

FOI ET LIBERTÉ

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FÉ E LIBERDADE

FAITH AND LIBERTY

GLAUBE UND FREIHEIT

# FIDES ET LIBERTAS



2002

THE JOURNAL OF  
THE INTERNATIONAL  
RELIGIOUS LIBERTY  
ASSOCIATION

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## MESSAGE FROM THE SECRETARY-GENERAL

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When we first talked about having our Fifth World Congress on Religious Freedom in Manila several years ago, the world was different. Nobody, of course, expected the tragedy of September 11, 2001.

Last November in Madrid, Mrs. Mary Robinson, former UN High Commissioner for Human Rights, said to me: "After September 11, religious tolerance has become a very critical issue for peace in the world." Why did she say that? Because once more in history, religion has shown itself to be an essential factor of peace or war. It is a factor of unity or division.

A few months ago, I was in New York for a meeting with Professor Abdelfattah Amor and Patrice Gillibert. We were talking about the famous book, "The Clash of Civilizations." I remember well the observation Prof. Amor made about the relations between the West and the Islamic world. He said, "I am very concerned because there is a deep fracture between these two worlds." What can we do? Are we satisfied with such a division? No! We are not and this was the reason for our presence in Manila. We believe that the most appropriate answer to religious fanaticism and religious intolerance is to promote and defend religious freedom. Religion freedom is formulated very definitely in Article 18 of the Universal Declaration of Human Rights. It means, the right to be different, to choose or not to choose a faith or a belief, according to the dictates of conscience, the right to share, teach, and the right to have a religion or not to have a religion.

This simple principle has its roots in many religious traditions. In the Biblical creation story, God gave human beings the right to choose. We read that Jesus gave people the freedom to follow or reject him. One of the first Christian theologians, Tertullian invented the expression "Religious Freedom." This essential concept is also found in the Koran which states that there should be "No constraint in religion." The World Congress brought together people from various faiths and beliefs or convictions, to promote the noble principle of religious freedom. Religious freedom is the best answer to religious violence. It can be a powerful factor for peace in every country around the world. We believe that it is not possible to build a just society by forcing people to adopt or to abandon their religion or personal convictions. We believe, the State should not be involved in favoring one belief or religion or discriminate against other faiths. This does not bring peace but frustration, prejudice and misunderstanding. It would be a mistake to try to build a better society or a better world and to neglect religious freedom as a basic factor.

Religious freedom is not the achievement of peace and justice, but a condition for peace and justice. How can we have justice if we discriminate against people in what is the most precious for them and their conscience? How can we improve peace if we deny the right to be different, if we do not recognize the value of the individual, of every human being, rich and poor, male and female? Religious freedom should not be considered as an ideal impossible to reach, but as an essential factor to build a better world. Religious freedom is not the end, but a principle which helps people, to be stronger in fighting injustice, poverty, and to be useful in improving the quality of life for millions of people around the world. They will do that because religious freedom gives them dignity and responsibility. We did not come to the Philippines to give lessons about religious freedom. The Philippines has a great record on this issue. The Philippines is a land of religious freedom in a region of the world where this right is challenged. We came to Manila to say that beyond our differences, we are living in the same world, and in this world, we have to be united to bring more peace, justice, and harmony.



*JOHN GRAZ*

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International Religious Liberty Association

12501 Old Columbia Pike

Silver Spring, Maryland 20904-6600, United States of America

Phone: +301.680.6683 - Fax: +301.680.6695

Email: ViHughes@compuserve.com - Web site: [www.IRLA.org](http://www.IRLA.org)

**(Printed in partnership with Liberty Magazine)**

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# DECLARATION OF PRINCIPLES

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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 interest 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 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 also includes 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 peoples.

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.*

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## STATEMENT OF PURPOSES

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

- 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.

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## MISSION STATEMENT

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



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12501 Old Columbia Pike  
Silver Spring, Maryland 20904-6600, USA  
Phone: 301.680.6686 - Fax: 301.680.6695  
[www.irla.org](http://www.irla.org)

**John Graz, Publisher**

Phone: 301.680.6680  
E-mail: [74532.240@compuserve.com](mailto:74532.240@compuserve.com)

**Jonathan Gallagher, Editor**

Phone: 301.680.6682  
E-mail: [JonGallagher@compuserve.com](mailto:JonGallagher@compuserve.com)

**Viola Hughes, Managing Editor/Production Manager**

Phone: 301.680.6683  
E-mail: [ViHughes@compuserve.com](mailto:ViHughes@compuserve.com)

**Editorial Committee**

Jonathan Gallagher (Chair)  
Roy Adams, Bert B. Beach, John Graz, Viola Hughes, Bob Nixon,  
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Printed at House of Printing, Burtonsville, MD

**Price US\$10.**



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# REFLECTIONS ON THE WORLD CONGRESS

JONATHAN GALLAGHER

*IRLA Deputy Secretary General and Communication Director, USA*

The International Religious Liberty Association (IRLA) World Congress, which took place in Manila June 10-13 under the theme “Religious Freedom: A Basis for Peace and Justice,” brought together top-level experts, diplomats and leaders from around the world to tackle the issues of religious extremism, intolerance, and persecution.

In the words of IRLA secretary-general, Dr. John Graz: “The world congress is held every five years, so this is our premier event. More than ever religious freedom and the need to develop tolerance are the key issues in today’s society. We are convinced that religious freedom is the best answer to religious fanaticism and anti-religious ideologies. In today’s global community, religious freedom is under great threat. Religious-inspired violence is on the increase, with extremism and intolerance becoming the norm. We believe this vital world congress provided the opportunity for people of many faiths to interact, and to work together on solutions to the various religious freedom and human rights issues that trouble so many peoples around our world.”

The Congress has provided the basis for this issue of *Fides et Libertas*, with some of the excellent papers presented being published here. It is, of course, not possible to publish everything from the Congress within the space confines of this journal, however we hope to publish some of the other presentations at a later date.

With the number of stellar luminaries of the religious freedom firmament attending, the Congress provided an excellent opportunity to feature the IRLA and its work on a larger arena.

Professor Abdelfattah Amor, United Nations special *rapporteur* for religious freedom or belief and vice-chair of the Human Rights Committee, spoke on the theme of the Congress, ‘Religious Freedom: A Basis for Peace and Justice,’ underlining the tragic consequences of inter-religious conflict and the vital importance of respecting freedom of belief. “In various countries religious freedom violations occur because of political reasons,” said Amor.

“As a result these violations are not dealt with and continue—actions of discrimination and intolerance, while freedom of thought, conscience and belief is attacked.”

The media coverage was excellent, including many newspaper articles and TV interviews. Just as significant was the great interest shown by government and politicians, demonstrated by the participation and attendance of leading public figures.

In her message, Philippine president Gloria Macapagal Arroyo commended the IRLA “for its continuing efforts to promote and defend the principles of religious freedom,” adding that “mutual respect and understanding should be the common goal of every religious group.” She also underlined the importance of religion in defending civil liberties, saying that “starting with religious liberty and tolerance, the various religious groups can be our anchors in preserving our other liberties to make sure that we can live in a community free of bigotry, hatred, and conflict.”

President of the Philippine Senate Franklin M. Drilon said he was “singularly privileged to be part of the IRLA’s quinquennial congress which the Philippines will host for the first time. This gathering offers the most opportune time for the delegates from the country and around the world—representatives of different religious affiliations and foreign heads of states and religious leaders—to reflect on the world’s most prevalent issues.”

Speaker of the House of Representatives Jose de Venecia commented that “the continuing dialogue and interaction should likewise extend to the dominant religions—to reduce communal strife and religious tensions in many areas of the world. I congratulate the IRLA for its success these past 25 years in the staging of this quinquennial assembly. It is my fervent hope that your efforts will finally bring about the harmony and understanding that the whole world aspires to.”

The World Congress on religious freedom concluded with an insistence that violations of religious rights are unacceptable, and specifically named some of the worst offenders. The “Resolutions and Statement of Concern” issued by the World Congress are appended at the end of this issue of *Fides et Libertas*.

In my words to the press, “We have heard many speeches and fine words during this World Congress on religious freedom. But in order to be relevant we need to come out and clearly condemn the worst abuses, pointing to those countries where intolerance and persecution are hurting people’s lives and work, even to the point of violence and death. Such actions have no place in

today's world and should be condemned by all nations, since religious extremism and intolerance are the greatest threats facing humanity."

The documents identified Sudan, North Korea, and some states in India as "among the most serious violators of religious freedom," and adds that "of great concern, particularly for this Congress held in the Philippines, are the many reports of mistreatment and judicial penalties enforced against guest workers of religious minorities in Saudi Arabia and other Gulf States."

Also cited are China, for its persecution of Christian house churches, Tibetan Buddhists, Muslims, and the Falun Gong; Turkmenistan for its systematic intimidation and harassment of religious minorities and the destruction of houses of worship; Belarus for a proposed highly restrictive religion law; the conflict in Indonesia between Christian and Muslim communities; local persecution of protestant Christians in Mexico, and the refusal of conscientious objection status in South Korea.

The document concluded: "the participants in the Congress express their sympathy, compassion, and solidarity with the victims of religious discrimination, intolerance and persecution, and reaffirms the International Religious Liberty Association's commitment to cooperate with the foregoing governments in finding solutions to these lamentable problems."

On a personal note, I would like to thank all those who contributed to the great success of this World Congress—the presenters, participants, and organizers—and trust that this contribution to the cause of religious freedom worldwide will prove of direct benefit to those who matter most: the victims of religious persecution.



END



**JONATHAN GALLAGHER**

*IRLA Deputy Secretary General and Communication Director, USA*



# RELIGIOUS FREEDOM: A BASIS FOR PEACE AND JUSTICE

**ABDELFATTAH AMOR**

*Professor, special rapporteur on religious freedom or belief to the United Nations Commission on Human Rights and vice-chair of the U.N. Human Rights Committee, Geneva, Switzerland*

*[This article is based on remarks made in French by Prof. Amor together with additional supplied material]*

The *United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* was adopted by the General Assembly on November 25, 1981. The Commission on Human Rights, by its resolution of March 10, 1986, agreed, in order to see to the application of this Declaration, to name a Special Rapporteur charged with examining, in all parts of the world, incidents and governmental measures which were incompatible with the provisions of the Declaration, and to recommend measures appropriate to remedy such situations.

Since the creation of the mandate, 37 reports have been presented, of which 16 were general reports submitted to the Commission on Human Rights, 7 were interim reports submitted to the General Assembly, and 14 were reports of visits submitted to the Commission and the Assembly. In addition to these reports, there were some studies, established in the context of the preparatory process for the Durban Conference on racism and those elaborated in the context of the preparatory process for the Madrid Conference on the freedom of religion or belief in relation to education. Furthermore, an international investigation has been undertaken in the content of school curricula and textbooks concerning religion or belief.

All activities of the mandate appear in the context of two essential preoccupations: on the one hand the controlling of intolerance and discrimination based on religion or belief, and on the other hand the prevention of intolerance and discrimination based on religion or belief. The work of the special rapporteur is done completely independently, and the Commission of Human Rights is the sole judge of the special rapporteur's reports and activities.

My work involves looking at violations of religious freedom or belief, providing recommendations for preventive action. An essential factor for the

prevention of intolerance and discrimination based on religion or belief is the one on education.

The prevention of intolerance and discrimination based on religion or belief, and the prevention of all violations of human rights in general, can be ensured primarily by education. This can indeed contribute to the internalization of the values centered on human rights and to the emergence of attitudes and behavior of tolerance and non discrimination. Thus, the school, as the main element in the education system, can constitute an essential and privileged vector of prevention. One may recall, in this respect, that the Vienna Conference on Human Rights had reaffirmed that: "States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human-rights instruments, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms. Education should promote understanding, tolerance, peace, and friendly relations between the nations and all racial or religious groups and encourage the development of United Nations activities in pursuance of these objectives. Therefore, education on human rights and the dissemination of proper information, both theoretical and practical, play an important role, in the promotion and respect of human rights with regard to all individuals, without distinction of any kind, such as race, sex, language or religion. This should be integrated in the educational policies at the national as well as international levels."

Since 1993, particular attention has been given, in the context of the mandate, to questions of education. Charged by the Commission on Human Rights to examine the contribution that education can bring in order to promote religious tolerance in a more efficient manner, I undertook, in 1994, an investigation addressed to States on problems related to the freedom of religion or belief as seen through the syllabi and textbooks of primary or elementary and secondary educational institutions.

The International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination was organized after analyzing results from a survey with 77 States and other research. The goal of the conference was to establish an international strategy centered on human rights in schools (on the struggle against intolerance and discrimination based on religion or belief).

