine in an atmosphere of tolerance, peace, and harmony. All of us have an obligation to work for the realization of this noble vision.

I take great pleasure in inaugurating this world conference on religious freedom. May our path be blessed.

Dr. Singh leads the opposition in the Raja Sabha, the upper house of India's Parliament.



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Religious Liberty and the Third Millennium: A Baha'i View of the Turning Point for All Nations

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Thoughtful commentators have written both negatively and positively about the past millennium and, especially, about the 20th century. Some talk apprehensively of the fall of culture and the consequent disappearance of values, of the loss of the fullness of the inner life, of a technological civilization facing an increasingly serious crisis. A survey conducted by *The New York Times* in April 1995 may be cited as a typical example. The newspaper invited its readers to characterize the age in which we live. Common offerings were what one might expect: "The Age of Anxiety," "The Age of Uncertainty," "The Age of Fragmentation," "The Age of (Great and Failed) Expectations," "The Age of Disillusion (and Dissolution)," "The Age of Tribalism," "The Age of Fundamentalism," "The Age of Deconstruction," "The Age of Greed," and approximately 20 variations on "The Age of Eschatology and Messianism." A few readers reflected their preoccupation with "The Transnational Era" and "The Age of Kakistocracy"—government by the worst people. Editors reported that the word "global" was very common in entries, as were the prefixes "dis," "re," "post," "cyber," and "fin de."

On a more scholarly level, the eminent historian Eric Hobsbawm titled his 1995 history of the 20th century *Age of Extremes*. The book's first major section, covering the years 1914 to 1945, is "The Age of Catastrophe," while the final section, covering the last two decades, is "The Landslide." Others deserving of mention who have written about present-day society as social scientists, futurists, or historians include Jonathan Schell, Paul Kennedy, Samuel Huntington, Alvin Toffler, and Vaclav Havel. In general, they perceive the human species as moving perilously on the road to self-destruction, unable to control itself, and in dire need of divine wisdom and foresight—a need its psyche is unable to recognize.



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Such writings in the media and elsewhere indicate the deep skepticism and pessimism with which our age is generally regarded. They reflect, too, on the issue of identity: how we see ourselves as individual citizens and as a society. As Prof. Hobsbawm puts it: "Since the middle of the century . . . the branch of the old civilization has begun to crack and break. . . . The old maps and charts which guided human beings, singly and collectively, through life no longer represent the landscape through which we move, the sea on which we sail. . . . We do not know where our journey is taking us, or even ought to take us." Here is the view of the Universal House of Justice, the supreme governing council of the worldwide Baha'i Community:

Indeed, the world in its current condition has lost its bearings through the operation of forces it neither understands nor can control. It is a period in which great dynasties and empires have collapsed in rapid succession, in which powerful ideologies have captured the hearts of millions only to expire in infamy, in which two world wars wreaked havoc on civilized life as it was known at the beginning of the twentieth century.

In the wake of such horrendous disruptions, there have been unexampled advances in the realms of science, technology, and social organizations; a veritable explosion of knowledge; and even more remarkable burgeoning in the awakening and rise of masses of humanity which were previously presumed to be dormant. These masses are claiming their rightful places within the community of nations which has greatly expanded. With the simultaneous development of communications at the speed of light and transportation at the speed of sound, the world has contracted into a mere neighborhood in which people are instantly aware of each other's affairs and have immediate access to each other. And yet, even with such miraculous advances, with the emergence of international organizations, and with valiant attempts and brilliant successes at international cooperation, nations are at woeful odds with one another, people are convulsed by economic upheavals, races feel more alienated than before and are filled with mistrust, humiliation, and fear. . . . This calls attention to the emptiness of the moral landscape and the feeling of futility deranging personal life.

[In fact,] a paralyzing contradiction has developed in human affairs. On the one hand, people of all nations proclaim not only their readiness but their longing for peace and harmony, for an end to the harrowing apprehensions tormenting their daily lives. On the other, uncritical assent is given to the proposition that human beings are incorrigibly selfish and aggressive and thus incapable of erecting a social system at once progressive and peaceful, dynamic and harmonious, a system giving free play to individual creativity and initiative but based on cooperation and reciprocity.

A broader consideration of history is needed to understand a deeper truth: Humanity is subject to change, to development. In the history of human relationships, the most primitive stage is that of individual self-interest. This loyalty extends to the family unit, then to the tribe. After the constitutional city states, there is nationhood, whose culmination has been marked by the achievement, in



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the case of the majority of the world's nations, of independence from former colonial powers. Now we face the challenge of the last and crowning stage in our collective social and religious development—world unity.

According to Baha'u'llah, founder of the Baha'i faith, the central issue facing all people, whatever their nation, religion, or ethnic origin, is that of laying the foundations of a global society that can reflect the oneness of human nature. The unification of the earth's inhabitants is neither a remote utopian vision nor, ultimately, a matter of choice. It constitutes the next, inescapable stage in the process—a stage toward which all the experience of past and present is impelling us. Until humanity acknowledges and addresses this issue, none of the ills afflicting our planet will find solutions, because all the essential challenges of the age we have entered are global and universal, not particular or regional. Says Baha'u'llah: "So powerful is the light of unity that it can illuminate the whole earth;" and, "The well-being of mankind, its peace and security, are unattainable unless and until its unity is firmly established." Thus it is understandable why Baha'is view the 20th century—with all its disasters—as "The Century of Light." For these 100 years witnessed a transformation in both the way the earth's inhabitants have begun to plan a collective future and in the way they are coming to regard one another. The hallmark of both has been a process of unification. Upheavals beyond the control of existing institutions compelled world leaders to begin putting in place new systems of global organization that would have been unthinkable at the century's beginning. As this was occurring, rapid erosion overtook habits and attitudes that had divided people and nations through unnumbered centuries of conflict, and that had seemed likely to endure for ages to come.

How does religion fit into the current scheme of things? To many, religion is irrelevant: It is preoccupied by vacant rituals, impoverished by superstitious traditions, and thoroughly corrupted by self-serving individuals and groups. Judging from today's world, religion seems the least plausible answer to humanity's manifold and increasingly urgent problems. Inter-religious conflict lies at the heart of almost every war; fundamentalism impels bloodthirsty terrorist groups and spawns dangerous cults. The greatest obstacle to religion as a source of unity appears to be the differences found among the world's great faiths. Surely the animosity that has long separated Christian from Jew and Muslim from Hindu can be overcome. Indeed, a dispassionate study of these faiths shows that the essential message of each is the same.

Baha'is believe—



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- That “true religion, far from being the product solely of human striving after truth, is the fruit of the creative Word of God which, with divine power, transforms human thought and action.”
- That “the essential purpose of the religion of God is to establish unity among mankind.”
- That “there can be no doubt whatever that the peoples of the world, of whatever race or religion, derive their inspiration from one heavenly Source, and are the subjects of one God.”

Thus the foremost challenge to the followers of every religion today is the claim to be the sole possessors of truth, the desperate clinging to narrow interpretations of their religion’s teachings. This stubborn refusal to appreciate and accept other faiths only leads to bitter antagonism and futile division—as it has in the past. The declaration of the Parliament of the World’s Religions (“Towards a Global Ethic,” Chicago, 1993) suggests that it is indeed possible to find much common ground:

“We affirm that a common set of core values is found in the teachings of the religions, and that these form the basis of a global ethic. . . . There already exist ancient guidelines for human behavior which are found in the teachings of the religions of the world and which are the condition for a sustainable world order.”

In our efforts to promote religious liberty it is important for us to understand the role of religion and how it may impact positively on civilization as we know it. I submit that a “new” religion must—

- Help us heal the earth—inspire us, through practical example, to adopt an environmental ethic.
 - Embody and encourage a balance of masculine and feminine values in society and in individual consciousness.
 - Provide a radical therapy for the delirium of civilization.
- Each of us has been wounded by the fragmentation and alienation of society. Part of the job of religion is to help us feel our pain.
- Offer a sage context for emotional release through celebration and ceremony.
 - Avoid the pitfalls of reliance on a charismatic figure and suppression of dissent.
 - Encourage people to grow in knowledge and self-reliance.

Instead of opposing or dismissing, religion must incorporate scientific discoveries and the scientific requirement for evidence. At the same time, it must restore the soul of science—the sense of wonder, humility, and proportion that reminds us that there are many things we can do that we need not or should not do.

- Offer different paths for development. Acknowledge that people have different talents, different psychological makeups. Honor uniqueness.



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• Offer a compelling cosmology with mechanisms for change and adjustment so that the new religion does not simply turn into the new dogma.

• Portray a vision of the Creator God—a vision that is loving, supportive, and accessible to every person.

• Encourage members of society to love and protect children rather than abuse them.

• Provide philosophical and practical tools for dealing with evil.

• Generate an authentic sense of community that may become (in the words of Baha'u'llah) “distinguished for its abiding sense of security and faith, its high standard of rectitude, its complete freedom from all forms of prejudice, the spirit of love among its members, and for the closely knit fabric of its social life.”

The effort of will required to overcome the barriers that block the realization of *Vasudeva Kutumbakkam* (the “kingdom of God on earth”), foretold and sung throughout the ages by prophets, avatars, seers, and poets, must be galvanized by a vision of peace and prosperity in the fullest sense of the term—an awakening to the possibilities of the spiritual and material well-being of all the planet’s inhabitants. What is required of the peoples of the world is a measure of faith and resolve to match the enormous energies with which the Creator of all things has endowed this spiritual springtime of the race. Here, in the words of Baha'u'llah, is the Baha’i appeal:

“Be united in counsel, be one in thought. May each morn be better than its eve and each morrow richer than its yesterday. Man’s merit lies in service and virtue and not in the pageantry of wealth and riches. Take heed that your words be purged from idle fancies and worldly desires and your deeds be cleansed of craftiness and suspicion. Dissipate not the wealth of your precious lives in the pursuit of evil and corrupt affection, nor let your endeavors be spent in promoting your personal interest. Be generous in your days of plenty, and be patient in the hour of loss. Adversity is followed by success and rejoicing follows woe. Guard against idleness and sloth, and cling unto that which profits mankind, whether young or old, whether high or low. Beware lest you sow tares of dissension among men or plant thorns of doubt in pure and radiant hearts.”

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A Christian Perspective of Religious Freedom

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Freedom is not a human creation, but a divine gift. It is a spiritual concept. We are unfree materially, unfree mentally. We are truly free only in the sphere of the spirit. Jesus described the Holy Spirit as the embodiment of pure freedom. St. Paul saw life in Jesus Christ as freedom, life in sin as bondage. The goal of Jesus' ministry was to set captives free. Jesus emphasized that freedom is inseparable from truth. Untruth is the logic of unfreedom.

For all the importance ascribed to it, religious liberty is not an end in itself. It needs to be understood and practiced with reference to the spiritual goal of the "fullness of life." Life is the primary value, not freedom. Freedom is important only because life is. Isolated from life, freedom makes no sense. The basic question is whether we are directed towards life or towards death. To be life-directed is to be free. Death is the ultimate unfreedom—a violation of the purpose of God in whose image and likeness we are created.

Freedom is a spiritual concept because it is encoded in the substance of our being. It is the imprint of the Creator on us. God is pure freedom. We are *capable* of freedom, but we are not freedom in its essence. Because God is pure freedom, its substance is safe against change and decay. Human beings, however, put freedom in perpetual risk of being turned into its opposite. But for this, the concern for religious liberty, as with other forms of freedom, would be merely academic. Thus any concern for religious liberty must rest on two basic facts: First, freedom is the bedrock of our humanity; and second, we are poor custodians of freedom. We can use our freedom to undo our freedom—as did the prodigal son. We can also use our freedom to undo the freedom of others—as did the unmerciful servant. How so? Because human ambivalence towards freedom makes us covet freedom for ourselves but deny it to others. We think our freedom has to grow at the expense of the freedom of others. This notion is apparent in the sphere of religions in conflicted relationship with other religions, resulting in serious implications for freedom of religion in practice, as is the case in India today.