In collaboration with the Spanish government and on the occasion of the twentieth birthday of the UN Declaration on the Elimination of all Forms of



Intolerance and of Discrimination Based on Religion or Belief, the conference took place on November 23-25, 2001, in Madrid. More than 800 people were present in Madrid including 80 state-sponsored delegations, the representatives of inter-governmental and of non-governmental international organizations, of communities of religion or conviction, and of national institutions as well as experts. The final document of the conference was adopted on November 25, 2001.

In the preamble to the final document, the Conference recalls various general principles to guide all action concerning prevention, notably the principle according to which tolerance implies the acceptance of diversity and respect of the right to difference. It immediately underlines the objective that it has set, namely “the urgent need to promote, through education, the protection and the respect for freedom of religion or belief in order to strengthen peace, understanding, and tolerance among individuals, groups, and nations and with a view to developing a respect for pluralism.” To reach this objective, the final document defines the qualitative criteria to which education must adhere to (referring to Article 29 of the Convention on the Rights of the Child).

The final document also expresses measures of a general order, and to targeted measures that it agrees to implement. In this respect, it appeals not only for a contribution from the concerned States, organizations, and institutions, but also from everyone in society such as the media, non-governmental organizations, groups and communities of religion or belief, and parents.

Since the school should be safe from all political and ideological indoctrination, one must exercise vigilance about the content of the curriculum. In this sense, the Conference encourages every State “to promote educational policies aimed at strengthening the promotion and protection of human rights, eradicating prejudices and conceptions incompatible with freedom of religion or belief. And schools should take appropriate measures against those prejudices which manifest themselves in school curricula, textbooks, and teaching methods.”

So that educators can play their role in an efficient manner, it is recommended to States to develop “the motivation of teachers for their action by supporting and encouraging commitment to the human rights values,” to prepare teachers “to educate children concerning a culture of respect for every human being”, and to encourage “academic research in relation to freedom of religion or belief.” It also recommended to States to “favorably consider,



where appropriate, providing teachers and students with voluntary opportunities for meetings and exchanges with their counterparts of different religions or beliefs” and “encouraging exchanges of teachers and students and facilitating educational study abroad.”

The final document recommends “the renewal, production, dissemination, translation, and exchange of means and materials for education in the field of freedom of religion or belief,” as well as the study and the dissemination of various experiences of education and notably of innovative experiences undertaken throughout the world.

The conference did not fail to insist on the attention that it agrees should be attached to discriminations of which women continue to be victims concerning education and on the necessity to “reinforce the protection of the right of girls to education, especially for those coming from vulnerable groups.”

Considerable work has been accomplished in the field of religious freedom, but it is instructive to ask whether this work has had results. I would like to make some observations and to be as objective as possible.

I have three general observations.

### **1. Definite progress.**

There is no question that there has been definite progress in freedom of religion or belief. This is seen at various levels. For example, in the area of juridical norms where there has been much progress in the recognition of religious freedom by law, especially at the international level. This has resulted in the steady progress of religious freedom, cited in Article 18 of the 1948 Declaration on Human Rights; Article 18 of the 1966 Declaration On Political and Social Rights; the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief; the 1993 Vienna Declaration; the 2000 Durban Declaration; as well as numerous statements adopted by the General Assembly and the Human Rights Commission.

We can also cite progress in the attitudes of society towards religious freedom. Ideological dogmas have decreased, particularly Communism and Marxism, and there is now a decreased hostility to religion. Increasingly there is a return to understanding spiritual life, and a positive respect for this in public opinion, as well as an increasing call for dialogue between religions. I would identify the following areas of change:

- A progressive decline of anti-religious policies and of total control of the religious sphere in the name of a political ideology; this has happened since the end of the Cold War. This tendency is translated, on one hand, by many States having abandoned the pure and hard “Marxist ideology,” by the normalization of State-Religion relations, but also for some by renewed ties and bonds with the traditional “church.” On the other hand, there is also the persistence in a very restricted number of States of a politics of hostility towards religion. In a subtle way this results in an official policy of recognition of religion, but is actually the religious area which then becomes a prisoner of the political scene.
- The maintenance of discriminatory or intolerant policies (with regard to minorities) in the context of States having an official religion or an anti-religious secularism.
- A strong growth of policies in opposition to minorities qualified as “sects.”
- A rise of extremism affecting all religions whether Islam, Christianity, Judaism or Hinduism. This extremism has become, progressively and frequently, the action of non-state-controlled entities. In this case it may be a matter of fanatical groups and obscurantists, who use the political sphere in order to impose their religious interpretation on society, and also a matter of professionals of extremism instrumentalizing the religious sphere to political ends. Nevertheless, this activism of extremism often depends on the active or passive complicity of national or foreign state-controlled entities.
- A progression of non-belief within society and of which a militant expression is developing and entering into competition, or even into conflict, with religions.
- The persistence of forms of discrimination and intolerance affecting women may result in state-controlled policies or cultural perceptions, particularly extremist ones. From a more general perspective such discrimination as a whole may come from the patriarchal nature of the state.

- A very strong progression of inter-religious dialogue for the control and prevention of conflicts as well as for reconciliation.
- Victims of intolerance and discrimination based on religion or belief, are always very varied, whether believers or non-believers, They come from communities of religion or belief or from society in general. However, those especially affected are the vulnerable groups including, on the one hand, women, and on the other hand, minorities.

This assessment is, therefore, a source of concern, but also of hope, like all reality. It says that there are grounds to pursue one's efforts to confront intolerance and discrimination while controlling them on one side and preventing them on the other. It is indeed fundamental to act, daily. Besides denouncing all incidents before the international community, it is also vital to tackle the roots of intolerance and discrimination by means of prevention, which has a long-term effect.

At the educational level there is also progress in dealing with intolerance and lack of religious freedom. Such issues must be dealt with in schools, especially at all the lower levels. The struggle for religious freedom can be dealt with in education on all levels especially in elementary schools where initial education begins. In many schools, negative information is passed on to students.

## **2. Progress is limited.**

At the level of inter-religious relationships dialogue is not developing quickly, except with a few exceptions. September 11 impacted inter-religious dialogue negatively.

Dialogue is in itself a value. It takes a particular importance when it is concerned with religions or beliefs. The certainties and the truths that underlie these have often, through history, left little space for understanding and tolerance, sometimes thus nourishing tensions and conflicts. For decades, a sustained current of opinion, notably on important fringes of the great religions, has not ceased to put into relief the role of religions as a factor of cooperation and peace. Although sometimes coming up against questions of a dogmatic nature, this current is slowly and progressively developing. Whatever are the difficulties with which it collides, inter-religious dialogue constitutes a means that can help to contain conflicts and sometimes to solve them. By the pedagogy that it can develop, it participates in the prevention of

intolerance and discrimination based on religion or belief. Accordingly, the mandate on the freedom of religion or belief has granted to inter-religious dialogue a great importance and this has led to initiating or sustaining some activities in this domain on the occasion of in situ visits. It is primordial that contacts between religions, created by dialogue, create a space for better understanding in order to permit or to reinforce respect for the diversity of religions or beliefs, as they are defined and guaranteed by the international norms of human rights. That is to say that inter-religious dialogue must contribute to the peaceful management and prevention of conflicts and of violations of human rights throughout the world.

In various countries violations of religious freedom continue. On the international level we must admit that because of political reasons, religious freedom violations are not dealt with. There are different reasons and each case has a different nature, but violations include discrimination, intolerance, and attacks on freedom of thought, conscience and belief. One frequent violation of religious freedom is the right to manifest one's religion—particularly the right to deal with religious property in the right way. Then there are violations of the individual's rights to life and health. People are still paying the price of their life for the right to have or not to have religion or belief.

Personally, I feel that there are three statements that can be made about the current situation for religious freedom.

- All religions have some aspects of religious freedom violations, whether these religions are large or small, ancient or modern.
- The violations my office deals with most often involve the right to conversion. We must recognize the right of all human beings to have or have not or to change their religion. In certain countries the right to change one's religion is condemned by the death penalty. Religious extremism uses religion and seems to achieve certain religious objectives and uses aspects of conscience to cover up what the extremists want to achieve. They recognize no rights for others, only as others accept their extreme view. No religion, no state, no society is exempt from religious extremism.
- The condition of women in regard to religion in society should be the object of our concern in many countries. Based on religion, women are given a very secondary role. In some religions the impression is given that women are just objects, that they do not have intrinsic value themselves.

### **3. Progress is subject to reversal.**

The progress made in religious freedom or belief is in danger of being reversed. The criminal acts of 9/11 and the world response give us a message that the congress achieved in human rights and religious freedom can be reversed and put in danger. These events have caused people to put reasoning on the back burner and to let passion rule their lives. We are today in danger of going back down a road that leads to disaster.

Then, yet more seriously, since September 11 the struggle against terrorism seems to have to justify even the more serious attacks on human rights coming from states known traditionally for their protection of human rights and for the lessons that they intended to give in this domain. Here is a change whose consequences are not easy to grasp especially as they expose human rights to be conjugated in terms of variability, selectivity, and conjuncture. I believe that it is urgent to say, and I say it seriously, that the logic of the reversibility of the protection and promotion of human rights is a discounted logic of humanity, a logic of distinction between us and the other, in short a logic of intolerance, of hate and of confrontations.

When government officials give simplistic picture of good versus evil, talk in generalizations, or embark on a blind adventure, then the work accomplished for religious freedom is in danger of being called into question. Today we face the danger of doing down the religious freedom road backwards, which will lead to the abandonment of true order in society, where "order" is defined according to my concept of order, and where one not of my religion, or culture, or society cannot act as they choose. We cannot do whatever we want in the name of fighting terrorism. Using this excuse, in some areas of the world rights are being snuffed out of existence.

The immediate danger is that religious freedom is being relativized. We are falling back to the position where big religions operate at the expense of small religions.

Even at the Human Rights Commission, the discussion of human rights is much reduced. Even those working on human rights were not given time to present their findings. Some of those involved with the struggle for human rights have let political events limit their voice and restrict their fight for liberty. The danger is that by not using their voice, the voice of resistance, the tide may become even worse against religious freedom. Our strategy must be for the international community to work together, to face the problems, and to act against intolerance.

Now more than ever is the time to strive for religious freedom. The theme of your congress is very, very timely. Here in a country of Christians, Muslims,

and members of other religions, the Philippines have managed to achieve a breakthrough in inter-religious relationships. This cooperative dialogue is accelerating.

Your Congress provides the opportunity to discover new ways to combat discrimination and to develop religious freedom around the world.



END





# SECURITY AND RELIGIOUS FREEDOM: STAGING A NEW ALLIANCE

ROBERT SEIPLE

*President, Institute for Global Engagement, USA*

A few years ago, Douglas Johnston edited a book that proved to be extremely provocative to a whole host of divergent groups, *Religion: The Missing Dimension of Statecraft*. The book has gone through 11 printings and has been translated into other languages as well. The events of 9/11, orchestrated by a religious extremist, only enhance the relevance of this topic. But now, because of those events, a second book needs to be written, a book entitled *Religious Freedom: The Missing Dimension of Security*. This second topic is getting far too little attention from those of us who know it best, those who have persevered in the fight for international religious freedom over the years, those who want to see this freedom woven into the fabric of our new, shared reality—national and global security.

The linkage of religious freedom and security is really not new. In the United States, the connection was first made in the Rhode Island Colonial Charter from England in 1663. Listen to the statement from the birthplace of religious freedom in America:

*They have freely declared that it is much on their hearts...to hold forth a livlie experiment, that a most flourishing civil state may stand and best be maintained...with a full liberty in religious concernments; and that true piety rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligation to true loyalty.*

It is obvious in the words of the American forefathers that “true piety rightly grounded” and “greatest security” were absolutely critical to a “flourishing civil state.” Religious freedom became the cornerstone of a civil society. In the march of time, and the taking for granted of such initial values, this nexus point has all but disappeared.

But gratefully, we are now hearing the echoes. Listen to the words of the International Crisis Group in their March 2001 report on Central Asia:



*Treat religious freedom as a security issue, not just a human rights issue, and advocate unequivocally that regional security can only be assured if religious freedom is guaranteed and the legitimate activities of groups and individuals are not suppressed.*

Interestingly, the values captured by the American forefathers have re-emerged as pragmatic, commonsense reality. It took over 300 years, but the moral imperative and real politic have come back together at last!

But then came the events of September 11, 2001, a new historical reality that immediately produced the cliché, “and the world would never be the same again” (certainly not the American understanding of that world). At the very least, it was time to look at the issue of religious freedom again, albeit in a much more complicated context. What is the status of this issue in the world today? What is its relevance? What will happen to all those single-issue advocates who, in times past, were able to mouth lofty principles, without ever considering the realistic process of implementation? Will those of us who tend to view life through the lens of the moral imperative be able to relate to the hard-line, security-conscious realists? To quote Shakespeare, how might we avoid the mere “strutting and fretting our hour upon the state,” simply “full of sound and fury, signifying nothing?”

On September 11, 2001, security jumped to the top of America’s—and I dare say the world’s—hierarchy of values. Any organization that seeks to be relevant, to have a seat at the table—public or private—needs to be conversant in national and global security. For the foreseeable future, everything else will pale in comparison.

Unfortunately, for most of the human rights community, the nexus point between the principle and the pragmatic, between a human right and the context for implementation, between the moral imperative and *realpolitik*—religious freedom and security—has yet to be made. Over time, three concerns have surfaced on the part of the human rights community in relating their work to the new post 9/11 security context. For me, the first is the most major and the most legitimate: Would the need for security provide authoritarian leaders the rationale desired for an additional crackdown on the opposition in their country?

This is the issue of “overreach.” Many countries in the world today have legitimate security concerns. Russia is fighting a war in Chechnya. Uzbekistan has seen its own governmental buildings blown up by terrorists. The Chinese are always concerned about security issues on their borders, from Tibet to the Northwest Autonomous Region. But now the world is being

framed in large categories, “good and evil,” “us and them,” “those who are for us and those who are against.” The world is at war with terrorists and terrorism, and nuance is the first casualty of war!

Would anyone care about Chechnya? Would the world take notice of the numbers of moderate Muslims who were being radicalized by the harsh overreach of Karimov? And the Muslims Uighurs and Tibetan Buddhists, would they be relegated in our collective consciousness to a form of benign neglect? Let’s be honest, without the events of 9/11, would we ever have experienced the blunt-edged boldness of the Israeli military as that conflict is allowed to escalate both out of control and beyond rational thought?

This is an issue of grave concern. Even more so if addressing this issue from one side—religious freedom—without any understanding of the legitimate concerns for national security, leaves the human rights activist without an audience. It is fine to be conscience and to speak truth to power, but power better be listening! Principles without plans for implementation are ultimately nothing more than “strutting and fretting our hour upon the stage.”

The second issue that produced an outcry from the human rights establishment was the treatment of Taliban and Al Qaeda prisoners at Guantanamo Bay, Cuba. Raising the voice of principle here, at the very least, was a tactical mistake. Once again, the world was not listening. When it did, it heard the unintended and unfortunate comparison between the cramped quarters for terrorists and the loss of 3,000 innocent lives. Any tendency toward a moral equivalency, regardless of intention was offensive to all. In the context of a post 9/11 environment, human dignity was no longer a stand-alone concept.

A third issue emerged directly from the United States and the October 2001 passage of the Patriot Act. This Act gave sweeping power to law enforcement agencies in the United States. Tapping of phones, surveillance of individuals, and prolonged detentions for others even if their terrorist intentions were not easily proven—all allowed under the Act—challenged both the letter and the spirit of the American Constitution.

Concerns were voiced immediately from the human rights community. The Act, however, was overwhelmingly passed by both the House and Senate. Once again, the pragmatists won out. Security was the issue, and a one-sided presentation of human rights had no chance of carrying the day.

Let’s look at a different approach, a strategy that assumes what the Rhode Island Charter of 1663 clearly stated, namely the clear, unambiguous relationship between religious freedom and the security and stability of a nation. First, and most pragmatically, we need to understand that war was

declared on 9/11, a war from an enemy that claimed to be working from a religious base. At the very least, we need to know that enemy! We need to know the values of that enemy in order to defeat him, to understand his motivation from what he has done, and most importantly, what we might be planning to do next. Our security is at stake!

**Second**, we are still living in a period of “identify conflicts,” conflicts begun for a whole host of reasons but ultimately implemented along the lines of a people’s primary identity, which in many cases is religion. Such wars suggest that we have to do a much better job living with our deepest differences. Our inability to do so has been, in times past, one of the major causes of religious persecution around the world.

How do we live with those things that make us legitimately different, like religion? Once these horrific, intra-national identity conflicts begin, the minority faiths always suffer. Indeed, the most important principle emerging out of these conflicts over the last 15 years is simply this: no one wants to be a minority in a hostile environment. The mantra of survival in such places is “do it to them before they do it to you.” Identity, and religion that forms it, are very much a part of the security equation.

**Third**, religious freedom has to be present in order to create a values-based civil society. We can literally locate and track a country on a continuum of human dignity and compassion by how that country deals with religious freedom. When this freedom is at risk, many of the other freedoms—speech, association, press, and certainly belief—are also at risk. This cornerstone freedom will tell us much about how a country treats its people, especially how it deals with minority faiths and, by extension, how secure that country really is.

**Fourth**, on an individual level, nothing enhances security more than knowing one’s own faith at its richest and deepest best and, at the same time, knowing enough about our neighbor’s faith to show it respect. This is not “easy ecumenism” but rather a deep and thoughtful reflection on why we believe the way we do while respecting the earnestly-held beliefs of our neighbors. The challenge is to know our faith at its deepest point, to know the eternal verities of that faith, the heroes of that faith, to know why, in the words of Pascal, “good men believe it to be true.” And then, we need to know enough about our neighbor’s faith to be truly respectful.

Osama bin Laden is the example that clearly underscores this point. He is the foremost terrorist in the world today. He also considers himself to be a devout Muslim. Unfortunately, bin Laden is the product of a truncated

gospel, an aberration of the Islamic faith. His focus is holy jihad, jihad practiced against the West. Essentially, he has left the bulk of his faith behind. This, then, becomes a major distortion of the Islamic faith. Osama bin Laden does not understand his faith at its deepest and richest best and, just as clearly, he has absolutely no respect for the faith of others. On 9/11, we saw the ultimate perversion of religion. A misunderstood faith, an inappropriately applied faith, a truncated or redacted faith—in the hands of a zealot that faith is very scary indeed. Our global security is put at risk.

Finally, what we now know for sure in the world today is that there are people who are willing to die for their faith and, unfortunately, there are people who are willing to kill for their religion. We neglect this issue of religious freedom in the context of national and global security at our considerable peril.

An alliance between religious freedom and security is absolutely essential in today's world. But what might such an alliance look like? Let me give you an example of an informal alliance between historically disparate groups, and suggest why it was effective. In the early 1990s, I was president of World Vision, a faith-based relief and development organization. Along with most of the humanitarian world, we were working in Somalia, desperately trying to save the 75 percent of all children under the age of five who were in real danger of starving to death. No easy task. Part of the problem was famine in that part of the world, but there was also massive internal conflict as warlords destructively fought over control of the country. Starvation deaths were mounting as the fighting intensified, so much so that ultimately the United States sent its own military to Somalia.

The initial landing zone was the city of Mogadishu. This was unfortunate for us, since we were located in Baidoa, 150 miles to the northwest. When the U.S. military landed en masse at Mogadishu, the “bad guys” ran for cover, many of them to Baidoa.

What to do? In the intervening days before the U.S. military would make its way to Baidoa, we needed to do something to protect our staff and continue the humanitarian aid that was so desperately needed in that part of the country. I spent most of a Saturday on the phone with the Joint Chiefs of Staff, working on a plan to protect the aid workers in Baidoa until our military made an on-the-ground appearance there. The plan was so simple: two or three times every day, the Navy would launch F-14 “Tomcats” from their carriers to fly at supersonic speed, low over the city of Baidoa. Believe me when I say that this can be a terrifying experience for those on the ground. Indeed, the flights

appeared at different times every day, and the mission was eminently successful. The “bad guys” remained totally out of sight! We had no problems whatsoever from what could have been a most hostile faction negatively impacting our aid efforts. The work continued, even if the chickens in the area did not lay eggs for weeks!

Very simply, this alliance worked because we recognized, early on, the vested self-interest of the other. We had something in common. We were both interested in security. Security would lead to greater stability and a much-reduced threat of violence. This was a legitimate endgame for the military. It also allowed us to maximize those things at which we were most effective. Our respective missions had more in common than we had originally thought!

There are also formalized alliances, the models of which would be useful as we attempt to cement the nexus point between religious freedom and security. In the United States, for example, we are attempting to build a national homeland security culture. This involves, once again, disparate agencies that are not used to working with one another. Michael Hillyard, Provost at the American Military University, highlights the ingredients for such a new alliance:

*That structure must include a functional alignment, such as fire, police, emergency medical services, public health, public works, border and coastal patrol, information security, legal, military, among others; it must incorporate the many levels of government and non-government actors, to include international, federal, regional, state, local, private; and must integrate the many different types of expertise, to include elements of coordination, command, leadership, support, intelligence, science, logistics, among others.*

Granted, this is a mouthful, but I hope you heard the need for a “functional alignment,” the incorporation at “many levels of government and non-government actors,” and the need to “integrate the many different types of expertise”—all absolutely essential as we begin to build an alliance between religious freedom and security. Hillyard goes on to say:

*The principles inherent in any such “inter-organizational network” include common purposes, clear lines of shared authority, incentives for organizational participation, building and sustaining a macro-culture, and inter-organizational structure.*

Another mouthful, especially for the human rights activist who has spent his professional life “strutting and fretting,” screaming moral outrage, forcing government officials into corners, pointing fingers, and manipulating guilt.



We, those of us who are passionately concerned about religious freedom in the world, have a great deal of work to do!

Another model that already exists is the Defense Institute of International Legal Studies at the War College in Newport, Rhode Island. This institute teaches courses on the military, civil society, and legal issues. It would be easy to include religious freedom as a part of this curriculum. Additionally, it would be a major contribution to the rest of the world if such a composite would then be taken to those parts of the world that are having the most difficulty in seeing the wisdom and connecting the relevance of religious freedom and security.

However this is done, the key to such an alliance is the creation of a new culture. The security-conscious realist and those who continue to look at life through the lens of a moral imperative need to be in a room together, each beginning to understand the other, and reducing the stereotypes of both people and institutions that have precluded such an alliance in the past. Education and training are going to have to happen quickly, on all sides. But that exercise does not have a ghost of a chance until this new culture is developed. Such development, for example, is one of the desired outcomes for Institute for Global Engagement's new online distance-learning Masters Degree in Global Engagement, a training and education program designed to embrace these new global realities.

On the security side, there will be need for individuals who represent law enforcement, the military, and diplomatic personnel—all of whom have accountability, responsibility, and a shared meaning on this issue of security. The real question is: Who will represent religious freedom? What institutions, non-governmental organizations, or individuals are prepared to make the case that was so easily assumed back in 1663; that religious freedom, tolerance, respect for human rights and the dignity of all people are just as much a security force as a tank, a rifle, or a soldier. Who might contribute to the culture of security, of stability, or realistic expectations for every human being? Who can effectively articulate our most precious possessions—our beliefs, our faith, our best instincts, and our highest values? Who will dedicate themselves to a cause that is now bigger than the ability of a single-issue advocate to comprehend? Who might convene such a group?

For starters, I suspect those people exist in this room. I suspect that we could find here a body of individuals, called out, educated and trained, passionate in beliefs, dedicated to the common good. The world awaits that contribution. We would be enormously wise to use a portion of our time here

this week to lay a foundation, to begin a structure, to develop a strategy that would wrap the arms of international religious freedom around the security concerns of our world. Driving a wedge between religious freedom and security is absurdly counter-productive. We are capable of so much more!



END





# THE BAPTIST CONTRIBUTION TO RELIGIOUS FREEDOM

DENTON LOTZ

*General Secretary, Baptist World Alliance*

Probably the greatest contribution of the Baptist people to the history of religions and inter-religious dialogue is their development of the ideal of religious freedom. Baptists were a small but persecuted minority in seventeenth century Britain. Early leaders such as Thomas Helwys, John Bunyan and John Milton were either imprisoned or suffered severe restrictions on their freedom of speech or the free exercise of their religious faith. Out of their suffering there developed certain concepts concerning the relationship of one religion to another and most importantly, of religion to the state. The following ideals are illustrative of Baptist concern throughout the centuries:

## FREEDOM OF RELIGION

Most progressive governments would today affirm religious freedom, as does the United Nations. This, however, is a modern concept. For most of humanity's history, people were forced to accept the religion of their king or emperor. If one was a dissident, one was banned, exiled, imprisoned, or killed. The first British Baptist, Thomas Helwys, wrote these words to King James I of Britain in 1612: "The king is a mortal man and not God, therefore hath no power over the immortal souls of his subjects to make laws and ordinances for them and to set spiritual lords over them."<sup>1</sup> He was imprisoned for his spirited defense of religious freedom and died in 1616. His strong defense of individual freedom of conscience is further shown in his book, *A Short Declaration of the Mystery of Iniquity*, in which he stated clearly the strong opinion that men and women should choose their religion themselves, "seeing they only must stand themselves before the judgment seat of God to answer for themselves."<sup>2</sup>

Even today, many countries do not guarantee freedom of religion to all their citizens. Following this concept of religious freedom, our early leaders drew consequences, particularly as it relates to religion and the state.