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Religious freedom does not exist in a vacuum. It combines with other forces, especially political and institutional. Power creates inequalities that impact freedom. Ironically, the fiercest enemy of religious freedom all along has been any religious establishment preoccupied with its own power and control. Jesus recognized this. He pointed out that at no time in human history could people tolerate their own prophets. It was the powerful religious establishment that masterminded the murder of Jesus. (In contrast, the state has actually done better in the protection of religious liberty.) Intolerant religious establishments do not limit themselves to combating external enemies. They are fiercer towards their own prophets and reformers, routinely burning them, crucifying them, as heretics and schismatics—whose extermination is determined a religious duty of the faithful. Nothing is more symptomatic of the depravity of a religious establishment than this. In point of fact, the more degraded a religious tradition, the more intolerant it is to both dissent within and differences without.

The world of freedom has two spheres—the sphere of inner freedom and the sphere of outer freedom. They interact with and impact each other. Only those persons who are inwardly free can enter fully into the creative potentialities of outward freedom. At the same time, outward freedom is vitally important for manifesting the hidden treasures of inner freedom. Outer freedom has always been more fiercely contested. Yet it is inner freedom that is basic to the religious domain. The enemies of inner freedom lurk within one's very self or within one's own religious establishment. In a spiritual sense, we are our worst enemies. No external enemy prevents us from living up to the ideals and values our scriptures teach us. It is, instead, something within us and among us. No enemy of our communities of faith prevents us from upholding justice, truth, and freedom. It is the vested interests within our respective religious communities. From a spiritual angle, the foremost agenda for religious freedom is the struggle for personal liberation, as well as the spiritual reformation of one's religious community. It is not crying wolf against the putative enemies of the faith prowling in the world beyond our communal boundaries.

Religious intolerance is indeed a symptom of religious decadence. But it is naive to assume that only the detractors of one's own religion are decadent. More often than not, aggressors and victims unwittingly, but actively, collaborate to create an atmosphere of hate that reduces the scope of religious freedom. This basis for this collaboration is the exaggerated importance ascribed to the external, exhibitionist, public flourishes of a particular religion. The shell is deemed all-important, the kernel of no conse-



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quence. This is where the Pharisees stood in the time of Jesus. It was precisely their (ir)religious posture that accounted for their penchant for persecution in the name of religion, and for their extreme cruelty in the name of the God of love. Jesus denounced this dangerous attitude. He urged his followers to emphasize inward truth more than outward postures and prescriptions of religious practices. Jesus knew that freedom from irreligious ideas of religion, as well the unspiritual practices of religion, was crucial for religious freedom. The more we absolutize the external, superficial trappings of religion, the greater our alienation from faith's inner resources—and greater still our offense in the eyes of others. As religious life is increasingly relocated to public space, religion will be caught in the culture wars of the times and resisted by the vested interests of the day. This is not only a political issue, but a most serious spiritual problem.

The quest for religious liberty looks toward two major spiritual frontiers. First, we need to be vigilant about threats to freedom of religion, and then engage them. How do we do this? Jesus insists that evil must be overcome, not resisted. This concept gives religious freedom an inner scope and direction too profound to be turned into simplistic action plans. It is critical that we who campaign for religious liberty in the world are fully committed to freedom in the soul. Second—and more importantly, we need to enlarge our inner capacity for freedom. The core of religious freedom is freedom from the dictates and distortions of one's own self—freedom from the tyranny of one's instincts, impulses, passions, and preferences. The teaching that we should love our enemies and "turn the other cheek," rather than pay back in the same coin, is an invitation to inner freedom. Thus freedom of religion can never ignore the freedom to do what is good. To the extent that our inner religious freedom is positive and creative, we reinforce the case we make for safeguarding, even enlarging, outer religious freedom. Religious liberty that engineers a fortress against one's enemies is fundamentally unspiritual and unsafe. The basic discovery is this: We have no enemies; therefore we do not need to be protected from anyone.

This will require a re-examination of the reigning model of inter-religious interaction. The religions of the world are in conflict. They are mutually alienated. This state of lovelessness has serious consequences for religious liberty in practice. Freedom can survive and be perfected only in a climate of love. God is love. Love is the essence of true spirituality. Love must become the essence of a new world of human freedom. Thus a core principle of religious liberty has to be the freedom to love—to love God ab-



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solutely and one's neighbor equally. Freedom to love one's neighbor includes freedom from any ideological compulsion to hate one's neighbor. Nothing is more inimical to the cause of human freedom than hate. And present efforts to spread the poison of hate and to create a culture of violence are the foremost issues confronting all of us who care so much about religious liberty. We need to ask ourselves what it means to reposition our communities of faith as models of mutual love without sacrifice of basic doctrinal principles.

Because the discipline and responsibilities of freedom are not native to human nature, our passionate craving for freedom notwithstanding, we have to push the quest for religious liberty to a commitment to train people in the art and science of liberty. The history of human experience demonstrates that unless people are trained for freedom they will turn what liberty they have into a tool of oppression. India's five-decade political experiment proves beyond doubt that it is dangerous and naive to equate freedom with independence. Millions of our people remain strangers to the fruits of freedom. Indeed, the freedom of some as a threat to the freedom of others is a sinister reality. This is not an accident. Nor does it betoken the perversity of our national fate. What we see today are the symptoms of spiritual bankruptcy resulting from a merely secular idea of nation-building that holds independence and freedom to be one and the same. Thus India remains naive about the dynamics of human nature.

The seed of fascism is the delusion that freedom for another is incompatible with my own, that anyone who is different from me is therefore hostile to me. But Jesus maintains that I must love my neighbor as myself, irrespective of who or what he or she is. Only in a culture of love and compassion wherein I learn to limit the lust of self, wherein I learn to accommodate the needs of others, will religious liberty be safe. The golden principle of every human freedom is the Golden Rule. To you, to me, Jesus says: "In everything, do to others as you would have them do to you."

This is the Christian perspective of religious freedom.

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A Hindu Response to Violence and Intolerance

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The ancient Persians had a name for India: Hindustan. They called the people of India Hindus and their religion Hindu Dharma. Such a view suggests that the religions of Indian origin—Buddhism, Jainism, or Sikhism, to cite three—are different facets of Hinduism. However, Hindu tradition defines itself as the religion of the Vedas as practiced by the Aryan race: *Sanatana Dharma*—a timeless religion comprising eternal values, a religion that did not arise at a particular period of human history, a religion that did not originate with any single prophet. Hinduism is unique in being based on super-conscious experiences and spiritual realizations of saints, sages, and seers, each of whom can claim the role of a prophet whose own foundational spiritual experiences are verifiable. Like the Ganges, Hindu tradition has flowed for millennia.

Because Hindu religious philosophy is based on experience, personal discovery, and the testing of things, it does not say, “Believe as others do or suffer.” Rather, it says, “Know thyself. Inquire and be free.”

Hinduism knows no heretics, for God is everywhere and in all things. Every instinct of Hinduism rejoices in tolerance, in acknowledging the many paths—even those that seem to contradict its own. When Hindus believe that God is everywhere and in all things, they find it impossible to hate, to injure, or to aggressively convert others. Here then are two important tenets of Hinduism: First, no particular religion teaches the only way to salvation; all genuine religious paths are facets of God’s power, love, and light, deserving of tolerance and understanding. Second, all life is sacred, to be loved and revered.

Ahimsa: Non-violence. Since all life is sacred, the practice of Ahimsa, or non-injury, is a must. A foremost ethical principle of Hinduism, Ahimsa is non-violence—physical, mental, emotional. It is abstaining from causing harm to all beings. This philosophy of non-injury is based on the beliefs that harm caused to others unfailingly returns to oneself, and that the Divine shines forth in all people and all things.



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To elaborate: The Hindu is convinced that violence he commits will be returned by a cosmic process, if not in this life, then in another. The Hindu's belief in the existence of God everywhere as a pervasive, self-effulgent energy and consciousness, creates an attitude of sublime tolerance and acceptance of others. Actually, the term "tolerance" is insufficient to describe the compassion and reverence the Hindu holds for the intrinsic sacredness within all beings. Ahimsa thereby becomes the higher-nature basis for the actions of all Hindus. Says the *Bhagavad Gita*: "Non-violence, truth, freedom from anger, renunciation, serenity, aversion to fault-finding, sympathy for all beings, peace from greedy cravings, gentleness, modesty, steadiness, energy, forgiveness, fortitude, purity, good will, freedom from pride—these belong to a man who is born for heaven."

The practice of non-violence out of cowardice has no merit. Real non-violence is the greatest strength and endurance a man can attain. It is the greatest courage coupled with the greatest love. It is the total absence of hatred. In the animal kingdom, struggle for existence may be necessary because, according to evolutionary theory, the law of "survival of the fittest" operates there. But man is not an animal—and should not behave like an animal. He should transcend the laws of the animal kingdom. In the kingdom of God, the law is love and sacrifice. Thus a spiritual man, filled with compassion and love for others, feels the miseries of others more than they do themselves, including those who behave arrogantly or violently. He holds others in love, even at great personal sacrifice.

Self-realization is the basis of Ahimsa. As stated in the *Isavasya Upanishad*, when a person sees the Self in all people and all people in the Self, then he hates none. And yet an aspirant to Ahimsa must be extremely careful in dealing with others: he should not be too soft or yielding. The absence of any grit will result in a most troublesome spiritual life. Facing the evils of the world takes tremendous strength and strict self-control. For one may outwardly put up with others, but within burn with indignation. This is most harmful. The practice of non-violence within, as well as without, increases mental strength, for only the strong can be non-violent.

Mahatma Gandhi was the greatest modern exponent of Ahimsa. Said he:

"Non-violence is a perfect stage. It is a goal towards which all mankind move naturally, though consciously. Man does not become divine till he personifies innocence in himself. Only then does he truly become a man. In our present stage we are partly man and partly beast, and in our arrogance say that we truly fulfill the



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purpose of our species when we deliver blow for blow and develop the measure of anger required for the purpose. We pretend to believe that retaliation is the law of our being, whereas in every scripture we find that retaliation is nowhere obligatory, only permissible. It is the restraint that is obligatory. Restraint is the law of our being. For the highest perfection is unattainable without the highest restraint.”

The pacific character of Hindu civilization results from the ideal of Ahimsa. If it is a fact that the masses of India, in spite of their terrible poverty, are far less brutal than the masses in other countries, it is due to the principle of non-violence.

Religious tolerance. Hinduism stresses the plurality of paths to God and the oneness/sameness of God. Since all paths converge at the same goal, God, every path must be respected, allowed to exist and thrive. This fundamental teaching of Hinduism provides for absolute freedom in matters of faith and worship. Everyone has the right to follow his own ways as long as the ways do not come into confrontation with others.

The Hindu term for a personal preference is *matam*. One may prefer the Christian path, or the Hindu, Jewish, or Muslim. One prefers certain foods, specific styles of clothing. A universal fact—fire is hot, water is wet, $2 + 2 = 4$ —is a *tattwam* shared by all. Both *matam* and *tattwam* are fundamental to human life. The Hindu observation of the mutual relationship between *matam* and *tattwam* also calls for religious toleration in belief and practice. When the principles of the plurality of paths and the mutual relationship between *matam* and *tattwam* are realized, and when love of virtues (Ahimsa, self-renunciation, truthfulness, among many) and eschewal of vices (theft, murder, hatred, malice, anger, greed) are actualized, then not only is religious freedom guaranteed, but communal peace and harmony are realized.

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The Sacred Fire: A Zoroastrian Response to Conflict and Violence

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The world in general and India in particular are again witnessing intolerance and violence for which religion is blamed. Inasmuch as the religions of the world aim at a union of God and man, intolerance and violence in the name of religion are an aberration. That said, let me come directly to the nature of conflict and violence as brought out in the principal Zoroastrian scriptures—the *Avesta* (a major division of which is called the *Yasna*); the *Denkard*; and the *Bundahishn*.