## SEPARATION OF CHURCH AND STATE

Following the general principle of individual religious freedom, the separation of church and state for Baptist believers was a much larger issue. What was one's relationship to the state? If secular government and religious government used one another to either guarantee religious support of the state or secular support of religion, a dangerous liaison existed which would prohibit any type of dissent. And this has always been the danger throughout history. Whenever religion and the state are united, with each one blessing the other, those of minority status very often suffer persecution. As a consequence of their concern for religious freedom, Baptists then became proponents of the separation of church (i.e., religion) and the state. It is our belief, even today, that such separation is healthier for religion and for the state.

In the colonies of New England in the seventeenth century, Roger Williams saw the necessity of tolerance for all religious traditions. He had been banned from the Massachusetts Bay Colony for his unorthodox beliefs, so he eventually founded the colony of Rhode Island, which proclaimed religious freedom for all. His significant work on religious liberty, *The Bloody Tenet of Persecution*, stated that "it is the will and command of God that a permission of the most Paganish, Jewish, Turkish or anti-Christian conscience and worship be granted to all men in nations and countries as the only sure means of procuring a firm and lasting peace."<sup>3</sup> Roger Williams argued that it was absurd that only Christians could rule. In his writings, he argues that would be the same as to say that only Christians "should be Husbands of Wives, Fathers of Children, Masters of Servants."<sup>4</sup> And thus Roger Williams is really the first to promote the understanding of a "wall of separation" between the church (religion) and the state.

We shall later consider the present crises and conflicts between various religions. But one of the great crises of our day is when one religion and one state are united into a single hegemony of dictatorial rule which eliminates freedom for those of other traditions. Roger Williams saw this clearly when observing the history of Europe and then of the new colonies. For that reason Rhode Island became a welcoming colony for people of all religious traditions.

Europeans brought their concept of state religion to the new colonies. The Baptists fought against the establishment of religion in the new colonies. Men such as John Leland argued for the separation of religion and the state: "Government has no more to do with the religious principles of men than it has with the principles of mathematics."<sup>5</sup>

In Germany in 1834, Johannes Gerhard Oncken continued this protest against a state church concept which he had inherited from his American brethren. Even in 1834 one still had an oppressive church and secular government which forced him to write, "Our beloved brethren in Oldenburg are also subjects of cruel persecution. Their infants are taken by violence from them in order to be sprinkled, and their religious meetings are prohibited under the severest fines so that they cannot visit one another."<sup>6</sup>

The twentieth century was one of the most violent centuries against religious faith, particularly under Soviet communism, where thousands perished in the Gulags. It is a fact that those secular systems which would bring heaven from above usually bring hell from below. Even today we must defend religious freedom and separation of religion from the state. How else shall we preserve human life from unfair persecution? The fact that about 68,000 Christians are martyred every year because of their faith is a sad testimony to the cruelty of men and the tragedy of religion and state being united.

## SOUL LIBERTY, OR FREEDOM OF CONSCIENCE

Baptist theologian E. Y. Mullins, in his book *Axioms of Religion*, in the early 1900s makes the claim that where religious freedom and conscience are denied, all other freedoms are denied. In other words, freedom of conscience and of religion is the basis of all other freedoms. A cursory look at twentieth-century persecution will indeed prove this thesis.

It is important that we distinguish between toleration and soul liberty. Prof. Glenn Hinson makes the following distinction:

"Soul liberty is not the same as religious toleration. A tolerant person may permit someone to exercise his faith, but he does not recognize this as an inherent right. Soul liberty defined in this manner encompasses several freedoms. One is freedom of conscience, the right to freely determine what faith or creed one will follow. Others are freedom of religious expression, freedom of association, and freedom for corporate and institutional activities."<sup>7</sup> In other words, soul liberty goes beyond religious freedom and

questions of faith, to include freedom of conscience for writers, authors, and individuals who have no faith. Soul liberty defends the right of an individual to be an atheist, agnostic, or even apostate. This broad defense of freedom of conscience is therefore a guarantee for all people of religious faith also. If I do not defend another person's right to freedom of thought, how can I expect the other person to defend my freedom of thought?

The greatest British Baptist defender of freedom of the press was John Milton who in his essay, "Areopagetica," makes the bold statement: "Who kills a man kills a reasonable creature, God's image; but he who destroys a good book kills reason itself—kills the image of God, as it were, in the eye. Many a man lives a burden to the earth; but a good book is the precious lifeblood of a master spirit, embalmed and treasured up on purpose to a life beyond life."<sup>8</sup> Here one obviously sees the extension of religious freedom into liberty of conscience and freedom of the press. Book burnings are anathema to the free human spirit created by God in his image.

## DEMOCRATIC CONGREGATIONALISM

Baptists fear religious leaders who support their doctrines with force. Because of earlier persecution, Baptists have rejected the episcopal system of bishops in favor of the democratic principle that God's spirit follows His people through Scripture and community decisions and discussion. Therefore, no bishop can put a pastor in a church or take him out. Rather, Baptists emphasize the democratic principle of local congregations electing their own pastor, supporting him, encouraging him, praying for him, and yes, if necessary, removing him from office. If the state cannot rule the church, individual members in community with one another must form voluntary associations based upon democratic principles to control and administer their affairs. Pure democracy is the aim of the local congregation and its governance by all the members.

This democratic principle has instilled leadership qualities in many of our people at an early age. Martin Luther King Jr., basically inherited his leadership and oratorical skills in a Baptist Sunday School. During Britain's industrial revolution, many Baptist pastors started Sunday schools to educate children who had no access to education.

A democratic church or religious order is basic to the Baptist understanding of the Church. This flows from its belief in soul liberty and the freedom of the individual not to be coerced in matters of religion or faith.

## A PROPHETIC WITNESS

If one defends a strict separation of religion from the state and the state from religion, one could argue that the state then becomes devoid of moral values. When we speak of separation of church and state, we do not mean that each should live in a vacuum with no contact with the other.

For example, the abolition of slavery in the USA was basically a religious movement. Churches and pastors lead the movement to abolish slavery in the 1860s. One hundred years later, the churches in the 1960s again led the movement to end segregation. This was also true in South Africa. Under the prophetic ministry of Archbishop Tutu, apartheid was dismantled. These examples illustrate secular and religious movements joined together in a prophetic movement for justice for all people.

In a democratic structure, dissident voices must always be allowed to speak. Often the voice of the dissident is more the voice of God than that of the establishment. In other words, a democratic movement always must allow a heretical point of view to be heard, even though one might not agree with it. This is part of that tolerance derived from religious freedom. Unfortunately, the history of religions is such that heretics are usually banned, and the next generation often accepts their point of view as orthodoxy.

On a world level, prophetic witness and religious freedom mean that every religious institution must have the freedom to proclaim its faith without interference by the state and law. Unjust persuasion or coercion in such propagation of one's faith is to be strictly condemned. A proselytism that uses material or physical advantages for its own gains is itself against a prophetic witness. Nevertheless, it is imperative in the twenty-first century that we understand the world as a theater of God's glory, with many religions being free to enunciate their doctrine and understanding of reality without hindrance or coercion from the state. This leads to our concluding concern about the religious wars that now seem to engulf the world.

## CONCLUSION, AND THE SO-CALLED CLASH OF CIVILIZATIONS

Particularly after 9/11, a debate developed in academic circles concerning Professor Huntington's thesis of a clash of civilizations, or religions as the new war of the twenty-first century. Huntington states: "It is my hypothesis that the fundamental source of conflict in this new world will not be primarily



ideological or primarily economic. The great divisions among humankind and the dominating source of conflict will be cultural.”<sup>9</sup> He further states this conflict even more radically in this way: “If Muslims allege that the West wars on Islam and if Westerners allege that Islamic groups war on the West, it seems reasonable to conclude that something very much like war is underway.”<sup>10</sup> Francis Fukuyama, who opposes this point of view, criticized Huntington by saying, “It has a mischievous impact on the way people around the world thought about these things. I think it’s not just wrong; it’s also not helpful to world politics. It gives aid and comfort to people who want to reject Western values.” In fact, Fukuyama would argue that we are at the end of history. He sees the democratic principle as being accepted worldwide and thus issuing in a new era of peace: “What we may in fact be witnessing is not just the passing of a particular period of postwar history, but the end point of mankind’s ideological evolution and the emergence of Western liberal democracy as the final form of human government.”<sup>11</sup>

Who is right? Time will tell. One thing is sure, however; men and women of faith worldwide must not use religion as an opportunity to denigrate, imprison, or be derogative of other cultures, nations, traditions, or faith. Freedom of religion must mean tolerance of other points of view.

As a follower of Christ, I am reminded of His command to Peter who cut off the ear of one of those who came to capture Him. Jesus said, “Put back your sword. He who lives by the sword shall perish by the sword.” The conflict between religions is real. Indeed there is a clash of civilizations but we must not be a part of it. We must not raise the sword but rather, we must become disciples of non-violence, enduring shame and even persecution for our right to profess our faith. As Christians, we must be willing to follow in the steps of our Master, teacher, and Savior, and thus take up the cross—not the sword—and be willing to suffer so that humanity will gain a new vision of salvation and peace and justice for all. Such religious freedom should be the goal of all who, through their faith, seek the betterment of all humanity.



END

1. Robert Torbet, *A History of the Baptists*, 38.
2. Ibid
3. William H. Brackney, *The Baptists*, 283.
4. Edwin S. Gaustad, *Liberty of Conscience*, 82.
5. Brackney, 100
6. Ibid., 102.
7. Glenn Hinson, *Soul Liberty*, 12.
8. Roland H. Bainton, *The Travail of Religious Liberty*, 195.
9. *The Washington Post Magazine*, December 16, 2001, 20.
10. Ibid., p. 20
11. Ibid., p. 19





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# RELIGIOUS FREEDOM:

## A BASIS FOR PEACE AND JUSTICE

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**PATRICE GILLIBERT**

*United Nations Human Rights Officer, Geneva*

Anyone may bring a human rights problem to the attention of the United Nations (UN), and thousands of people around the world do so every year. While the elaboration of international human rights standards through declarations and treaties has been the heart of the UN from its inception, the ability for individuals to vindicate those rights at the international level has only developed in recent times. Since the early 1970s, international complaint mechanisms have developed apace, and it is now possible for individuals to bring claims to the UN concerning violations of their rights, such as freedom of religion or belief.

One particular mechanism has been established under a core human rights treaty, namely the International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly in December 1966.

The International Covenant on Civil and Political Rights is a treaty covering a broad range of civil and political rights ranging from the right to life, to the right to a fair trial, to the right to freedom of religion or belief amongst many others. The right to freedom of religion or belief is guaranteed by Article 18 of the Covenant. This article goes beyond the 1948 Universal Declaration of Human Rights in several ways. It includes a specific prohibition of any coercion which would impair the freedom to have or to adopt a religion or belief of one's choice, and an explicit undertaking by State parties to have respect for the liberty of parents and legal guardians to ensure the religious and moral education of their children is in conformity with their own convictions. In addition, whereas the Universal Declaration does not formulate any limitations on the complex rights associated with freedom of religion, Article 18 of the Covenant restricts the possibility to impose limitations by stressing that limitations must be prescribed by law and must be necessary to protect public safety, order, health, morals, or the fundamental rights and freedoms of others. It is also worth noting that the internal dimension of the individual right to have or change one's religion or belief is not subject to any limitation. It is the outward dimension of the right—the actual “manifestation” of religion—that may be subject to the previously mentioned limitations.

Under the Covenant, the Human Rights Committee, a body of 18 international independent experts, was created to monitor State compliance with the Covenant, namely the actual enjoyment of Covenant rights and freedoms—such as freedom of religion or belief—by the persons within the jurisdiction of State parties.

Monitoring is carried out in direct dialogue with State parties through a State reporting procedure (i.e., each State party to the Covenant is obligated to submit periodic reports on the implementation of the Covenant), reinforced through concrete recommendations by the Committee in its so-called “concluding observations” that explain how compliance with Covenant obligations should be improved. It is further developed and interpreted in so-called “general comments” which are authoritative commentaries of Covenant provisions. Finally, it is vindicated in individual cases through the complaint procedure established pursuant to the Optional Protocol to the Covenant, a separate treaty open to State parties to the Covenant.