In the story of creation is the legend of “The Soul of Creation.” Gauth Urva, the cow, complains to Ahura Mazda, the lord of wisdom:

For whom have you brought me into being?
Who shaped me?
Wrath and rapine, aggression and violence crush me.
No one is my protector except you, O lord,
so reveal to me the caring herdsman (Yasna 29.1).

In answer to Gauth Urva’s prayer, Ahura Mazda appoints Zarathushtra as her protector—and he is “blessed with sweetness of speech” (Yasna 29.8). Gauth Urva is not satisfied. She wails that she must now submit “to the words of a feeble man,” when what she really longed for was a powerful warrior to help her with the “might of his hands” (Yasna 29.9). But in the very next verse she blesses the prophet and his followers and prays they may establish a peaceful existence through the “good mind,” for both the herdsman and his herds and mankind (Yasna 29.10).

In Yasna 28:1 we find Gauth Urva, with a voice like that “of a thousand men calling out at one time,” demanding justice. In one stride she reaches the stars, then the moon, and finally the sun. But they are helpless. Only her appointed protector, Zarathushtra, will fight to bring justice to her and her herds. We infer here that the teaching of Zarathushtra is not merely for human beings—the poor and the downtrodden—who cry out for justice, but for all of creation: humankind, animals, and plant life. Little wonder the religion of Zarathushtra has been called the first ecological religion of



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the world (see Piloos Nanavutty: *The Gathas of Zarathushtra: Hymns in Praise of Wisdom*).

The three tenets of Zoroastrianism are good thought, good word, and good deed. Thoughts are like the stars—beautiful, distant, but unseen in the light of day. Words are like the moon—waxing, waning, and sometimes not there at all. But deeds are different. They are like the sun—strong, powerful, the very engine of energy. Zoroastrianism emphasizes the action of good deeds for they help not only man, but the whole universe. And Ahura Mazda signifies the indestructible essence of life without beginning or end. He is the lord of wisdom from whom emanates all creation.

Ahura Mazda's first thought
blazed into myriads of sparks of light
and filled the entire heavens.
He himself, in his wisdom,
is the creator of truth which
upholds his supreme mind (Yasna 31.7).

Yet side by side with this high philosophy stands great practicality for life and action. Daily the Zoroastrian prays the *Atash Niayesh* (Praise to the Angel of Fire):

Grant me also offspring with inborn wisdom,
rising to perfection,
able to rule over lands and to guide assemblies,
harmonious in growth, active in work,
delivering from bondage, and high aspiring,
who shall advance the progress of our home, of our village,
and who shall make brighter the honor of our land (Yasna 62.4, 5).
(Translated by I. J. S. Taraporewala.)

*

Cyrus II the Great (b. between 590 and 580 B.C.; d.529 B.C.) is an example of the Zoroastrian combination of practicality with wisdom and faith. In a short time he became the emperor of Persia whose borders extended from India to Greece. His innovative policy held together an empire consisting of very different peoples, cultures, and religious traditions. The greatest of the Achaemenid dynasty, Cyrus II broke with the tradition of victor as avenger and despoiler. Instead of suppressing ethnic and religious aspirations, he provided a high degree of cultural, political, and religious freedom (see S. A. Nigosian: *The Zoroastrian Faith*). Acting with humane compassion, he released the Jews of Babylon from captivity and called for the rebuilding of the temple of Yahweh in Jerusalem. No wonder the Bible (Isaiah 44:28-45:4) describes him as the anointed shepherd of the Lord. As the world's first charter of human rights, the edict of Cyrus II the Great is inscribed at the entrance of the United Nations in New York (see Aspi D. Moddie: *Zarathushtra's "Frasho-Kereti"*).

But even empires founded on faith and high religious princi-



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ples have their ups and downs. Two hundred and some years later, Alexander of Macedonia stormed into Persia and defeated the army of Darius III. The period of foreign domination by Alexander and his Seleucid successors was disastrous for the development of the Zoroastrian community. The Greek invasion and destruction were so catastrophic that Alexander himself is depicted in Zoroastrian tradition as the *guzastag* (accursed), an epithet applied to Ahriman (the adversary). Zoroastrian scriptures record the material damage and moral crimes committed by Alexander and his cohort: temples sacked; priests slaughtered; holy texts “written on ox hides with gold ink” burned (Bundahishn 33.14; Denkard 5.3.14; Arda Wiraz Namag 1.1-11). The Zoroastrians’ greatest loss was the death of their priests who, as “living books,” handed down all tradition from one priestly generation to the next (see Nigosian). Nonetheless, some fragments survived. Gradually—and especially during the long rule of the Parthians in the first centuries after Christ—the Zoroastrians regained their former strength.

During Persia’s Sasanian dynasty, however, the purity of the faith was compromised. In 651 Yazdagird III was so swiftly and completely defeated that to this day Zoroastrians speak of the wrack and ruin that came from the Arab conquerors.

The empires of Persia ended, but Zoroastrianism survived. Recent archaeological evidence indicates that it moved east, existing for some 300 years in what is now western China. By the 10th century a small band of Zoroastrians, carrying their sacred fire, had come by sea from southern Persia, the land of Pars. They found refuge at Sanjan on the west coast of India. Today they are called the Parsis.

From Indian soil has sprung Parsi flowering in all fields of human endeavor. The multi-cultured tapestry of Hindu philosophy and the general way of life in India provided the rich environment in which the refugees from Persia were permitted to settle and live, like “sugar in the milk” of India’s human kindness. A century after their landing, the Parsis raised their own army to aid the king of Sanjan in fighting off invaders from North Gujarat. Initially, the campaign succeeded, but a year later the Parsi commander, Ardeshti (whose name I bear), was killed, and the force scattered. As they had done earlier in Persia, the Parsis, with their sacred fire, retreated to hill caves at Bahrot.

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I have gone into this in some detail because the Parsi Zoroastrians have a long tradition of reverent service to their most sacred and potent symbol—a symbol they have cherished and protected from time immemorial: the sacred fire. In the face of conflict



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and violence, it is the emblem of their cause and their faith.

And more must be said about the matter of faith and conflict. Knowing the nature of life, Zoroastrianism realizes that conflict is inevitable.

Evil will simply not go away from this world since it has mixed itself with the good. The mixed state (*gumezism*) is the battleground of conflicting forces of life (H. M. Homji: *Zarathushtra's Teachings for Modern Times*).

The good Zoroastrian wearing the *sudreh* and the *kusti* (the cotton shirt of purity and the girdle of wool) wears the uniform of a soldier of Ahura Mazda, the lord eternal, who is ever engaged in the conflict between good and evil or, more correctly, the truth and the lie. He is a co-worker, not a servant, of the lord in this battle. With hands outstretched in reverence, he prays to this lord on his feet, not his knees. He is told to "listen to the noblest teachings with an attentive ear" and then decide the path he is to follow (Yasna 28.1). The true soldier chooses to follow truth and fight the lie. Each person must "discriminate man to man and make his choice" (Yasna 30.2). Depending on his choice and his action, the end result follows: "A long period of suffering for the wicked, and salvation for the just" (Yasna 30.11). Heaven or hell is in each man's heart. The outcome depends on how he handles the conflict—a conflict which must go on until the end of time—*zarwane akarane khadate*. Ultimately, with the coming of the Soyshant (the savior), the "world will be made whole." Each one will pass through a stream. For him who chooses the lie, it will feel like a river of molten lead; but for him who has fought for truth, it will be like passing through a stream of warm milk. The point to note here is that in the Zoroastrian faith all must cross this river to obtain final salvation. When the world is made whole, all will rejoin their loved ones and rejoice. Father will say to son, and husband to wife, and brother to sister: "Where hast thou been these many years, and what was the judgment upon thy soul?" (From the Pahlavi text as quoted by S. H. Camas in her thesis *Blake and Zoroastrianism*.)

Zoroastrianism, the religion of choice, gives each man and woman the freedom to choose. "As he grows, so shall he reap." The tenets of faith and a righteous lifestyle based on good thought, good word, and good deeds enable the Parsi Zoroastrian to survive. As long as he continues to fight to make the whole world whole and take it forward to *frasho-kereti* at the end of time, he may bend, but he will not break. This is the Zoroastrian response to conflict and violence.



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Edited from an address Gen. Sethna presented at the IRLA World Conference, New Delhi, November 1999.

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SPECIAL SECTION II

**Religious Freedom World
Report 2000**

General Conference of Seventh-day Adventists
Department of Public Affairs and Religious Liberty

April 2000



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Religious Freedom World Report 2000

THE SEVENTH-DAY ADVENTIST CHURCH AND RELIGIOUS FREEDOM

Organized on May 20, 1863, in Battle Creek, Michigan, U.S.A., the Seventh-day Adventist Church has more than 11 million members and represents a community of 25 million who are active in over 200 nations of the world. The *Annual Statistical Report for 1998* showed that the church employed 165,213 persons who staffed 6,329 hospitals and medical centers, media centers, orphanages, elementary and secondary schools, universities, and other institutions.

Since its beginning, the Seventh-day Adventist Church has defended religious freedom for all. Under its patronage several religious liberty associations have been established, among which, in 1893, the International Religious Liberty Association (IRLA). The IRLA became a non-sectarian association in 1946. Its president for 2000 is Dr. Bert Beach, general secretary of the Council on Interchurch Relations of the General Conference of Seventh-day Adventists.

This report focuses on the current experience of the Seventh-day Adventist Church, but does not neglect a broader outlook. Its content was supplied by officials of the church's Department of Public Affairs and Religious Liberty stationed in various parts of the world. Additionally, we received information from other recognized non-governmental organizations and from reliable private correspondents. We are particularly grateful for the volume of material supplied by Adventist News Network (ANN), Adventist Press Service (APD), Compass Direct, Keston Institute, and Religion Today.

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A DIVIDED WORLD

What is new? Our 1999 Religious Freedom World Report underlined the reality of increasing persecution around the world. This report for 2000 further documents the fact that we live in a world of religious persecution. Some examples: In some states of India, tensions between Hindu extremists and the Christian minority remain high. On certain islands of Indonesia civil war broke out between Muslims and Christians. Seventh-day Adventists were not spared. Members lost their lives; churches were destroyed. Adventists are still in difficulty in southern Mexico's Chiapas state. In various parts of the former Soviet Union the principle of religious freedom challenges the new political authorities and the leaders of the dominant religions. The situation in Turkmenistan illustrates the problem. With the specific permission of President Niyazov, in 1992 Seventh-day Adventists began constructing a new church building in Ashkhabad. But in 1994, a new and more restrictive law was passed requiring all churches to apply for registration. Adventists provided the required papers, but the government refused to grant recognition. According to Keston News Service, Adventists endured months of harassment and threats leading up to Saturday, November 13, 1999, when, during the congregation's evening service, security agents and other workers commenced demolishing the new church building.

Traditional democracies are not beneath the politics of religious intolerance. France led a group of countries which published official lists of sects, thus subjecting religious minorities to government-sponsored persecution. While the Seventh-day Adventist Church is not identified as a sect on the French list, adult members and their children nevertheless now encounter more problems than before as they seek Sabbath accommodation in public schools and universities. The Inter-Ministerial Commission's report on the "The Struggle Against Sects" referred indirectly to Adventist teachers who asked to have Saturdays off because of their religious convictions. Opposition to accommodation is rising in France's overseas territories where the Adventist population is significant. A request for a religious day of rest gets no more consideration than a request for a day off for a sporting event or other leisure activity. Heretofore there prevailed a climate of positive understanding and good relations, but that has deteriorated markedly. Religious liberty is just not seen as a fundamental freedom, but rather as an unacceptable exigency.

But note the happy resolution of the Cape Verde case. Adventists arrested, tortured, and jailed in July of 1998 for allegedly desecrating Catholic churches were found not guilty and



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released. The judge wryly declared that their only “wrong” was being Adventist. And in Sri Lanka, we are pleased to report, Pastor Anthony Alexander was finally found innocent of all charges of anti-government activity. The presiding judge ordered his immediate release from prison.

A report such as this tends to emphasize the bad—the violations of religious liberty. But we must not ignore the nations which have good records in upholding religious freedom and protecting the rights of religious minorities. Even if perfection is not to be found in this world, we would applaud several countries which have maintained and even reinforced the principle of religious freedom. Italy and Spain lead in Southern Europe. In Northern Europe, Norway and Sweden have avoided discrimination against minority religions. The United States is to be commended for its active defense of religious freedom on a global basis. Many of the Latin American nations extend great tolerance of and support for religious diversity. In Mexico, for example, the Chiapas conflict mentioned above, should not be confused with the government’s general openness to religious minorities. Consider also Colombia. The good news there is that the Seventh-day Adventist Church is recognized and legislation is in force providing for Adventists to be accommodated for Sabbath observance. In a world divided, Colombia is taking the side of religious liberty.

Indeed, too many countries assert “no exceptions” and block efforts to establish religious freedom. They have not learned history’s lesson: Religious intolerance and persecution do not lead to justice and peace. We are thankful then for the nations that open the door to dialogue and accommodation. We are thankful also for the excellent work of United Nations Special Rapporteur for Religious Intolerance Abdelfattah Amor and the role of the UN Commission on Human Rights in Geneva. In the end, religious freedom, as defined by the Universal Declaration of Human Rights and other international instruments, is an effective factor for global peace, harmony, and stability.

CLASSIFICATIONS

The Religious Freedom World Report 2000 places the nations of the world, as well as certain territorial entities, in one of five categories, from most tolerant to least tolerant:

Category 1: Government and legislation provide religious freedom for all. No problems exist for Seventh-day Adventists.

Category 2: In spite of favorable legislation, Adventists have some problems in public schools and in the workplace.

Category 3: Legislation is not against religious freedom, but



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religious extremists, authorities, and/or the media create difficulties for Adventists.

Category 4: The government has voted restrictive legislation. Seventh-day Adventists encounter problems practicing their faith and fulfilling their evangelistic mission.

Category 5: There is no religious freedom. The Seventh-day Adventist Church is banned.

The difference between Category 1 and Category 2 is subject to interpretation. In most cases, we have accepted the classifications applied by our correspondents. This year we again note that an American or Canadian or Brazilian Adventist, for example, is likely to be more critical of his or her nation with its pro-religious liberty climate, than an Adventist living in a country with many restrictions to religious freedom. In other words, where religious freedom is a real human right, minor restrictions, such as school and workplace accommodations for Sabbath observance, are more readily identified as problems. Where religious freedom is only an elusive concept, such restrictions are simply accepted as the price to pay.

The difference between Category 3 and Category 4 is more significant when it comes to the violation of religious freedom.

Category 5 represents extreme violation of religious freedom. For the Seventh-day Adventist Church, Syria remains the rare country where the church was expelled after being there for decades. Opposition rising from the nation's traditional Christian church seems to be more decisive than the will of the government. Ordinarily, Syria would be listed in Category 3 or 4, but for the Seventh-day Adventist Church, Category 5 is more accurate.



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AFRICA

CATEGORY 1

Burundi
Cameroon
Cape Verde
Cote d'Ivoire
Equatorial Guinea
Gabon
Guinea
Guinea-Bissau
Liberia
Madagascar
Mali
Mauritius
Rwanda
Seychelles

CATEGORY 2

Benin
Botswana
Burkina Faso
Central African
Republic
Chad
Congo
Democratic Republic
of Congo
Eritrea
Ethiopia
Gambia
Kenya
Malawi
Mozambique
Senegal
Somalia
Tanzania
Togo
Uganda
Zambia
Zimbabwe

CATEGORY 3

Comoros
Djibouti
Niger
Nigeria
Sudan

CATEGORY 5

Mauritania

CATEGORY 1

Cameroon The country offers religious freedom and relations with the government are good. The only problem is Saturday examinations public schools. Adventist students may lose a year when they decline to take examinations scheduled on Saturdays. Studies are being conducted to determine the number of students effected. Meanwhile, solutions are not always easy.

Cape Verde Cape Verde is a Portuguese-speaking country of ten small islands south of Senegal, off the west coast of Africa. About 90 percent of the nation's approximately 400,000 citizens are Roman Catholic. Seventh-day Adventists number just over 3,000. Since 1992, there have been incidences of persons breaking into Catholic churches and destroying icons or images. The government has consistently blamed members of the "opposition." While some arrests have been made, no case has yet been proven.

In July of 1998 Jose Maria Monteiro Rodriguez and Jorge Adalberto Ramos Tavares were arrested and jailed on charges of desecrating Catholic churches and property on the island of



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Boavista. A third man, Benvindo de Cruz Ramos, was accused of being an accomplice, but was not held. Monteiro Rodriguez and Ramos Tavares spent a year in jail during their protracted trial. Pastor Joao Felix Monteiro, president of the Seventh-day Adventist Church's Cape Verde Mission, reported that while incarcerated, the men were subjected to ongoing torture, including beatings to the head and stomach, starvation, and electric shock, all in an attempt to force them to confess to crimes they did not commit.

The trial was unique in its length and the public interest it engendered. Pastor Monteiro stated that the press considered it "the longest and the most polemical case ever handled by the judiciary in Cape Verde." Not one of the more than 40 prosecution witnesses contributed to a conviction. Perhaps the most telling aspect of this case was the three defendants' demeanor. As Judge Helena Barreto emphatically noted in her verdict of acquittal: "The only 'crime' which the three Adventists committed, if that constitutes a crime, was to be Seventh-day Adventists." The ordeal of the three Cape Verdians ended July 26, 1999.

Côte d'Ivoire Religious freedom is respected. To illustrate: On October 10, 1998, two Seventh-day Adventists were chased out of Elokate because they declined to attend a village meeting on Saturday. The local chief declared the Seventh-day Adventist religion "closed down and no longer authorized." Church members sought refuge in neighboring villages. But by May 26, 1999, the matter was resolved through the intervention of Adventist church leaders and local government authorities.

CATEGORY 2

Democratic Republic of Congo There are Sabbath accommodation conflicts in both public and private schools. At the University of Kinshasa, where examinations are conducted on Saturdays, a meeting was held with university administrators and faculty along with the government's minister of human rights.

Eritrea Predominantly Christian with a small Muslim population.

Kenya There is a small Muslim population, but Kenya is mainly Christian.

Mozambique Seventh-day Adventist Church leaders are holding discussions with the Ministry of Education concerning classes and examinations conducted on the Sabbath.

Tanzania Almost half the population is Muslim and half Christian. Tanzania does not grant Sabbath accommodation in its public schools. There are other intolerant restrictions against religious freedom.



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Uganda Mostly Christian with a small Muslim population.

CATEGORY 3

Nigeria Christians became the targets of violence when the government of Kaduna state proposed the introduction of Islamic law (Shari'a). Two Seventh-day Adventists were killed during two days of religious conflict that began February 21 though they were not involved in the protest marches against Shari'a. Adventist News Network reported on February 29 that "the first victim, Jonathan Yohanna, was a teacher at the local Adventist nursery school. The second, Zacharia Idi Yaugo, was killed in front of his wife and children."

Stated an Adventist pastor who was on the scene: "It all began when a Christian organization mobilized its members to protest introduction of Shari'a law in Kaduna state. The peaceful procession lasted barely an hour when some pro-Shari'a Muslim groups intervened to disrupt the march. There was a clash. Missiles were thrown. There were violent fist fights. Guns, machetes, and bows and arrows suddenly emerged. Cans containing petrol were produced, cigarette lighters were employed, and then the bubble burst. Many Christians were killed outright. Others who were able to reach their homes did not live long enough to relate their experiences. A number escaped to army barracks and police stations. Many big shops in major streets went up in flames. The raging fire spread to virtually all parts of Kaduna metropolis."

In Muslim dominated Zamfara state, Shari'a went into effect at the beginning of the year. Two other largely Muslim states have also moved to adopt Shari'a as the basic civil code. ANN reported that Nigerian Christians oppose the introduction of religious law as an infringement of their constitutional right to freely practice their own faith.

Established in Nigeria in 1923, the Seventh-day Adventist Church lists nearly 200,000 members.

Sudan Although an Islamic government is in power, Christians in Khartoum, including Seventh-day Adventists, have a fair degree of freedom. According to our correspondent, Adventists conduct their mission without too many difficulties. They build chapels, hold worship services in a rather public way, and even baptize converts in Nile. Dr. Bertil Wiklander, president of the Adventist church's Trans-European Division, and other leaders have established helpful relationships with Sudan's social planning and foreign relations ministers. ADRA International, the church's global development and relief agency, is especially welcomed in Sudan.



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EAST ASIA AND THE PACIFIC

CATEGORY 1

American Samoa
Australia
Cook Islands
Fiji
Kiribati
New Zealand
Papua New Guinea
Pitcairn
Solomon Islands
Tonga
Tuvalu

CATEGORY 2

Cambodia
French Polynesia
Japan
Korea
New Caledonia
Niue
Vanuatu
Western Samoa

CATEGORY 3

China
Mongolia

CATEGORY 4

Indonesia
Nauru
Vietnam

CATEGORY 1

American Samoa No problems. Citizens are protected by the U.S. Constitution.

Australia Complete freedom though there is but little legislation to protect religious freedom. Occasional instances of religious discrimination resulting from problems which occur with Saturday-work expectations.

Cook Islands The Seventh-day Adventist Church is one of four officially recognized denominations. But the government is increasingly pressured by the dominant churches to legislate Sunday observance.

Fiji The constitution provides for the separation of church and state and religious freedom for all. But in mid 2000 a coup followed by a military counter-coup brought into question Fiji's commitment to democracy in a pluralistic society.

Kiribati Seventh-day Adventists are well respected. There are no real problems.

New Zealand Full freedom. No problems save for occasional cases concerning Saturday-work expectations.

Papua New Guinea The constitution protects religious freedom. There are some tensions rising from inter-church activity.

Pitcairn No problems. This famous island remains under British control.

Solomon Islands There is constitutional protection. Usually there are no problems, but civil tension has created difficulties.

Tonga Seventh-day Adventists are well respected. No problems.

Tuvalu Adventists are well respected in spite of the dominant state church of Tuvalu.



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CATEGORY 2

Cambodia When the current government of this traditionally Buddhist nation took power in 1993, the new constitution granted religious freedom. Every citizen is guaranteed the liberty to choose his or her religion. But Cambodia's southern province of Kamput has experienced conflicts between certain religious groups. Governor Ly Sou and Vong Samet, head of the province's religious affairs department, requested Seventh-day Adventist Pastor Ung Chan Tha to organize a conference to include the leaders of all religions in the region. In turn, Pastor Ung appealed to Pastor M. Daniel Walter, the International Religious Liberty Association representative for Southeast Asia.

Conference invitations were sent to the Buddhists' chief monk and to all other leaders of religions in the province. The governor and the religious affairs director contacted the national government which then sent Senator Sales Sen, a member of the National Assembly, and Ismail Osmon, undersecretary in the Ministry of Cults and Religions.

The conference was held on July 26, 1999, with 35 in attendance. In the dialogue following the speeches, one of the religious leaders expressed the view of those present: "This has been a good experience for us to come and see each other's faces. Now we can understand and respect each other and fulfill our responsibility to build a better Cambodia."

This was the first meeting of this nature ever to be held in the country of Cambodia. It was videotaped for airing on national television. Government leaders were so pleased with the conference and its results that they now desire to have a similar one on the national level.

French Polynesia Good relationships with other churches and the government. The church's education and youth programs receive solid support. But difficulties with Saturday schooling increase. Mainland France's anti-sect policy is applicable here and echoes in the public school system.

Japan During World War II, Seventh-day Adventists in Japan experienced great problems with religious freedom. The doctrines of Adventism—one divine and eternal God expressed in three persons, the second coming of Jesus Christ, and the establishing of a never-ending dominion of the redeemed—irritated the government. At the time, religion and the state were one and the same: The emperor was considered a living god, worthy of worship, and the nation itself, the people believed, would be forever prosperous on this planet. On September 20, 1943, the government arrested Seventh-day Adventist Church workers and jailed 42 pas-



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tors and lay leaders, some of whom died for their faith.