The presently 98 State parties to this Optional Protocol have recognized the competence of the Human Rights Committee to receive complaints from persons alleging violations of their rights under the Covenant, such as freedom of religion or belief. This complaint procedure is quasi-judicial in nature. In concrete cases related to an individual or a group of persons, the Committee, through an adversarial procedure, decides whether the State party in question has violated the complainant’s human rights.

The whole procedure may be summarized as follows: Individuals or groups who claim that their rights under the Covenant have been violated by a State party to the Covenant are entitled to submit their complaint to the Human Rights Committee. This complaint is declared admissible by the Committee if several procedural requirements are fulfilled, namely:

- 1• the complainant must be personally affected by the alleged violations;
- 2• the State in question must have ratified the Optional Protocol allowing for individual complaints;
- 3• the complainant must have exhausted all available and effective domestic remedies;
- 4• and finally, the same issue presented by the complainant cannot be pending before another international human rights body (for instance, the European Court of Human Rights). Most decisions by the Human Rights Committee on both the admissibility and merits of the complaint are

based on written submissions sought equally from the two parties of the case—the complainant and the State.

A complaint to the Committee, also called a “communication” or “petition,” need not take any particular form. Nevertheless, a model complaint can be provided by the Secretariat of the Human Rights Committee. The complaint is form-free, and there is no fee for the proceedings or the final decision. No legal aid is available unless domestic law provides for legal aid from home in relation to international procedures. The Human Rights Committee may also issue a request to a State party for interim measures in order to prevent irreparable harm occurring to a person before the complaint is considered. Commonly, these requests are issued to prevent execution of death sentences or deportations of individuals facing the risk of torture. Requests have also been made to prevent planned activities such as logging which could interfere with indigenous interests, to prevent destruction of paintings considered subversive by national authorities, or to allow access to detained persons by a lawyer and consular officials. Finally, the length of time from the first submission of the complaint to the final decision of the Human Rights Committee is usually between two and three years. In the case of a decision on admissibility only, it may be significantly shorter, namely between one or two years. The text of the decision is then posted publicly on the Office of the High Commissioner for Human Rights website as part of the Human Rights Committee jurisprudence and published in the annual reports of the Committee.

In its final views, the Committee expresses its position as to whether the Covenant was violated and in which respects, and determines what would constitute an effective remedy for the violation. If the State party fails to take appropriate steps to implement a Committee’s decision that the complainant has been the victim of a violation and is therefore entitled to appropriate remedies from the State party, the case passes to a member of the Committee—the Special Rapporteur on Follow-up—for consideration as to further measures which should be taken. The Special Rapporteur may make specific requests to the State party, meet with representatives of the State party, or even travel to the State party in the exercise of his or her mandate. Those actions taken by the Special Rapporteur are detailed in a public report on follow-up.

In fact, this individual complaint procedure, which has generated a rich and varied jurisprudence, has brought relief to many complainants in the

form of amendments to laws, changes in administrative practices, and sometimes, payment of compensation to victims of human rights violations.

Regarding freedom of religion or belief, the Human Rights Committee has issued one general comment in 1993 concerning Article 18 of the Covenant; it explained *inter alia* that Article 18 is not limited to traditional religions, but also encompasses newly established religions or beliefs. It clearly accepts the position that the recognition of an official or State religion is not in itself a violation of Article 18, but emphasizes at the same time that such recognition should not result in the impairment of the enjoyment of any rights under the Covenant, not in any discrimination against adherents to other religions or non-believers. The Committee also expresses its interpretation of the various forms of manifestation *vis-à-vis* religion or belief, namely the observance of dietary regulations, the wearing of distinctive clothing, the teaching of religion or belief, the freedom to choose religious leaders, priests, and teachers, to establish seminaries or religious schools, and to distribute religious texts or publications. As to religious education within the public school system, the Committee makes clear that Article 18.4 permits public school instruction in subjects such as the general history of religions and ethics if it is given in a neutral and objective way. Public education that would include instruction in a particular religion or belief is inconsistent with Article 18.4, unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians. Finally, while the Covenant does not explicitly refer to a right to conscientious objection, the Committee considers that such a right can be derived from Article 18, inasmuch as the obligation to use lethal force may seriously conflict with freedom of conscience and the right to manifest one's religion or belief.

The case law on freedom of religion or belief resulting from the individual complaint procedure of the Human Rights Committee has also demonstrated that many dimensions of the right to freedom of religion or belief can be protected on the basis of other provisions of the Covenant. One should mention the prohibition of discrimination based *inter alia* on religion covered by Articles 2 and 26 of the Covenant; as well as Article 27 of the Covenant which protects the rights of members of ethnic, religious, or linguistic minorities to profess and practice their own religion in community with the other members of this group. Further reference to religion is made in Article 24, paragraph 1, which provides that every child shall have, without any discrimination as to *inter alia* religion, the right to such measures of

protection as are required by his status as a minor, on the part of his family, society, and State.

Although the Human Rights Committee is not a court as such, its application and interpretation of provisions of the International Covenant on Civil and Political Rights and the Optional Protocol thereto has produced a solid jurisprudence that has brought redress to many victims of human rights violations, including those in the field of freedom of religion or belief. Finally, it constitutes a key mechanism for individuals and groups who want the United Nations to take action on human rights cases and situations that are of concern to them.



END



# WHAT THE RUSSIAN FEDERATION CONSTITUTION SAYS ABOUT RELIGIOUS LIBERTY AND THE RUSSIAN OMBUDSMAN'S EFFORTS TO PROTECT FREEDOM OF CONSCIENCE

MIKHAIL I ODINTSOV

*Department for Religious and National Affairs at the Russian Federation  
Ombudsman's Office*

The social-political changes in Russia over the past 10-12 years have significantly enlarged the scope of religious freedom for both individuals and religious associations. The progress was initiated by adopting the *Law On Freedom of Confession* (1990) and reinforced by the current *Law On Freedom of Conscience and on Religious Associations* (1997).

Over the last decade, the number of various religious associations increased sevenfold, exceeding 20,000 by the year 2002. About 3,000 to 5,000 religious groups are functioning without official registration, since registration is not compulsory. In Russia, we have religious associations belonging to 60 different orientations. The most numerous confessions are the Russian Orthodox Church, the Muslim community, and Protestant denominations, including the Lutheran Church, the Baptist Church, the Seventh-day Adventist Church, the Pentecostals, and others.

Religious organizations are a constituent part of society, being actively and successfully involved in social, charitable, cultural, educational, instructional, publishing, and economic activities.

There are good reasons to view the Russian Federation (RF) as a country in which citizens fully enjoy their right to freedom of conscience. This does not imply that both the state and the public, once and for all, are rid of all problems relating to human and civil rights, freedom of conscience and beliefs. Unfortunately, some religious organizations may exert a destabilizing influence if they support nationalistic or separatistic movements. It is not unusual for governmental and municipal bodies to



deviate from and infringe on the current Russian legislation relating to the freedom of conscience.

The legal basis for ensuring religious freedom is the legislation of freedom of conscience and religious associations—a total of federal and regional legislation, relating to ensuring human rights and the functioning of religious associations. The federal acts of paramount importance include the Constitution of the Russian Federation, the Federal Law *on Freedom of Conscience and on Religious Associations* (1997), standard decrees and regulations issued by the Russian President, Russian Federation's Government, and federal ministries and agencies. The protection of religious liberty of the Russian Federation's subjects is guaranteed by the Constitutions, regulations, and other standard legal acts of the corresponding republics, territories and regions of the Russian Federation. The status and freedom of the religious associations are also influenced by the relevant actions of municipal (local) bodies.

Pursuant to Article 15, item 4 of the RF Constitution, “generally acknowledged principles and standards of international law and international agreements to which the RF is a party, are constituents of Russia’s legal system.” This allows the RF to apply the standards of international law in the Russian Federation, with respect to ensuring freedom of faith, religion, and beliefs.

At present, we have more than 100 “standard acts” that directly regulate various aspect of freedom of conscience. Owing to the size and complexity of this legislation, I am unable to give a full and detailed overview of how the Russian legislation treats freedom of conscience.

What really matters are the constitutional principles of freedom of beliefs. First of all, it should be noted that Russia’s Constitution has combined all the achievements of the contemporary jurisprudence, and complies with all universally recognized principles and standards of international law, with respect to regulating and ensuring freedom of conscience. The first chapter of the Constitution presents and describes the foundations of the constitutional system of the Russian Federation, (i.e., the basic provisions that establish the relations between the individual and the state) and is of great importance for ensuring religious freedom.

First, the state shall regard human rights as of the highest value, undertaking the responsibility to observe and protect these rights (Article 2). Accordingly, all activities of governmental and local bodies shall be aimed at ensuring the rights and freedom of the citizens (Article 18). Secondly, the

state shall guarantee the right of citizens to set up public associations, including religious associations (Article 30). At the same time, the state shall ban the establishment and activities of public associations (including religious associations) whose objects and actions are directed to any violent change which undermines national security, organizes armed groups, and or stirs up social, racial, national, or religious discord (Article 13). Thirdly, the state shall recognize not only economic, political, and ideological diversity, but also diverse types of worldviews. The principle of ideological neutralism does not permit the state to impose a worldview or religious attitude as mandatory upon all citizens.

Russia is characterized not only as a democratic, public, and legal state, but also as a secular state. Owing to the secular nature of the state, no religion may be declared the national, or mandatory religion; all religious associations shall be separated from the state and shall be equal before the law (Article 14).

The principle of secularization is of key importance for ensuring religious liberty. This principle is expounded in the Federal Law *On Freedom of Conscience and on Religious Associations*. With respect to relations between the state and religious associations, this Law requires that the state:

- not interfere with a citizens choice of religious belief and religious affiliation; children's education by the parents or guardians beliefs, in harmony with the children's rights to freedom of conscience and faith;
- not grant religious associations with the duties or characteristics of governmental bodies;
- not interfere with the activities of religious associations, as long as they do not contradict federal laws.

Accordingly, religious associations should:

- operate in compliance with their own hierarchical and institutional structures;
- not perform the functions of governmental bodies;
- not participate in political elections and the activities of political parties.

The basic article of the Constitution, which addresses the religious freedom, is Article 28: "Each person shall be granted freedom of conscience and freedom of beliefs, including the right to profess, individually or jointly with others, any or no religion; freely choose, adhere to, and disseminate religious or other beliefs, and act according to those beliefs."

As we can see, the Constitution acknowledges all the basic and universally recognized principles of freedom of conscience, as laid down in international legal instruments.

The RF Constitution also establishes other principles of vital importance for maintaining religious freedom: equality of human rights and liberty independent of people's attitudes towards religion; inalienable rights for each person; immunity of citizens' private lives; prohibition of any propaganda and agitation aimed at instigating religious hatred or superiority; the right to receive and disseminate information in any legal way; and the right to alternative civil service (Articles 19, 17, 23, 29, 59).

The RF Constitution (Articles 45 and 46) guarantees for citizens the governmental protection of their rights and liberty, also giving citizens the opportunity to defend their rights and liberty, including through relevant intergovernmental organizations. Apart from the law-enforcement agencies, very important functions are performed by recently established national and regional bodies that protect human rights,

As witnessed by the almost bicentennial experience of European countries, the office of Ombudsman (people's defender) has proved to be highly effective. At present, this institute exists in 100 countries; in Russia, it was established only four years ago. From May 1998, the Russian Ombudsman's position has been held by the former deputy of State Duma, Oleg Mironov, a well-known scientist and public figure.

According to the Federal Constitutional Law *On a Human Rights Commissioner in the Russian Federation*, this position is established "with the purpose of ensuring governmental protection of citizens' rights and liberty, their observance and respect by governmental and local bodies, officers, and state employees." When performing his commission, the Ombudsman is to be independent of any governmental body or officials. He shall be guided by the Constitution and legislation of the Russian Federation, as well as by the standards of international law and treaties.

As a result of his activities, the Ombudsman shall prepare an annual report to be submitted to the President of the Russian Federation, Federal Assembly, other supreme public bodies, and the supreme courts. The Ombudsman shall also prepare special reports of burning issues regarding human and civil rights and liberty. In each case, the governmental bodies have taken the relevant decisions and measures for eliminating the detected breaches of human rights and liberty.

Since Mironov's appointment as the RF Ombudsman, he has maintained official relations with the leaders and representatives of all the largest churches and religious associations in Russia. At the Ombudsman's office, a special department is responsible for the following areas: consideration of

complaints, appeals and applications from citizens and religious associations; maintenance of contacts with religious centers and associations, as well as with the organizations that protect human rights and uphold the freedom of conscience.