But today, generally speaking, Japan has religious freedom, although Adventists face special issues. A significant concern is the conflict Japan's educational system presents to observers of the seventh-day Sabbath. The country maintains a six-day school week—Sunday through Saturday. If students expect to graduate, they must attend classes every day. In terms of accommodation, progress is painfully slow. About two years ago, public elementary schools stopped having classes on the second and fourth Saturdays of each month. In the future—perhaps two or three years, public elementary schools will cease all Saturday classes. Not so for secondary level students where the six-day school week prevails. For Seventh-day Adventists and other Sabbatarians, the conflict continues.

A problem confronting Seventh-day Adventists in medicine is the government's fairly rigid policy of scheduling the required annual two-day national board examination on a Saturday and Sunday. It is difficult, of course, for Adventist physicians to take the Saturday half of the test. And the government is reluctant to arrange exceptions to the rule given the recent rise of anti-social activity. Such discrimination is a major reason for Japan's chronic shortage of Adventist medical doctors. Is regular accommodation possible? Yes. In the past 20 years or so, the government has occasionally made special arrangements. This year, for example, the government acted favorably following the appeals of a member of the Japanese Diet who is personally acquainted with the president of Tokyo Adventist Hospital, members of the U.S. Congress, and the U.S. Embassy. The International Religious Liberty Association also intervened. The result: Candidates were able to take the national board examination after sunset Saturday until midnight and then continue on Sunday. Will religious accommodation continue? With changes in the type and length of the examination expected in a year or two, there is no guarantee.

Meanwhile, many Christian organizations are openly opposing government moves to legalize the national flag and anthem. According to polls, more than one in three citizens view official recognition of the flag and anthem as symbols of Japanese remilitarization. School teachers and administrators question the government's pledge not to make homage to the flag and anthem compulsory. Students and teachers in some schools now boycott graduation ceremonies at which the flag is hoisted and the anthem sung. And Japan's Asian neighbors consider legalizing the flag and anthem evidence of intent to remilitarize. The National Christian Council in Japan has told the prime minister that legalizing the flag and anthem is to destroy freedom of thought and belief.



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Korea We refer here to the Republic of Korea, often termed South Korea. Because the Democratic People's Republic of Korea (or North Korea) remains essentially closed, we are unable to evaluate in any credible detail the status of religious freedom there. On balance, it appears bleak at best and probably non-existent.

In South Korea, however, religious liberty is constitutionally guaranteed. But it is not easy to put full benefits into practice. The government is open on Saturdays, closed on Sundays. Government employees work on Saturdays, then have Sundays off. Thus no Seventh-day Adventist who faithfully observes the seventh-day Sabbath is able to work in any government institution.

The military draft system in South Korea creates problems for young Adventists. By law every young man is conscripted for more than two years of duty. The army does not allow for observance of the Sabbath. As a result, many Adventist soldiers who struggle to keep the Sabbath according to conscience are thrown into jail. More than 1,000 Seventh-day Adventist young people are presently in the army, but only 200 or so are able to attend Sabbath services in churches or worship privately within their barracks.

Seventh-day Adventists face religious problems in education. They begin when students enter non-compulsory but strictly regulated middle school. Sabbatarian students are regularly absent on Saturdays. Teachers do not appreciate such regular absentees because regular student absenteeism makes the teachers look bad. Because of a lack of understanding and even a form of religious hatred and fear of other potential problems, teachers choose to drive Adventist students out of school rather than keep them in their classrooms.

At the university level, Adventist students face serious conflicts. Entrance examinations of some national universities are held on the Sabbath. Many medical students are confronted by conflicting class or exam schedules almost every week. And if and when Adventists do graduate they have problems taking tests for some licenses. Medical board and bar examinations are often scheduled on Saturdays. Adventist church appeals to the appropriate ministries have not elicited any positive responses.

Adventist workers in companies or factories face similar problems in keeping the Sabbath. Opportunities for employment and certainly for advancement are thus greatly restricted.

Having said all this, our correspondent remains optimistic: "Generally, Korea is a country of religious freedom. Seventh-day Adventists can gather together anytime anywhere to worship as they choose."

New Caledonia As in other French territories, there are po-



tential problems with Saturday schooling and increasing misunderstandings from school authorities.

Niue The dominant established religion is able to create some opposition to the Seventh-day Adventist Church. Strict Sunday-observance laws prevail.

Vanuatu There is constitutional protection of religious freedom. No problems.

Western Samoa Ethnic traditions and customs lead to persecution of minority religions. Some abuse of human rights has been reported.

CATEGORY 3

China In mainland China, 1999 was not a good year for religious liberty. Overall, government tightened its control. The people, however, continue to hope that 2000 and the years ahead will bring something better and brighter. They know that reform and openness have reached the point of no return. They hold a stronger sense of security, they call for more mature leadership. Having achieved normal trade status with the United States, China will, of business necessity, be subject to outside audit. Human rights in general and religious freedom in particular will not escape scrutiny.

Hong Kong: Were China's Hong Kong Special Administrative Area independent, it would rank in Category 1. From its founding as a colony of the British Empire to its transfer to China on January 1, 1997, and right up to the present, Hong Kong has enjoyed full religious freedom. The government provides for and protects religious liberty. The territory is replete with temples—Buddhist, Hindu, Sikh, and Tao, Muslim mosques, and Christian churches. Many of these major religious groups operate schools and hospitals which not only offer general education and comprehensive health care, but also serve to advance the unique beliefs and doctrines of the sponsoring faith communities. Among these is the Seventh-day Adventist Church. Besides its schools and hospitals, the church is active in social welfare, public evangelism, media ministry, and personal contact—all of which are protected by the government.

Taiwan: This island community has always respected different religious beliefs. Buddhism, Christianity—Catholic and Protestant, and Islam all fare well. Taiwanese promote their belief systems by carrying out various religious activities with full freedom. The Seventh-day Adventist Church ministers in the fields of evangelism, education, and healthcare. The government does not deny the church its connection to the world organization.

But there are difficulties for working people who want to ob-



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serve the seventh-day Sabbath. Taiwan still follows a six-day work week. Government offices, schools, companies, and factories grant Saturdays off only every other week.

Two years of military service are required of every young man—a difficult period for non-combatant, Sabbath-keeping Adventist youth. But recently a new law was passed that will allow young men to choose, on religious grounds, a three-year term of community service.

Taiwan not only provides religious liberty, but now fosters openness and liberality in its religious policies. If Taiwan were counted a fully independent nation, it would place in Category 2.

Mongolia While the government has voted restrictive legislation that could negatively effect Seventh-day Adventists and their mission, the new law has, so far, not been enforced. A possible reason: Mongolia has entered into growing relationships with the governments of other nations which are pro-religious freedom.

CATEGORY 4

Indonesia This vast nation of islands is in turmoil. Religious liberty is suffering. For example, on January 30, 2000, an anti-Christian mob of thousands ripped through the streets of Central Java's capital, Yogyakarta, damaging or destroying a dozen Catholic and Protestant church buildings—including the Adventist Gareja Masehi Advent Hari Ketujuh.

From our correspondent in Indonesia (January 23, 2000): "A pastor had to evacuate Lombok as the situation was getting too dangerous there. There is one Adventist church in Mataram on the island of Lombok which is in the news. The church was destroyed along with the pastor's house. The church elder's house was also burned, and a member's hotel. Some church members have fled to Bali. Some of the Christian churches in Bali have opened their doors as refuge for those who have fled. Four or five churches in Ambon were destroyed. An Adventist church in [now independent] East Timor has been left empty because all our members fled."

Nauru Here the Seventh-day Adventist Church encounters major problems. The government requires religious organizations to be officially registered, but rejects the Adventist church's application. Presently three registered churches are able to function: Catholic, Congregational, and the Born Again Church. Our correspondent, an Adventist minister and church administrator, writes:

"Although the Seventh-day Adventist Church has had members practicing their faith on the island for over 20 years, the Nauru government has continually refused to allow registration. I was told that the law set no special criteria for registration—simply



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apply by letter. I was also advised that the policy of the government was to allow no additional churches to register on Nauru, but I could try. I did—and received no reply. In answer to a second written request, I received a letter denying registration. No reason stated. Non-registration means the church cannot

- Purchase or lease land.
- Meet in a public place.
- Conduct public meetings.
- Use an interdenominational church building.
- Conduct baptisms legally.
- Solemnize marriages among its members.
- Bury its own deceased members.

At present the Adventist group meets in a member's home. So far the government is not interfering with this practice.”

Such draconian restrictions have tragic effects. Our pastoral correspondent recounts a sad story:

“A recent experience has caused me to seek redress of religious intolerance. I arrived in Nauru November 9. After some questioning at the airport, I was granted entry. Adventists who met me reported that a church member had died the previous evening. After conversing about the tragic loss (the man, only 37, left a wife and two young children), I inquired about funeral arrangements. I was asked to conduct a private funeral service in the deceased's house—and please do it early, before the minister of the Nauru Congregational Church arrived, or we would be in trouble. Earlier that day, a church member had gone to the office of the Nauru government's first secretary to request that the church be allowed to bury the man. Permission was denied. The member then told the government officer that an Adventist minister and church leader would be arriving, so could he bury the man. That request was also denied. In the end, the Congregational clergyman conducted the service in a most gracious and appropriate manner. About his work we have no complaints. But it is a hurtful experience when the government compels you to turn to a stranger to bury a member of your own church family.”

The minister continues:

“Our Nauru members have been threatened with jail if they conduct baptisms. Our members are denied use of the Nauru Phosphate Company Interdenominational Chapel even though most of them are company employees. Adventist ministers have been denied normal transit entry to the country. I myself am never sure whether or not I am going to get in as the government will not grant a visa despite my following the required procedures well in advance. The denomination cannot send a pastor to care for the church.”



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Vietnam According to Reuters (April 21, 1999), the Seventh-day Adventist Church, which lost its Saigon hospital, still has a mission office that belongs to the church. But its church buildings have been demolished and the properties turned into markets and restaurants. The government has allowed the church to keep open five churches, all south of Saigon. Reports our own on-the-scene correspondent: "The southern area is much more relaxed about Christianity than the central provinces where control is still very tight." States the Vietnam News Agency: "A new decree on religion in Vietnam enshrines religious rights, but warns of punishment for those who use religion to harm the state. Issued by the government, the decree also states that the property and land of religious organizations once handed to the state belongs to the state."



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EUROPE, CANADA, UNITED STATES

CATEGORY 1

Czech Republic
Hungary
Iceland
Netherlands
Poland
Switzerland

CATEGORY 2

Belgium
Bermuda
Canada
Croatia
Denmark
Estonia
Finland
Germany
Great Britain
Ireland
Latvia
Lithuania
Norway
Portugal
Romania
Slovenia
Spain
Sweden
Ukraine
United States

CATEGORY 3

Albania
Austria
Bosnia and
Herzegovina
Bulgaria
Cyprus
France
Greece
Kazakhstan
Kyrgyzstan
Luxembourg
Macedonia
Moldova
Russia
Tajikistan
Turkey
Uzbekistan
Yugoslavia

CATEGORY 4

Armenia
Azerbaijan
Belarus
Georgia

CATEGORY 5

Turkmenistan

CATEGORY 1

Netherlands Complete religious freedom. While economic trends are threatening some members, Adventists, working with other churches, are opposing these trends.

Poland The Seventh-day Adventist Church enjoys full liberty, based on an act of Parliament (June 30, 1995) which granted all basic rights. The issue of "sects" continues to be of some concern because, at times, the media uses the term pejoratively in describing the Adventist church. The director of Poland's office for new religious movements told Keston News Service (March 27, 2000) that "we have evaluated some registered churches as dangerous sects which threaten civic freedoms. We may now have to



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withdraw their registration, although we haven't come under any [Catholic] church pressure to do this."