Over the past three years, the Ombudsman's office has received some 1,000 applications, complaints, and appeals from citizens regarding freedom-of-conscience violations. The applicants have been the representatives of Orthodox, Muslim, Adventist, Baptist, and Pentecostal churches and associations, as well as the Jehovah's Witnesses, Salvation Army, Krishna Consciousness Center, etc.

The most frequent violations of rights to freedom of conscience include: unlawful refusal of governmental and municipal bodies to register or re-register religious organizations; to obtain restitution of the items of former church property; to permit the construction of new church buildings; and to concede the right to alternative civil service.

An increasing number of lawsuits have been filed by the representatives of religious organizations. They file claims against the mass media for disseminating information which defames the honor, dignity and reputations of believers. In most cases, believers feel indignant that the media uses terms such as *sects*, *sectarians*, *destructive cults*, or *totalitarian cults*. The authors of these articles do not realize that these terms are offensive for believers, and this matter was settled a long time ago, in the first years of contemporary Russian history. The decision of the Presidential Chamber for Information Disputes (February 12, 1998) reads: "Russian legislation does not recognize the notion of 'sect.'"

On the initiative of the Ombudsman, a special seminar was conducted jointly with the RF Ministry for Press and non-governmental Institute of Religion and Law, and with journalists who take up the issues of freedom of conscience. Since that time, the Ombudsman has regularly met with media managers to settle disputes that arise.

From the early 1990s, the state has started to restore to religious associations the buildings that were formerly nationalized or unlawfully confiscated. Today, thousands of such buildings have been returned, repaired, and renovated (in many cases, thanks to the Ombudsman's efforts), and are now serving as places of worship and religious ceremonies.

Sometimes, the newly-erected church buildings have become a bone of contention. In a letter addressed to the Ombudsman, members of the Jehovah's Witness organization from the Republic of North Ossetia-Alania

reported they had constructed a new church building with the permission of the local authorities. However, the day before it was due to open, the authorities suddenly banned worship, sealed the building, and threatened to tear it down. It was only after the Ombudsman's intervention that the unlawful decision was revoked.

The believers also report other cases of unlawful restrictions placed on the legally permitted activities of religious organizations. In just one year, the Ombudsman sent more than 100 inquiries about such cases to federal, regional, and local authorities, and to other law-enforcing bodies. Some 40 applications were sent to the Ombudsman's office for consideration. The majority was resolved positively, in the interests of the religious associations and believers.

The Ombudsman actively cooperates with both governmental and non-governmental organizations and associations. Only concerted actions can lead to the successful protection of freedom of conscience and secure the lawful rights and interests of citizens and their religious associations.



E N D



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# RELIGIOUS FREEDOM AND PEACE ACCORDING TO THE CATHOLIC CHURCH

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ROLAND MINNERATH

*Strasbourg, France*

There is a reciprocal link between religion and peace. Yet when you examine world history and the current issues of our time, you may say, “Religion divides, religion causes fanaticism, religion excludes, religion calls for violence in the name of the Highest.” But it should not be. When persons and whole communities indulge in words and deeds of hatred toward others and justify violence, they do not obey the Highest, but betray His message. They express their own darkness, not the will of their God. This is clear for me as a Catholic Christian. I think all religious traditions can share this view.

**1 • What is peace?** The most visible and awful disruption of peace is war. Yet peace is not only the absence of war. Peace has affects in all aspects of social life. In all kinds of relationships between human beings, there is a demand not just for the absence of threat and violence, but a demand for justice, mutual recognition, and liberty of action. A peace that would just be an armistice would not heal the causes of conflict—it would only postpone the time of revenge. There is peace when people are in harmony with each other. There is peace when everybody’s rights are upheld. There is peace when there are acceptable living conditions for all.

Peace begins in the sphere of family life, when mutual love and help are freely given, when parents give their best to their children, when children show respect and gratitude to their parents. Peace is there in the workplace: when there is work for all and social justice between employers and employees. There is peace in a city when security is guaranteed. There is peace in a State when the common good is regulated, when resources are fairly allocated to the needy. There is peace among nations when the more powerful ones do not try to oppress the weaker, when conflicts are settled through



negotiation and fair deals. In another sense, there is peace when there is justice. Justice demands that all universally-proclaimed human rights be effectively implemented. Peace is always a goal toward which persons and communities strive. Peace is never fully achieved forever. Peace must be desired. Yet peace at any cost is not true peace. Peace must flourish together with freedom and justice. Peace is incompatible with oppression and the denial of human rights.

**2• Among the conditions of peace in society, there is the right to freedom of conscience and religion.** This right covers the most inner need for human freedom. Even when deprived of physical autonomy, human beings need to preserve the sanctuary of their inner life. Religions draw their social relevance from the fact that they are rooted in what men and women consider most intimate and precious.

The Catholic church teaches that freedom of conscience and religion is at the heart of human rights. Freedom of conscience and religion is an inherent requirement of human nature. Where freedom of religion is repressed, there is no freedom at all; the reverse is not always true. In some countries, freedom of religion is guaranteed and religious pluralism is even encouraged, but other civic and social rights are disrespected. The denial of freedom of religion is always a sign of a poor standard of human rights and a non-compliance with the rule of law.

Peace in society cannot be achieved through the oppression of religious minorities, through prohibition of fair missionary activity, through the exclusive protection given to a single national religion, and even less through the extension of compulsory religious laws to believers of other religions. There are cases when States identify themselves with a national religion and forbid the open manifestation of other religious traditions. This is not in accordance with the requirements of international law. All members of the United Nations have signed the 1948 Universal Declaration of Human Rights. This Declaration proclaims that freedom of conscience and religion cannot be denied to any human being.

The Catholic church feels comfortable with this Declaration. It supports its philosophy which founds the whole set of human rights on the inherent dignity of all human persons. According to this philosophy, no State should claim to have a duty or a competence whatsoever in matters of religious belief, and should neither impose specific religious views to its citizens, nor prevent them from living according to their own faith.

If States with traditional homogeneous religious traditions are inclined to give them a special legal protection, this is acceptable only if it does not imply a denial of full religious rights to minority groups. Minority religious groups or new religious movements must behave with transparency and take care not to hurt the feelings of majority religions. Religion cannot be invoked to cover other kinds of activity.

Too many conflict situations in today's world are religious in origin or both ethnic and religious. Under law, citizenship and religious identity should be legally distinguished. This means equal fundamental rights guaranteed to all religious communities to which citizens freely belong.

**3• Religion should give a significant input for justice, reconciliation, and hope where these values are at stake.** At first glance, this may not seem obvious. Many past records show conflicts and wars fuelled by religious motivations. Destruction of innocent victims, terrorism, or war can never be justified in the name of God.

At the Hague Conference of 1926 the late Protestant theologian Marc Biegner said that our conception of peace is necessarily related to our understanding of God. Religions can contribute to peace only if they find in their own references, Scriptures, and tradition, the call to overcome divisions and hatred. Where the exclusion of the other is preached in the name of God, there is something wrong with our understanding of God and what religion is all about. The church has received the mission of reconciliation among humans beings and nations. It should be a sign of the coming reign of God where every creature is recognized for itself and open to communion with others. When believers indulge in thoughts or actions of injustice or violence against other people, we betray the mission entrusted to us; we do not bring to this world what it urgently needs: a vision which helps to overcome divisions by dialogue, negotiation, and a search for the common ground of understanding.

**4• Peace among nations is the most desirable and visible manifestation of peace:** freedom to choose a religion and to live in accordance with it, and freedom from any imposed religion or ideology—national security, nationalism, or others—are conditions for peace. Religious leaders discourage political decision-makers from resorting to extreme solutions of violence. Religious leaders should not excite their faithful by preaching hatred in the name of their god, but by opening their

eyes to the broader horizons of common acceptance. Mutual acceptance can only come from a changed mind. And the process of changing mentalities is the duty of religions.

In 1967 the Catholic church created a Council for Justice and Peace in the Vatican, coordinating the work of similar commissions set up in all national conferences of bishops. The first day of January has been proclaimed the day of peace, and a papal document is issued each year, inviting all to reflect on a specific aspect of world peace. The church systematically calls for peaceful settlement of ongoing conflicts. The Holy See in 1984 successfully settled by diplomatic mediation the struggle between Argentina and Chile on the Beagle Channel issue.

**5 • Religions would indeed contribute more to world and social peace if they would more intensely strive for peace among themselves.** Unfortunately, religious fanaticism is still arousing large populations against one another. There will be no chance for peace in society as long as violence is justified in doctrine and encouraged in practice.

Peace between religions is not only the absence of open hostility. It demands a long process of overcoming mutual prejudice, of discovering the richness of perspectives, or engaging in constructive dialogue. Peace among religious groups begins in the classroom. The scope of education is to supply knowledge through critical judgment and to eradicate prejudice. If young people are taught at school that they must hate those who are different, how can you expect them to build a civilization of peace tomorrow?

Religions must learn to respect each other. Fair missionary activity is to be carefully distinguished from disloyal proselytism. In missionary activity, religions should proclaim their own views and not indulge in misrepresenting the views of others.

Religious leaders can give an attractive example of how it is possible to change from mutual exclusion to mutual respect, thus contributing to a future of peace for all humankind. Even if inter-religious dialogue proceeds slowly, there is no prerequisite for religions to join efforts to promote essential values on which society rests.

I recall the deep impact of two inter-religious meetings that Pope John Paul II organized in Assisi in 1986 and earlier this year (2002). World religious leaders were invited to come together to pray to God for peace, each in his own tradition. Inter-religious dialogue has brought promising hints for further deepening of relationships.

Most Christian communions are now committed to a still deeper ecumenical dialogue, which has produced an impressive number of joint declarations and theological agreements. Not all Christian churches and movements trust the ecumenical endeavor, but the overall result of this multilateral dialogue is undoubtedly a strong contribution to peace.

In the view of the Catholic church, all members of society, (believers and non-believers) are indeed called in their capacity as citizens to join in the common effort to promote the values of justice and peace. Believers should draw from their faith the energy necessary to build deeper social links. In doing so, religions join on the common ground of social issues and work together, not just for themselves, but for everyone. This helps them to overcome some reciprocal prejudices. But it mainly awakens their sense of responsibility towards the whole of society. If society must care for freedom of religion for all, religions should give their contribution to peace for all.



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# RELIGIOUS FREEDOM AND VIOLENCE ON BEHALF OF RELIGION

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MONER M BAJUNAID

*Director of Muslim Business Forum, Santos City, Philippines*

It was around 9 p.m. (Manila time) on September 11, 2001, when I turned on CNN for a news update. I watched in horror and disbelief the live telecast of an airplane hitting the second World Trade Center (WTC) tower in New York City. I asked myself: “Why is this terrible thing happening to the only remaining superpower in the world? How can America be so vulnerable?” Then I remembered that people are humans, that humans are fallible and thus vulnerable. The Arabic term for man is *isnan*, from the word *nisyan*, meaning forgetfulness or fallibility.

We all tend to ignore or be indifferent to the world around us. Sometimes we forget that we are a family of nations, sharing common experiences and a common heritage. I believe those who planned and executed the terror attacks deliberately forgot that those who were at the WTC at the time of the attack were members of the family of nations professing all sorts of religion, such as Judaism, Christianity, and Islam. It was an act of provocation--if not war--against not one country but against humanity.

I immediately sensed that fingers would be pointed at the usual suspects: Arab terrorists and Islamic fundamentalists. Like a commodity brand, terrorism and fundamentalism have been viciously associated with Islam and Muslims.

When I was studying in a Christian school, we were told to love our neighbors as we love ourselves. My devout Muslim parents taught me what the Prophet once said, “You are a Muslim when you wish for people what you wish for yourself.”

In an interview with BBC East Asia Bureau, I was asked to comment on what people describe as a clash of civilizations, referring to the New York and Washington attacks. I replied that civilizations do not clash, they complement one another.

Humanity owes a great deal to both Islam and Christianity. Islam provided the renaissance with its early flowering. We tend to be unmindful of the great

contributions of Islam to mathematics, science, astronomy, medicine, and architecture. Islam nurtured the value of learning and the quest for wisdom that helped create a modern world.

Islam and the West can join hands for the sake of our common humanity. It is sad that the two great religions of Abrahamic origin are pitted against each other. I believe this is due largely to a lack of dialogue.

I had the rare opportunity of joining the peace talks between the Philippine government and the Moro Islamic Liberation Front from 1997 to 2000 until the outbreak of Erap Estrada's all-out war. My experience in the peace process taught me the value of dialogue.

Understanding, tolerance, and accommodation are the essence of dialogue, whether interfaith or intercivilizational. In many parts of the world, that essence is sadly missing. What we see is a failure to communicate and listen. We view others in our own image and never try to look at others with their eyes.

Listening is one of the 10 values adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to achieve international understanding. The late King Faisal of Saudi Arabia once said, "Man is created with two ears and one mouth in order for him to listen twice as much as he can talk."

Harmony and peaceful coexistence should be the ultimate aim of dialogue. These are not to be imposed, however. Rather, there is a need for a process to be undertaken with commitment and mutual trust. This process should erase the seeds of hatred, antipathy, and prejudice. And in the end, it should open the way to sympathy, understanding, and reconciliation. That is the hallmark of dialogue.

In many ways it is odd that misunderstanding between Islam and the West should persist. The things that bind our two world religions together are so much more powerful than the things that divide us. We share many key values: respect for knowledge, social justice, compassion toward the poor and the underprivileged, the importance of family life, and respect for parents.

To many in the West, Islam is defined in terms of the tragic events of September 11, 2001; the killings and bombings perpetrated by extremist groups in the Middle East; and by what is commonly referred to as "Islamic Fundamentalism." Our judgment of Islam has been grossly distorted by accepting the extremes as the norm. That is a serious mistake.

We need to be careful of that emotive label—"fundamentalist"—and distinguish as Muslims do, between revivalists (who choose to take the



practice of their religion most devoutly, and call people to their religion with wisdom and good exhortation) and the fanatics or extremists (who use this devotion for radical and political ends). Among the many religious, social, and political causes of what we might more accurately call the Islamic revival is a powerful feeling of disenchantment, of the realization that Western technology and material things are insufficient, and that a deeper meaning of life lies elsewhere in the essence of Islamic belief.

At the same time, we must not be tempted to believe that extremism is in some way the hallmark and essence of the Muslim. No religion has a monopoly on extremism. The vast majority of Muslims, though personally pious, are moderate in their politics. Theirs is the “religion of the middle way.” The Prophet (Muhammad) himself disliked extremism. Perhaps the fear of Islamic revivalism which colored the 1980s is now beginning to give way in the West to an understanding of the genuine spiritual forces behind this groundswell.

As the word Islam in Arabic indicates, it is the message of peace—peace with one’s own soul, peace with Allah and peace with humanity at large. That is why if we contemplate the biography of the Prophet Muhammad, we find him abstaining from war and commanding his followers to do the same during the first 13 years of his preaching in Mecca. It was only when the *Kuffar* (non-believers) of Mecca confiscated everything Muslims had, (their properties, homes, and even their country) and started plans to crush the Muslims, that fighting was permitted. After the non-believers fled to another city (Madinah), only then did Islam give permission to fight. In this context, the Quran says, “To those against war is made, permission is given to fight because they are wronged, and Allah is most powerful for the aid of those who have been expelled from their homes unjustly, on account of nothing save that they say our Lord is Allah.” (39-40/22)

Let me leave you with the words of Professor John L. Esposito, a well-read and respected American scholar of Islam. Professor Esposito has rendered great services to the understanding of Islam by explaining the Islamic message in his various books. In his book, *The Islamic Threat: Myth or Reality* (1992), Esposito raised the questions:

“Are Islam and the West on an inevitable collision course? Are Islamic fundamentalists medieval fanatics? Are Islam and democracy incompatible? Is Islamic fundamentalism a threat to stability in the Muslim world and to American interests in the region? These are

crucial questions for our times that come from a history of mutual distrust and condemnation.”

“The answer to these types of queries which agitate the minds of many is: the Islamic world wishes to live at peace with the West as well as the East, but at the same time not to be dominated by them. It wishes to devote its resources and energies to building a better life for each person on the basis of the teaching of Islam, and not to squander its resources in either internal or external conflicts. It seeks finally to create better understanding with the West. The destinies of the Islamic world and the West cannot be totally separated, and therefore it is only in understanding each other better that they can serve their own people more successfully, and also to contribute to a better life for the whole of humanity.”



END



# FREEDOM OF RELIGION:

## A PAPUA NEW GUINEAN PERSPECTIVE

AMBENG KANDAKASI

*Member, Supreme Court and National Court of Justice, Papua New Guinea*

The Constitution of Papua New Guinea (PNG) was created by a Constitutional Planning Committee (CPC) which conducted numerous interviews and meetings and discussions with the people of PNG and widely consulted experts in the field of constitutional development. A constitution was then drawn up, which the Constituent Assembly adopted to be effective on Independence Day, September 16, 1975.<sup>1</sup>

Given the way in which the Constitution was adopted, it is accepted as a homegrown constitution as opposed to one imposed upon the country. This was unique when compared with former colonies of Britain and other colonial powers. It is also unique comparatively, because it is both a political statement and a legal document. According to authors of *The Annotated Constitution of Papua New Guinea*:

“As a legal document it [the Constitution] has been subjected to review and interpretation by the National and Supreme Courts and to amendment by the National Parliament. Yet it remains the supreme law of PNG, touching upon almost every area of public life. As a written Constitution it is rare, if not unique, in the detail of its expression. Because of its central place in the legal and political structure of the nation, not only lawyers but also politicians and those involved in business or administration need to be aware of its provisions and how it is being interpreted.”<sup>2</sup>

The first Chief Justice of the newly independent PNG, C.J. Frost, an Australian, formally noted that in his judgment in *The State v. Mogo Wonom*<sup>3</sup> in these terms: “The Constitution is a home-grown Constitution because it is a truly autochthonous Constitution established, as the preamble recites, by the will of the people to whom all power belongs. Its authority is thus original and in no way derivative from any other source. Unlike the case of Australia where the first settlers brought with them the common law, there is, to use

the words of Sir Owen Dixon speaking of the American Constitution, ‘no anterior law providing the source of juristic authority’ for institution of government now established.”

The Constitution of PNG, as noted by Goulding,<sup>4</sup> is complex and is full of words and phrases that will, no doubt, be the subject of very detailed consideration by the courts.” Since that observation, both the National and Supreme Courts of PNG have interpreted and applied several provisions of the Constitution in some detail. There is nothing specifically touching on the freedom of religion yet.

## INDEPENDENT PNG AND CONSTITUTIONAL PROVISIONS

By the time the CPC was established and had performed its task, PNG had already converted to Christianity, while preserving the traditional foundations of the people. Consequently, PNG consisted of both traditional people and Christians at the same time. It was therefore no wonder that both of those principles appear in the PNG Constitution. A clear expression of that is found in the preamble of the Constitution:

“We, the people of Papua New Guinea—united in one nation, pay homage to the memory of our ancestors—the source of our strength and origin of our combined heritage; acknowledge the worthy customs and traditional wisdoms of our people—which have come down to us from generation to generation; Pledge ourselves to guard and pass on to those who come after us our noble traditions; And the Christian principles that are ours now; By authority of our inherent right as ancient, free and independent peoples; We, the people, do now establish this sovereign nation and declare ourselves, under the guiding hand of God, to be the Independent State of Papua New Guinea.<sup>5</sup>

By this act, at the very beginning of its Constitution, PNG proclaimed itself to be both a traditional society with its much-varied cultural and traditional foundations and its newly adopted principles of Christianity. This is an important starting point given that, for example, the much older democracy of Great Britain does not have a written constitution to guide its

present and future generations, but is entirely dependent on the goodwill of her people and which has the risk of being watered down if not protected.

The CPC considered the freedom of conscience, thought, and religion previously enjoyed by all (both before and after the coming of the white man), very important and an integral part of a person, and on a wider scale, of a community and a country. They felt that this was so important that it should be expressed in provisions in the Constitution. They came to that conclusion after considering the suppression of human rights in general throughout the world and the subsequent movement toward a recognition of the inalienable rights and freedoms of a human being, culminating in various declarations such as the Universal Declaration of Human Rights.<sup>6</sup> They considered the experiences of colonial powers such as Australia, which suppressed the rights and freedoms of indigenous people, a problem which was not addressed in any serious manner until the enactment of the Human Rights Ordinance 1971, by the Constituent Assembly on a private member bill.<sup>7</sup>

Because freedom of conscience, thought, and religion is a qualified right and therefore can be regulated or restricted, it is also necessary to look at the provisions of section 38 of the Constitution. That provision states:

“For the purposes of this Subdivision, a law that complies with the requirements of this section is a law that is made and certified in accordance with Subsection 2, and that:

**(A)** regulates or restricts the exercise of a right or freedom referred to in this Subdivision to the extent that the regulation or restriction is necessary:

**(ii)** taking account of the National Goals and Directive Principles and the Basic Social Obligations, for the purpose of giving effect to the public interest in:

- a.** defense; or
- b.** public safety; or
- c.** public order; or
- d.** public welfare; or
- e.** public health (including animal and plant health); or
- f.** the protection of children and persons under disability (whether legal or practical); or
- g.** the development of under-privileged or less advanced groups of areas; or

**(iii)** in order to protect the exercise of the rights and freedoms of others; or

**(B)** makes reasonable provision for cases where the exercise of one such right may conflict with the exercise of another, to the extent that the law is reasonably justifiable in a democratic society, having a proper respect for the rights and dignity of mankind.

**(2)** For the purposes of Subsection 1, a law must:

- a. be expressed to be a law that is made for that purpose; and
- b. specify the right or freedom that it regulates or restricts; and
- c. be made and certified by the Speaker in his certificate under Section 110 (certification as to making of laws) to have been made, by an absolute majority.

**(3)** The burden of showing that a law is a law that complies with the requirements of Subsection 1 is on the party relying on its validity.”

The CPC recommended these provisions to be in those terms as a better compromise between having a bill of rights in the Constitution that might be too restrictive or too flexible and easy to abuse. The CPC also provides for a declaration of emergencies to meet such situations where some of the rights might be restricted or suspended during the whole or part of an emergency.<sup>8</sup>

Unlike most other constitutions, the PNG Constitution, in addition to providing for a bill of rights and freedoms, also provides for an enforcement of those rights<sup>9</sup>, based on the recommendation of the CPC. The CPC rightly considered that it would be more appropriate to outline the way in which the rights and freedoms should be enforced rather than leaving room for guesswork and argument. The relevant provision, section 57, nominates the Supreme and the National Courts or any other court created specifically for that purpose by an Act of Parliament<sup>10</sup> to have jurisdiction to entertain such applications for an enforcement of one’s right or freedom provided for under the Constitution.

The Constitution goes further. It provides for compensation for any proven breach of one’s right or freedom under section 58.

## PRACTICAL EXERCISE AND APPLICATION OF THE FREEDOM

As far as I am aware, no case has yet gone before the Supreme and National Courts under section 57 of the Constitution for an enforcement of the freedom guaranteed by section 45 of the Constitution. This can be indicative of either



or both of two possibilities. The first could be that, given their traditional nature of tolerance and respect for the others cultures and traditions, Papua New Guineans have come to accept the religious beliefs and practices of others just as they have come to accept Christianity. It has been commented that:

“...it would be correct to say that, in recent years, this country has seen an influx of Hindus, Muslims, Buddhists, Bahaiis, Jews, Confucians, and many other religious denominations, including some charismatic and born-again movements with their emphasis on speaking in tongues, rock music and hard-sell evangelism, which in my view, seems provocative and attractive to the younger generation of Papua New Guineans today.”<sup>11</sup>

More recently, an Islamic mosque was built in the very heart of the nation’s capital, Port Moresby, without any serious argument against. Of course, after 9/11 and its alleged link to Islamic fundamentalists, there were some adverse comments in the local media, but not many.

Freedom of religion may not have been challenged yet because no one has been strong enough to take up a case to the Supreme or the National Court, or perhaps people are not aware of the existence of the provisions in the Constitution, including the provisions for their enforcement and compensation.

To date, the judgments of the Courts establish a number of important positions in relation to the rights and freedoms guaranteed or provided for by the Constitution. The first is that the rights and freedoms granted or guaranteed by the Constitution must be exercised in such a way that they do not affect or infringe upon the rights or freedoms of others. A clear statement that was made by the National Court in *The State v. John Kosi and 3 Ors*<sup>12</sup> in the context of a criminal charge for unlawful assembly:

“One thing I find common to all these guaranteed rights in that nowhere in their own terms do they permit breaking of public peace and the enjoyment by others of their rights. Nowhere does the Constitution directly or impliedly provide that, for instance, in propagating one’s religious freedom can one exercise such right in a non-peaceful manner. Right to freedom of speech does not confer right to speak without responsibility. The freedom to move anywhere in PNG does not confer on people the right to do so with means unpeaceful.”