CATEGORY 2

Bermuda Religious freedom is assured to every citizen and to all faith groups. But there are a few problems in connection with Sabbath accommodations for employees in the workplace. There are also issues in the commercial sector relating to Sabbath-keeping persons whose businesses are part of an association or a mall. However, the attitude of officials is one of cooperation and willingness to resolve conflicts.

Canada The Seventh-day Adventist Church in Canada is well known and respected. There have been some problems with labor union membership and Sabbath accommodation, but these are usually resolved without legal action. Where litigation has been necessary, the courts have often ruled favorably.

Denmark Public schools occasionally require Adventist students to attend school on Saturday. Church leaders have presented this matter to the proper authorities, but the question remains unanswered.

Finland Religious liberty is adequately protected by law. But some other forms of legislation do not harmonize with religious liberty principles. Labor laws recognizing Sunday as a day of rest do not provide for alternatives. This is bad for Sabbatarians. Two examples:

A young man employed in the office a state-owned transportation company was dismissed because he was unable to work following sunset on a few Fridays each year. Eventually he took his case to the European Commission for Human Rights. He lost.

A young lady's vocational retraining as a dairy worker included a compulsory period of paid duty. The dairy company she was assigned to refused to grant her Sabbath privileges. She was unable to graduate.

The Adventist church's minister for religious liberty is able to provide input in the development of new legislation providing for religious freedom. He has stressed that all laws, including those applying to labor, need to be in harmony with the principles of religious liberty.

And consider this: Because most cemeteries are owned by the Lutheran Church of Finland, non-Lutherans are often required to pay up to ten times the "Lutheran price" to purchase a burial site.

Germany There are a few scattered Sabbath problems for employees in general and for students regarding exams. Children in elementary schools face no problems.

Great Britain Seventh-day Adventists in the workplace face



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occasional problems in getting Sabbath off, but these can normally be solved by intervention from the church's religious liberty ministry.

Latvia The government is still working on legislation for church-state relationships. Though not proposing to block the presence of Latvia's smaller churches, some of the larger religious bodies strongly suggest that "traditional" churches of a certain age and size be granted more privileges than "new" churches.

Romania The most serious religious liberty issue confronting the Seventh-day Adventist Church in 1999 centered on the national capacity examination which was scheduled on a Saturday at the end of the compulsory educational program. Some 650 children were unable to sit for the test. A presentation to the Court of Appeals was rejected, but the Supreme Court ruled otherwise, directing the Ministry of Education to schedule a new examination time for the Adventist children. With few exceptions, the Supreme Court decision was carried out. But Adventist high school students from ethnic Hungarian families faced a conflict in that the Hungarian language and literature test was still set on a Saturday. Somehow they had not been included in the Supreme Court decision.

The Adventist church in Romania also faces problems related to its evangelistic mission. Local congregations often rent auditoriums or theaters for religious programs to which the general public is invited. Following the initial meetings, priests sometimes try to block the series by pressuring the mayors to direct the auditorium or theater managers to cancel their contracts with the church. This happens in the countryside or in small towns where the cultural halls are generally subordinate to municipal authorities.

The Romanian Constitution guarantees freedom of religion and conscience. There is no law on religion—yet. The law enforced during the Communist regime is considered inappropriate for the present. While the government had discussed a new draft law on religion for more than seven years, it was prevented from submitting it to Parliament until autumn of 1999. Although it was supported by the majority church, the government subsequently withdrew the draft in the face of opposition from minority churches and international organizations.

Sweden There are some problems in the education sector at college and university levels. It is becoming more common to schedule tests on Saturdays.

Ukraine The Seventh-day Adventist Church has experienced some difficulties in renting halls for evangelistic programs. While existing national legislation is supposed to prevent violations of religious freedom, the various regions of the do not act in full harmony with the constitution. Local authorities have attempted to



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stop evangelistic campaigns. Olga Murga conducted a series of meetings in the Crimea. Orthodox opposition made it very difficult hard to secure a venue. Vladimir Dyman held a campaign in the Chernigov region. Pressured by the Orthodox church, authorities created obstacles. Dyman had to continue elsewhere. Such problems are exacerbated when the media do not present objectively the equality of all religious organizations before the law.

United States The Constitution guarantees religious freedom. Civil rights legislation makes it illegal to discriminate against religious convictions. The church supports current efforts to clarify existing legislation, thus eliminating all confusion about employer obligations to arrange religious accommodation in the workplace.

CATEGORY 3

Albania Problems are encountered by Adventist students wanting permission to be absent from school on Saturdays. Adventists who are drafted into the army may face difficulties in honoring their religious convictions.

Bulgaria Although the Parliamentary agenda did not list it as business, on February 2, 2000, Socialists (i.e., former Communists) proposed the first reading of three different drafts of a new law on religious organizations. The motion carried. Within a half hour all three drafts were moved to the second round. A special commission was set up to merge the three bills into one proposal for the second and final reading. Written by the government, the Socialists, and the VMRO party, the three drafts had been accepted by a Parliamentary legislative committee in November 1999. The committee rejected a fourth draft law, prepared by representatives of various religious minority communities and Bulgaria's Helsinki Committee.

Six days later—on February 8, 2000—representatives of nineteen religious minorities and other organizations in Bulgaria met in Sofia for a national conference concerning the first reading of the draft laws. The conferees issued an eight-point appeal to the president, the prime minister, and the chair of Parliament. Religious communities who signed the appeal included Baptists, members of the Church of God, Congregationalists, Methodists, Mormons, Pentecostals, Roman Catholics, Seventh-day Adventists, and members of the United Churches. Other organizations which signed: Bulgaria's Helsinki Committee, the Institute for the Principle of Justice, the Association for the Protection of Religious Freedom, the Christian Coalition, and the Tolerance Foundation.

France For several years, the French government has been the European leader against "sects and cults." Thankfully, France's



official list did not name the Seventh-day Adventist Church as a sect. But the document has indeed fed prejudice and justified discrimination against all religious minorities.

On December 16, 1999, the Senate started the process of revising a law dating from 1936 by adopting legislation to dissolve groups which "cause trouble to public order." This bill proposes to treat religious minorities the same as private militias and terrorist groups.

Meanwhile, it is becoming more and more difficult for many Adventist students both in France and in its overseas territories to observe the seventh-day Sabbath (Saturday). According to Pastor Jean-Paul Barquon, secretary of the church's North France Conference, this is a dramatic change. As early as 1876, Seventh-day Adventists were accorded the various governments' understanding and good will. From 1950 to 1981, the minister of education gave his support. In 1981, a new minister introduced the term "situation à caractère dérogatoire." A law on compulsory schooling, adopted on December 10, 1998, increased understanding towards Adventist students and teachers.

At present, it is clear from the January 2000 report of the Inter-Ministerial Commission Against Sects that France's list of sects targets all religious minorities. It sets the sectarian population of France's overseas territories at 20-25% of the general population. Former understandings have changed, hostility has become the rule. Strong pressures are put upon parents to force their children to go to school on Saturday. The religious character of Sabbath observance is denied. The usual comment is, "If we give you Saturday off, we will have to provide a day off for those who want to go fishing or play soccer." Sabbath worship is thus compared with secular entertainment.

Seventh-day Adventists comprise between 5% and 10% of the population of Guadeloupe and Martinique. Adventist teachers, parents, and students holding sincere religious convictions are accused of having "excessive requirements." "Some teachers refuse to work on days that their confession claims are holidays." What day? "Especially Saturday." "These unacceptable attitudes" says the report, "should not remain unsanctioned." Article 18 of the Universal Declaration of Human Rights and all the other international documents which state that religious freedom is "a fundamental freedom" are simply forgotten.

Comment on France would not be complete without mentioning the position of the Minister of the Interior. In a letter to International Religious Liberty Association President Bert B. Beach (March 13, 2000), he states that the report of the Inter-Ministerial Commission is to be understood as information only



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and not as a normative document. The minister says that a bill is not a law until it is adopted by the National Assembly. And he underlines his “profond attachement aux principes républicains et démocratiques” and to the free exercise of all religions.

Greece Most difficulties encountered by Seventh-day Adventists seem to be touched off by Greece’s dominant church rather than by the government itself.

Macedonia Over the past few years, the official Seventh-day Adventist Church has had to deal with a small “offshoot” movement that hijacked the name of the church and forcibly seized the central office and the main church in Skopje. Though the courts have repeatedly ruled in favor of the official Seventh-day Adventist Church, the decisions have not been implemented. States Dr. Bertil Wiklander, president of the church’s Trans-European Division: “The church in Macedonia is leaving troubles behind and is vigorously moving forward.” Leaders of the church in Macedonia reported in March 1999 that “baptisms have been higher than in previous years. Eighty thousand copies of seven different books were published during the last three years.” The church officers said they take this as a sign of freedom.

Moldova Notwithstanding favorable legislation, Seventh-day Adventists have workplace and school problems. Government bureaucracies and mass media create difficulties for the church. For example, Adventists in Rybnitsa purchased a house for worship, then had difficulty in registering the congregation. Documents were prepared and sent to the registry, but they were simply returned—many times. The churches in Bendery and Kamenka encountered the same difficulties.

Russia Kaliningrad: In January 1999, an Adventist pastor secured permission to use the cultural hall in Chernjakhovsk for a series of youth meetings. Once the program began, the Orthodox priest stopped the series, forcing the Adventist pastor to relocate. This time the priest’s sons tried to stop the program by beating the pastor’s wife severely enough to require medical attention at a local hospital. In Kolomna, Orthodox opposition blocked Olga Murga’s family program. Local authorities could do nothing. In Chehov, a pastor who wanted to conduct an evangelistic program became the target of a newspaper article discrediting the Seventh-day Adventist Church. The pastor’s request for the article to be re-futed was refused.

Narjan-Mar: In April 1999, Adventists were prepared to conduct a family and health program. Notwithstanding conference documentation authorizing the program, authorities closed it after the initial meeting because the congregation itself was not registered.



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Novgorod: Pastor Eduard Siminyuk received an army draft notice. His conference officers appealed first to the military office and then to the city court, both in Valdai. Siminyuk's request for a clergy deferment was rejected—a denial of a constitutional provision. During the autumn months of 1999, Siminyuk asked the draft commission to allow him alternative service in accordance with Russia's Constitution, but the commission ignored his argument that military service contradicts his beliefs. On January 26, 2000, the Novgorod Regional Court of Cassation overturned the lower court decision and ruled that the military office's draft notice was illegal. This is one of the few decisions in Russian judicial practice in favor of a military draftee who is unable to serve on the basis of religious belief. Since Russian courts do not, as a rule, grant appeals on draft commission actions, the decision by the Novgorod Regional Court of Cassation breaks the vicious circle surrounding conscientious objectors. Siminyuk was represented by Moscow's Slavic Center for Law and Justice.

Volga: Orthodox representatives in Kamenka tried to stop an evangelistic campaign in February. In Volgograd, the newspaper described Seventh-day Adventists as members of a sect who "inflict violence, slaughter, and exhausting work without necessary food and sleep." In the Saratov region, the church has not been able to register congregations for two years. In Pugachev, the assistant chairman of the local government granted permission for an evangelistic campaign, but after the program began, it was stopped and the director of the hall was fired. There are also several cases of church members having to serve in the army without being given a chance for alternative service.

Volga-Vyatskaya: In the regional capital, local authorities prohibited the church from renting public buildings for evangelistic programs. In Alekseyevka, in October 1999, local authorities prohibited a campaign. In Kotelnich, representatives of the Russian Orthodox Church and Russian National Unity Party tried to stop a crusade. The mayor of Navashino rejected Adventist evangelism because a local Orthodox priest was negative on the plan. In Nizhny Novgorod, the Adventist church has experienced some difficulties in renting halls for worship.

Uzbekistan The religious sphere throughout Uzbekistan is definitely strained. Authorities at all levels are vindictive. Churches can neither support nor satisfy the spiritual needs of their members for they are unable to provide literature, organize small worship groups, or even meet in homes. Although censorship is constitutionally forbidden, churches cannot bring religious literature into the country. Heavy customs and other obstacles function as cen-



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sors. Moreover, there is no possibility of printing the Bible or Christian literature. The government is required to get expert opinions as to whether a certain book might upset society. Registered churches do not have legal status. All their activities must be performed through the government's Council on Religious Affairs. Those in charge of the council's Christian sector are Muslims. Their actions clearly show that other religions are not welcome. The council refused to register the Seventh-day Adventist Church in Bukhara in spite of the fact that the Ministry of Justice authorized the church's right to registration.

CATEGORY 4

Azerbaijan In Gyandja, the Seventh-day Adventist congregation was able to overcome serious obstacles and secure official registration.

Belarus Leaders of the Adventist, Baptist, and Pentecostal churches organized the Belarus Religious Liberty Association in an effort to protect what little freedom they have. There exists an official government declaration of religious liberty, but it is not operative in practical terms.

Georgia In Tbilisi, the Seventh-day Adventist congregation was able to overcome serious obstacles and secure official registration.

CATEGORY 5

Afghanistan The Taliban government has invited Loma Linda University to help rebuild the nation's medical school.

Turkmenistan The government has refused to register the Seventh-day Adventist Church. Its pastor and members are regularly subjected to persecution. No longer can they worship in their own sanctuary because, between November 13-27, 1999, the church building in Ashkhabad was demolished. The congregation's efforts to protect legal rights and freedoms were unsuccessful. Many public and legal organizations tried to influence the government with regard to violations of human rights and religious liberty, but they too did not succeed. The following report from Keston News Service (by Felix Corley; January 21, 2000) provides a credible perspective of the situation in Ashkhabad:

"Despite claims that the land was needed to build a new road, visitors to the city report that there is no sign of any new road being constructed. The second reason authorities cited for the destruction of the church building was the poor condition of the church building itself, but visitors to the church before its destruction and those who have viewed videos of the building refute this suggestion. The bulldozing of the Adventist church—which began



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November 13 and took two weeks to complete—has been widely regarded as the defining moment of Turkmenistan’s suppression of its religious minorities.

“During a Helsinki Commission [Organization for Security and Cooperation in Europe] delegation visit to the site where the church had stood, Karen Lord stated, ‘It is evident from visiting the site that the authorities have no immediate plans to construct a road. The building remains as a pile of rubble with no indication that work continues on the site. No other buildings have been destroyed save the church and a home behind the church. The Adventist church, a neighboring school, and 17 houses surrounding the site all received notice from city planners, but no others have been demolished to date.’

“Lord added that after initially saying the church had to be demolished to make way for a new road, the authorities declared the building had to be condemned because it was structurally unsound. ‘From the information obtained by the Helsinki Commission staff, both of these reasons appear to be fallacious. There is a major road a few blocks away which serves as a primary artery for traffic in the city. No new road appears to be needed through a quiet residential area. The building itself was solidly constructed. The time it took to demolish it is testimony to that.’

“Other visitors to the site since the demolition have also confirmed to Keston Institute that the former building remains a pile of rubble and that no construction work on a new road has begun. The architect denied that the church had been singled out for demolition. He claimed the demolition had taken place in accordance with the ‘general plan for the city.’ The first the church’s pastor had learned of the impending demolition had been a letter dated November 11 ordering the Adventists to vacate the building ahead of the imminent demolition. The deputy chairman for religious affairs there declared that the demolition of the Adventist church and two Hare Krishna temples ‘was all done in accordance with the law.’

“Pastor Fedotov told the OSCE delegation that while conducting the Saturday evening service on November 13, approximately five workers and 25 security officers arrived to begin the demolition. None would identify themselves and no papers were produced indicating governmental permission. The police blocked all roads, gardens, and walkways out of the area. Ten people were actually in the church as the destruction began. The British and American ambassadors attempted to visit the site but were prevented from entering the area. Representatives from the OSCE’s center in Ashkhabad were also notified of the situation and they attempted to visit the area.



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“The day the destruction began, Fedotov received a notice from the procurator declaring, ‘Your appeal to the procurator has been considered. The questions in your appeal are regulated by the Religion Law of Turkmenistan.’

“According to Karen Lord, when the OSCE representatives interviewed the workers who were engaged in destroying the building, the workers expressed deep concern because they believed they were destroying ‘a house of God.’ Said Lord: ‘Apparently it was well known on the streets that this church had been destroyed and there was some concern that because a holy place had been desecrated, negative things would befall the Turkmen people.’ Other sources told Keston that when a crane being used to knock down the building broke unexpectedly, the operator said in fear that he was not prepared to continue with the demolition and left the site. The following day the authorities found a new crane and a new operator to continue the work.

“The demolition came after months of harassment and threats to the unregistered community. In September 1999, Pastor Fedotov and other pastors had been invited to meet officials of the Council for Religious Affairs. The Council suggested to Fedotov that he end all services: ‘If you do not stop your services, then there will be reconstruction in the city.’ Fedotov indicated that he was gathering documents to apply for re-registration and asked what documents were needed to complete the application. In October, a month later, Fedotov was told that his request had been denied, even before he had applied.

“Also in October, some 15 police officers raided a service at the Adventist church, ordering parishioners to cease the illegal meeting and forcing Fedotov to sign a statement. The pastor was then summoned to the Administrative Court and fined following what he described as a ‘sham’ trial. Fedotov reportedly saw the document with the final decision for the fine before the hearing had even taken place.

“The Adventist church gathered signatures to petition President Niyazov to stop the destruction of the church, but they were given no reply. They also sent a letter to the mayor requesting another plot of land and compensation for the destroyed building. They have not had an official answer to this request, although Fedotov knows that there is a negative response which the mayor is reluctant to sign. This response, Fedotov maintains, does not discuss any city construction project, but rather states that the building was torn down because the church did not have the proper permits.

“Construction of the Adventist church in Ashkhabad was begun in 1992 with permission from President Niyazov and was completed in 1996.”



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Meanwhile, despite meeting all legal requirements, registration of a local Bible society has been refused by the government of Turkmenistan. The application was a collaborative effort by members of the Baptist, Greater Grace, Pentecostal, and Seventh-day Adventist churches. Turkmenistan is the only country of the former Soviet Union that does not have an officially recognized Bible society.



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LATIN AMERICA AND THE CARIBBEAN

CATEGORY 1

Belize
Costa Rica
Dominican Republic
Guatemala
Honduras
St. Eustatius

CATEGORY 2

Argentina
Antigua and Barbuda
Aruba
Bahamas
Barbados
Bolivia
Brazil
Cayman
Chile
Colombia
Dominica
Ecuador
El Salvador
French Guyana
Grenada
Guadeloupe
Guyana
Haiti
Jamaica
Martinique
Montserrat
Netherlands Antilles
Nicaragua
Panama
Paraguay
Peru
Puerto Rico
St. Kitts-Nevis
St. Lucia
St. Maarten
St. Vincent
Suriname
Trinidad and Tobago
U. S. Virgin Islands
Uruguay
Venezuela

CATEGORY 3

Mexico



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CATEGORY 1

St. Eustatius Ideal situation. The Adventist church's relationship with the community is excellent.

CATEGORY 2

Antigua and Barbuda Problems are being reduced. The governor general, a Seventh-day Adventist, has been extremely helpful.

Barbados The private sector is a problem, but there has been excellent intervention. New laws such as the Shoppes Bill have been enacted.

Colombia According to Statutory Law 133 approved by the Colombian Parliament, religious liberty is protected. Article 6 opens the door for Seventh-day Adventists to keep the Sabbath (Saturday) free of regular work, school attendance, or military service by agreement of the parties involved. This law benefits several levels of life. Education: The national test for admission to public and private universities is now available to Adventist students on Saturday night. Universities respect the right of Adventist students not to take tests on the Sabbath. Military: Adventist students are no longer forced to perform military duty on the Sabbath. Adventist chaplains are accepted in public schools, hospitals, and the military. Adventist church weddings: The process is nearly complete to accept an Adventist wedding certificate as legal. Colombia's only difficulty for Adventists: The church's situation in areas controlled by armed guerillas.

Dominica General problems. The majority Roman Catholic Church dominates but inter-church relations are improving.

El Salvador Sabbath problems. Visits have been made to the government leaders and ministries.

Grenada Police service and the private sector have brought some problems, but there is excellent intervention by church representatives.

Guyana University security service presents some problems, but the church is initiating dialogue with the new government and has an excellent relationship with tertiary institutions. Adventist pastors are allowed to preach in the prisons.

Jamaica Successful intervention brought to solve a few problems in some public schools.

Nicaragua There are some problems with employment. A national chapter of the International Religious Liberty Association is being organized.

Panama There are some Sabbath problems in public schools.

Puerto Rico There are some problems. Letters sent to the organizations involved. Some cases are taken to court.

St. Kitts-Nevis There have been few complaints. Effective dialogue with authorities in government.

St. Lucia Difficulties in the private sector on the matter of Sabbath accommodation. Good relations with the government.



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According to the census, Adventists may constitute up to 17 percent of the population. The minister of tourism is a Seventh-day Adventist.

St. Maarten Private sector problems, but the church has a high profile and works diligently in response to social issues.

St. Vincent The general Sabbath issue is a problem, particularly in the public service and security areas. The nation's minister of health is a Seventh-day Adventist physician.

Trinidad and Tobago Public service, school examinations, and private enterprise are sometimes problematic. The attorney general understands the situation. Parliament will consider an equal opportunities bill which includes a day-of-worship clause.

U.S. Virgin Islands Some problems in the private sector.

Venezuela A few Sabbath problems in public schools, military service, and employment. A church representative interviewed the president of the Constituent Assembly.

CATEGORY 3

Mexico Problems were reported in North Chiapas where Adventists have been forced to join a paramilitary group in protest marches against the government. They endure religious intolerance in the community. An ANN dispatch on March 5, 2000, reported on anti-Protestant persecution in several Chiapas villages. "Twelve Seventh-day Adventist families were among 72 Protestant families apparently expelled from the village of Fleur de Agala by the community's Roman Catholic majority." ANN quoted Pastor Isaias Espinosa: "Fourteen homes were demolished by the mob as Protestants fled to the hills for refuge." Other attacks against evangelicals were reported during March and April 1999 in several villages. Since 1994, ongoing conflict between different Christian groups in the region of Plan de Ayala has forced at least 20 Adventist families to leave the area. Ten homes were burned. The current dispute results from plans by the five remaining Adventist families to build a new church in the village on land donated by a church member. The General Assembly, a local governing body, has refused to allow the building to be constructed and is threatening to evict the Adventists from the village. In search of solutions, dialogues have been initiated with the government, the paramilitary group, and the community.



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NEAR EAST AND NORTH AFRICA

CATEGORY 2

Iraq
Jordan

CATEGORY 4

Bahrain
Kuwait
Lebanon
Morocco
Oman
Pakistan
Qatar
United Arab Emirates

CATEGORY 5

Afghanistan
Iran
Libya
Saudi Arabia
Syria
Tunisia
Yemen

CATEGORY 3

Egypt
Israel

CATEGORY 2

Jordan While Seventh-day Adventists welcomed Jordan's recent move toward a Friday-Saturday weekend, they are sensitive that the new arrangement may present problems for some who worship on Sunday.

CATEGORY 3

Egypt The Seventh-day Adventist Church is one of only a handful of Christian faith groups officially recognized by the government which, of course, then keeps a close eye on the church's activities. Adventists are now experiencing problems in the area of marriage because the large and highly influential Coptic Church seeks the imposition of restrictions on non-Copts.

Israel Though opportunities for public evangelism are limited, Adventists have freedom to worship and practice their faith. In the West Bank, some difficulties are encountered concerning Sabbath privileges because the Palestinian authorities tend to see observance of the seventh day of the week as a Jewish thing.

CATEGORY 4

Lebanon Although in many ways Lebanon offers more religious liberty than any other country in the region, the government has put restrictions on the number of churches it will recognize. The Seventh-day Adventist Church is recognized only as a unit under the umbrella of an organization for evangelical churches.

Pakistan Major problems are encountered in acquiring visas for expatriate church workers. Christians are probably more restricted in Pakistan than in Sudan. Proselytism among Muslims is dangerous. Shari'a law is sometimes applied. In July of 2000 Pakistan declared itself to be an Islamic state. Meanwhile, the Adventist church continues to exist as a Christian organization. It owns property, builds churches, and applies for and receives some



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missionary visas. The church operates schools, a seminary, and a major hospital.

CATEGORY 5

Afghanistan One positive note in an otherwise oppressive environment, the Taliban government has invited Loma Linda University to help rebuild the nation's medical school.

Saudi Arabia According to religious liberty activist Gianfranco Rossi (quoted by the Adventist News Network), "Saudi Arabia is the only country in the world that formally prohibits on its territory the public practice of any religion except Islam. Among the six million immigrant workers, there are many who are not Muslims. They would like to profess their faith freely. However, if they try to do this they are arrested, imprisoned, and expelled from the country. Saudi authorities prohibit Jews, Christians, and all other non-Muslims from having their own places of worship and even from meeting in private."



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SOUTHERN ASIA

CATEGORY 3

India
Sri Lanka

CATEGORY 4

Nepal

CATEGORY 5

Bhutan
Maldives

CATEGORY 3

India India is a democratic, secular republic. The constitution guarantees religious freedom as a fundamental right. Article 25 of the Indian Constitution provides to all people freedom of conscience and the right to profess, practice, and propagate any religion subject to the prescribed limitation of public order, morality, and health. Moreover, the government must not support any one particular religion.

But due to the rise of Hindu fundamentalism, India is facing many difficulties. The present government is dominated by a Hindu religious party. Though the state governments have made public pronouncements in support of secularism, some have nevertheless passed legislation to prevent religious conversions. Additionally, India's six-day work week creates Sabbath problems in public schools and workplaces in many places. In spite of all the difficulties, we are able to carry on evangelistic work in many parts of the nation.

The government has decided to form a committee to review the constitution. This has raised questions in the minds of many people. However, the government has given assurances that such basic tenets as democracy, republicanism, and secularism will not be touched. Still, secularists have expressed their apprehension about a hidden agenda in the whole process of constitutional review.

Religious conversions have been prohibited. In January 1999, Australian missionary Graham Staines and his two sons were burned to death. The man alleged to be behind this crime has been arrested. However, the state of Orissa, where the murders took place, passed an order in November 1999 prohibiting conversions without prior permission from the local police and the district magistrate. This order means that anyone wishing to convert to any other religion must undergo police inquiry to explain his or her reasons. The police report is then drawn up, supplemented by information from family members and neighbors, and then passed on to the district magistrate who is authorized to grant or deny permission. The law obviously targeted Christianity. Little wonder that it has created widespread dismay among India's Christian community. The bad situation is likely to deteriorate further if, as expected, Orissa brings to power a new legislative assembly



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controlled by a Hindu-influenced political party.

Places of worship have been limited. In the state of Uttar Pradesh, India's most populous, legislators on January 4 passed a bill restricting the construction and use of places of worship. Christians fear this could lead to denial of permission to hold, legally speaking, any meetings anywhere in the state. However, at the time our correspondent prepared this report, the bill had not been ratified by the governor.

Meanwhile, the Gujarat state government lifted a ban on its employees being members of the Hindu nationalist Rashtriya Swayam Sevak Sangh. Not only Christian organizations but also secular political parties have objected. However, India's prime minister and home minister have both justified Gujarat's action. The Gujarat assembly is also expected to discuss its new freedom of religion bill this year. It would forbid conversion of a person by use of force, fraud, or enticement. Anyone involved in activity leading to a conversion could be fined and imprisoned for up to three years. This bill, if and when it becomes effective, will haunt Christians working with tribal and marginal people simply because conversion by "enticement" or "allurement" or by "fraudulent means" can be interpreted in many ways. Such circumstances indicate that Christianity in India is going through difficult times. At the same time, there is overwhelming evidence that a lot of people have a great thirst to know about Jesus.

The government of India approved New Delhi as the venue of the International Religious Liberty Association's World Conference on Religious Freedom, conducted November 16-18, 1999. Most religions were represented. The Seventh-day Adventist Church supported it in full. Leaders from the governing coalition and the opposition joined representatives of India's—and the world's—religions in sharing their understanding of religious freedom. Coming just a few days after the visit of Pope Jean Paul II, the IRLA World Conference was understood and perceived as an effort to build bridges between religions and to create a climate of peace.

Sri Lanka The decades-long ethnic struggle between the majority Sinhalese and minority Tamils continues. The basic issue: Aspirations of some Tamils for an autonomous homeland in the northern section of this beautiful island, once known as Ceylon. But the conflict has clear linguistic and religious overtones. The Sinhala-speaking Sinhalese are Buddhists; the Tamil-speaking Tamils are, in the main, Hindu. English is the bridge language; street signs in Colombo, for example, are tri-lingual. Christians in both groups feel trapped. They want to be faithful to the teachings of Jesus Christ and, at the same time, loyal to their ethnic commu-



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nities. The M. Anthony Alexander story is illustrative.

A Seventh-day Adventist minister and teacher—and a Tamil, Alexander was arrested by the national police in March 1998. The charges: Supporting the anti-government Tamil Tiger movement. Though subjected to exquisite physical torture, he resisted signing a false confession—until the police warned him that they would get his wife and five children if he continued to hold out. Imprisoned without trial—technically legal under Sri Lanka’s emergency laws—Alexander did not get a first hearing in court until December 1999. And that came about because the Adventist church focused global attention on his case. The charges having been divided, Alexander was tried in separate courts before different judges, one of whom became so accustomed to seeing people from Bermuda, Indonesia, the Philippines, and the United States in his courtroom that when they were not present he was constrained to ask: “Where are all the international people?” As the trials continued through the winter and spring of 2000, the government’s case unraveled. The coerced “confession” was ruled inadmissible. Physical evidence was shown to be utterly incredible. Ruling on a defense motion, the presiding judge on May 15 declared Pastor Alexander innocent of all charges and ordered his immediate release from prison.

A footnote: Over the long months behind bars, Alexander’s Sinhalese prison wardens and guards came to appreciate the Tamil minister whose only agenda was the peace of God in Sri Lanka and good will among the nation’s peoples. In prison, Pastor Alexander daily shared, in word and deed, the love of Christ with other Tamil prisoners—young fellows, most of them, and considered by the government guilty of terrorism simply because they are Tamils. Anthony Alexander’s prison ministry was, in fact, so meaningful that the leadership of the revolutionary movement pleaded: “Please stop your preaching. We know that when you have converted all our young men to Christianity, they won’t fight with us anymore.”

Another footnote—this from *The Washington Post* (June 8, 2000): “Colombo, Sri Lanka, June 7—A suicide bomb blast near Colombo shattered Sri Lanka’s first War Heroes Day, killing a cabinet minister and 20 other people. There was no claim of responsibility for the bombing, but it was similar to previous attacks by the Liberation Tigers of Tamil Eelam, a group that has been fighting the Sri Lankan military for 17 years to create a separate homeland for minority Tamils in northern and eastern Sri Lanka. The rebels have a suicide unit, the Black Tigers, that has targeted government officials and politicians. After the bombing, crowds of angry people began attacking the homes of Tamils, a government



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official said. The government, which has already assumed emergency powers to deal with the Tamil insurgency, imposed a curfew on the Ratmalana neighborhood and two adjacent suburbs and barred journalists from the area. The government information agency issued a statement appealing to the public 'to stay calm at a sensitive time such as this when emotions are running high.' It added that steps had been taken "to protect all communities from any backlash."

CATEGORY 4

Nepal Nepal has declared itself a Hindu kingdom. But the Seventh-day Adventist Church has a presence in this nation high in the Himalayas: a few churches, a school, and an internationally-known hospital. ADRA International, the Adventist Development and Relief Agency International, is very active. Among the restrictions that inhibit the church's mission: conversion (a serious offense) and ownership of property. But Nepalese Christians can and do worship.

CATEGORY 5

Bhutan Religious freedom does not exist in Bhutan, a Hindu kingdom ruled by a young monarch. There is a general ban on all Christian churches including the Adventist church. Nonetheless, a few Bhutanese people have recently adopted the Seventh-day Adventist faith, but they cannot build a church anywhere in the nation.

Maldives There is no religious freedom in the Maldives. All churches are banned. Islam is the dominant religion. Those Christians from other nations who have entered the Maldives as expatriate workers must worship in private.



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CONCLUSION

The Seventh-day Adventist Church's Religious Freedom World Report 2000 is a modest contribution to the collection of similar documents on religious intolerance currently issued by various governments and non-governmental organizations. We strive to fill a complementary role. This report's focus on the experience of Seventh-day Adventists should not be seen as a sign of denominational exclusiveness. It was the best way to channel the flow of information we receive and to report on some unique aspects of the global condition of religious freedom. We work diligently with the best we have in the current circumstances. Certainly we are concerned about all violations of religious freedom against all religions and beliefs.

Though this report is seriously—even severely—edited, the feeling persists that much work still needs to be done and improvements made. Informational input remains unequal in detail and accuracy. We simply hope this report will serve as a resource document for the United Nations as well as other agencies, institutions, and countries. May it open doors to dialogue and better understanding.

Religious freedom is always in the process of being given or denied, of being built up or torn down. The Seventh-day Adventist Church is fully committed to this principle: Religious freedom is a fundamental freedom. The church is also committed to this mission: To defend, protect, and promote religious liberty for all people everywhere.



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The First Word and the Last

William Wordsworth (United Kingdom; 1770-1850) describes the person of faith and defines faith itself:

One in whom persuasion and belief
Had ripened into faith, and faith become
A passionate intuition. (*The Excursion*, Book IV.)

For such a one, witness to that “passionate intuition” called faith flows as naturally—and positively—as breathing in and breathing out. Witness to a whole and healthy faith does not resort to negative proselytism resulting in persecution. Writes Alfred Tennyson (United Kingdom; 1809-1892):

To persecute
Makes a faith hated, and is furthermore
No perfect witness of a perfect faith
In him who persecutes. (*Queen Mary*, Act III, Scene 4.)

*

For most readers of *Fides et Libertas*, Miguel de Cervantes (Spain; 1547-1616) states the obvious:

Liberty . . . is one of the most valuable blessings that Heaven has bestowed upon mankind. (*Don Quixote*, Part II, Chapter 58.)

But it's an obvious worth stating. And restating. Here's Daniel Webster (United States; 1782-1852):

God grants liberty only to those who love it, and are always ready to guard and defend it. (From a speech given June 3, 1834, and published in *Webster's Works*, Volume IV.)

To guard and defend religious liberty: This is the mission of the International Religious Liberty Association. Our mission must succeed. We will fail only if falters our faith in

The God who gave us life, [who] gave us liberty at the same time.
(Thomas Jefferson [United States; 1743-1826]: *Summary View of the Rights of British America*.)

We will fail if we fear to confront the mother of fears: the fear of freedom itself.

One should never put on one's best trousers to go out in to fight for freedom. (Henrik Ibsen [Norway; 1828-1906]: *The Enemy of the People*.)

Indeed,

They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety. (In a response from the Assembly of Pennsylvania to the Governor, November 1755, and subsequently appearing in Benjamin Franklin [United States; 1706-1790]: *Historical Review of Pennsylvania*.)

*

Right here I'll pause to express gratitude for the privilege of having been the first editor of *Fides et Libertas* and to welcome with enthusiasm my successor, Jonathan Gallagher. *F&L* is in



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good hands—his and yours.

*

Alfred Austin (United Kingdom; 1835-1913) asks if life is worth living—and then answers his own question:

... Yes, so long
As there is wrong to right.

So long as faith with freedom reigns
And loyal hope survives,
And gracious charity remains
To leaven lowly lives;
While there is one untrodden tract
For intellect or will,
And men are free to think and act,
Life is worth living still.

Faith and freedom. *Fides et libertas*.
The first word. And the last.

—Richard Lee Fenn



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