Secondly, the requirements under section 38 of the Constitution must be strictly met in order for a law seeking to regulate or restrict a right or freedom to be valid. That is particularly related to the need to explain or express the reason a right is being restricted. This was made clear in the *SCR No. 1 of 1986; Re Vagrancy Act (Ch. No. 268) Special Reference Pursuant to section. 19 of the Constitution*.<sup>13</sup>

Thirdly, even if a law seeking to regulate or restrict a right or freedom meets the requirements in section 38:1, the law must be one that is reasonably justifiable in a democratic society. In its report the CPC made a deliberate choice to add that requirement in the Constitution. This was to ensure flexibility to meet the changing circumstances of the country and to enable both the judiciary and the executive branches to develop and safeguard the rights and freedoms of the people.<sup>14</sup> This was quite an unusual departure from the norm in most democratic countries. The Deputy Chief Justice of the country, Sir Mari Kapi, acknowledged that in *The State v. NTN Pty Limited and NBN Limited*<sup>15</sup> and said:

“What is reasonably justifiable in a democratic society is not a concrete or precise concept. It entails different policy and executive considerations. Traditionally, courts are kept out of this field. This is a new field of intrusion by the Constitution. The court is to be careful in saying what it is.”

The phrase, *reasonably justifiable in a democratic society* was first considered by the Supreme Court in *In the Matter of Special Reference by the Ombudsman Commission Under Section 19 of the Constitution and In the Matter of the Organic Law on National Elections (1982)*.<sup>16</sup> It then held that, in order to properly determine whether or not a law is *reasonably justifiable in a democratic society*, the following factors must be considered:

- 1 • The issue must not be determined objectively in the abstract but must be determined subjectively, because it is dependent on:
  - a. nature of the right alleged to have been infringed upon; and
  - b. purpose of regulation or restriction imposed; and
  - c. the proportionality of regulation or restriction imposed; and
  - d. the relevant conditions or circumstances at the particular time.

- 2• When considering whether a law is “reasonably justifiable in a democratic society that has regard for the rights and dignity of mankind” in the light of all the factors referred to above in a particular case is what the people consider to be reasonable (that is, the average man) within the context of the Constitution. This inevitably involves the Court’s own view and the view held by the legislature.

Applying this test and principles, the Supreme Court has struck down many laws made by Parliament.

## OBSERVATIONS AND CONCLUSION

Pre-colonization and pre-independent PNG was diverse in religion and forms of worship. But belief in and worship of a supernatural being were inherent to the inhabitants. They respected and tolerated each other’s religious beliefs and forms of worship. With the colonial masters, came, in my view an adulterated form of Christianity. I say “adulterated” because the colonial masters built into Christianity their own traditions, values, and or cultures. Given the already existing level of tolerance and respect for each other’s religious beliefs and practices, Christianity was readily accepted. There was, however, some resistance. But the powers of the white man were so strong that they conquered the locals. Eventually, the principles of Christianity became entrenched in the religious beliefs and practices of the people of PNG. That is why the CPC and the people of PNG, through their Constitution, chose to build their new nation as a Christian nation based on Christian principles. At the same time, they recognized themselves as people with diverse religious beliefs and practices. Therefore, there was no difficulty in the ready acceptance of freedom of conscience, thought, and religion as part of the bill of human rights; they were enshrined in the Constitution as constitutionally-guaranteed freedoms.

The people of PNG have faced challenges in tolerating a true exercise of the freedom of conscience, thought, and religion as set out in the Constitution. These tests came about when religions other than Christianity—such as Islam—came into the country, resulting in the building of one of their mosques in the nation’s capital. The test became even stronger when Islamic fundamentalists attacked America on September 11, 2001.

Although the way in which the courts of PNG have dealt with the provisions in the Constitution on human rights and freedoms is not an

exhaustive statement of what the Courts in PNG have been doing, it demonstrates one thing: the PNG judiciary is prepared to uphold the principles of human rights and freedoms. They have demonstrated that they are prepared to do that, even though taking such a step has involved judgments and orders against the State. Citizens—indeed all persons—can turn to the Courts with confidence that they will be given a fair hearing and if they are able to establish a breach of their rights or freedoms, that they will be vindicated in appropriate judgments and orders from the Courts, including orders for compensation.

In my view, the PNG experience challenges the rest of the world to accept, respect, and tolerate the different religious beliefs and practices of others and to try to live in peace with one another. Imposing one's religious beliefs and practices surely results in conflict. The use of religion to advance other causes has resulted in serious conflicts and confrontations. It is necessary that freedom be accorded the care and protection it deserves. It is the duty of all—not only the Courts—to uphold this freedom because it is fundamental to human life. Based on historic and present-day PNG, I see a future with religious tolerance in PNG as long as we do not receive any influence that might give rise to a religion-based war or conflict. On the broader worldwide scale, perhaps it is time for developed countries to learn from the not-so-developed countries like PNG of a better world for everybody. Unless there is tolerance, respect, and acceptance, there is a danger that religion might cause worldwide wars or conflicts. It therefore becomes everybody's responsibility to provide tolerance, respect, and acceptance of each other's different religious beliefs and practices. Freedom without real free practical exercise of one's freedom is not justice, but injustice.



END

1. Preamble to the Constitution of the Independent State of Papua New Guinea.
2. B. Brunton and D. Colquhoun-Kerr, *The Annotated Constitution of Papua New Guinea*, (Hong Kong, 1985) UPNG Press, Forward V.
3. [1975] PNGLR 311 at 315 and 316.

4. Gouldring, *The Constitution of Papua New Guinea* (1978).
5. Emphasis mine.
6. *Ibid.*, 5/1/1.
7. *Ibid.*, 5/1/3.
8. Section 239 of the Constitution.
9. Section 57 of the Constitution
10. There was more mooting for the establishment of an independent human rights tribunal or commission, but nothing practical has been done to establish such a tribunal or commission.
11. Justice Mark Sevu. "Freedom of Religion," May 1996, a paper presented at the Pacific Adventist University.
12. (unreported but number judgment) N306, the first National Chief Justice, Sir Buri Kidu.
13. [1988] PNGLR 1.
14. CPC, p. 5/1/6 para. 27.
15. (*supra*) note 22, at p.1.
16. (Unreported judgment of the Supreme Court) SC 226, (Kapi, J., as he then was).



# RELIGIOUS FREEDOM IN BUDDHISM

YONG PYO KIM

*Professor at Dongguk University, Korea*

The Buddhist position on religious freedom is unique—vastly different from the absolute monotheistic and prophetic nature of western semitic religions. Buddhism, which is firmly grounded in the principle of *pratītya-samutpāda*, or dependent origination, is a religion about wisdom and self-awakening, peace, and tolerance.

It is my hope that Buddhist teachings will not only pave the way toward a new vision on the issue of “Religious Freedom as a Basis for Peace and Justice,” but also that it can help cure, if even only a little bit, human beings who are suffering due to the loss of their religious freedom.

## THE PROBLEMS OF RELIGIOUS FREEDOM IN THE HISTORY OF BUDDHISM

### **Buddha’s Basic Stance on Religious Freedom**

During its more than 2,500-year-long history what has been the Buddhist basic stance on the subject of religious freedom?

The *Brahmajāra sutta* divides the various religious thinkers’ theories on Truth into 62 subjects during Buddha’s time. Hence, beginning with the monotheistic theory, there were many schools of religious thought, such as the materialistic theory, fatalistic theory, asceticism, defilement theory, theory rejecting freedom of will, hedonism, and skepticism.

Buddha interpreted the various truth claims in light of the doctrine of dependent origination, in which he taught in a logical and straightforward way the wisdom of seeing the cosmos and life as is, that is, their true nature. On the other hand, Buddha also preached the virtues of tolerance for and peace toward other religions. That is why Buddha was called the *ranamjaha*, meaning “one who has transcended all conflicts.”

Therefore, if a disciple used violence to resolve a dispute, then he/she was not considered Buddha’s disciple, and his/her actions violated



Buddha's teachings of "Don't compete with other religions." Exclusivist emotions, or emotions such as hatred and jealousy toward other religions were said to derive from avarice or ignorance, that is, a misunderstanding of Truth.

## HISTORICAL FRICTION BETWEEN BUDDHISM AND OTHER RELIGIONS

With its emphasis on wisdom and compassion, Buddhism was able to avoid religious wars and did not persecute other religions during its more than 2,500-year-long history. Conversely, there are many cases in which Buddhist religious freedom was severely suppressed and persecuted by other religions. These cases can be summarized as follows:

- a• India, the birthplace of Buddhism, has witnessed many disputes between Buddhism and Hinduism. Buddhism, which criticized substantially the theory of atman and its emphasis on ritualism in Brahmanism, which was established on the principles of atman, or no self—dependent origination, self-reliance, and liberation. However, Buddhism was gradually absorbed into Hinduism. In the beginning of the eleventh century, Buddhist temples, monks, scriptures, and followers all became targets of persecution after Islam spread throughout India, and the tradition of Indian Buddhism was eventually abolished as a result.
- b• Buddhism was transmitted into China in the first century, colliding and merging with Taoism and Confucianism. However, through the major incidents of Buddhist persecution in China, known as the "Destruction of Dharma by three Wu and One Zung Emperors," it was severely oppressed by Confucianism and Taoism.
- c• Buddhism was introduced in Korea in the fourth century and developed after fusing with the established folk religions of Korea. But Buddhists were persecuted by the authorities of Goguryeo during the Three Kingdoms' period who worshiped Taoism. From the end of the fourteenth century onward, during the Choseon dynasty (1392-1910), Buddhism was heavily persecuted for more than 500 years by the Yi monarchy, which made Confucianism the state religion.

## MODERN CASES OF INFRINGEMENT OF BUDDHISTS' RELIGIOUS FREEDOM

According to reports issued by the ongoing conferences of the World Fellowship of Buddhists, Buddhists' religious freedom has been infringed upon in modern times; these incidents are summarized as follows:

- a• Presently, Buddhist temples in India have been seized by the Indian government, which supports Hinduism. These Indian Buddhists say that no matter how much they demand that the temples be returned, there is no response. Although Hindus claim that Buddha was one of the 10 incarnations of the god Vishnu—and therefore Buddhism is a sect of Hinduism—from the Buddhist perspective, this is an erroneous theory.
- b• After the end of the Vietnam war, many Buddhist monks were executed, and Buddhists in Vietnam are still heavily persecuted.
- c• It is reported that the policies of the socialist government of China aim at heavily oppressing religious freedom in Tibet. Buddhist temples have been destroyed and an individual's freedom to enter the monkhood is being regulated.
- d• In North Korea as well, the belief and practice of Buddhism, along with other religious activities, are largely restricted.
- e• Even in South Korea, Buddhists have been, discriminated against: cases of religious favoritism by government officers, appointments of specific religious figures by high-ranking government officials, incidents of religious discrimination within the Army, and so on. In recent times, incidents of temple arson or the destruction of statues of Buddha, which often occur around the time of Buddha's birthday, have not been investigated. Cases of infringement of religious freedom occur even in public educational institutions such as schools, where education and missionary activities are not separate. Also, the government's policies and management of Buddhist cultural assets, which occupy the lion's share of the country's overall traditional cultural properties, go against the opinions of Buddhists.

- f• Demolition of Buddha of Bamiyan in Afghanistan: In Afghanistan, the birthplace of Gandhara art, the demolition of Buddhist culture in the country by Islamic fundamentalists shocked the rest of the world.
- g• Apart from such cases, we cannot deny that, while they are not overt, there are many cases of discrimination and injustices resulting from the authorities of various societies.

## RELIGIOUS FREEDOM FROM THE BUDDHIST PERSPECTIVE

First, Buddhism espouses the freedom to investigate thought, language, and Truth. It can be said that Buddhism's philosophy concerning freedom cannot be found in the history of any other religion. Buddha taught that the legitimacy of certain religious concepts of Truth should be examined with cool-headed, objective reason and in the light of one's experiences. In the Kalama Sutta, it states:

Do not get caught up in doctrines just because they have become a form of knowledge from repeatedly hearing them or are rumors, or because they can be found in holy scriptures that have traditional and religious authority, or because of conjecture or seemingly proper logic, or because they are the teachings of one's teacher. Cast away doctrines only after one experiences for oneself they are unsound or bad. Conversely, accept and follow those that one experiences as beneficial, sound, and good.

This kind of attitude can be construed as a Buddhist criticism of religions that emphasize blind faith or the weight of tradition.

Second, Buddhism espouses throwing away of exclusivist and absolutist tenets concerning Truth and a dogmatic view of Truth. The reason Buddhism does not exhibit a dogmatic and exclusivist attitude toward other religions is because it does not see itself as the sole proprietor of Truth. Buddha himself proclaimed that he is not the creator of Truth, but the discoverer of it. As it says in *Samyutta-Nikāya* (II.25);

Whether the Tathagata appears in this world or not, the basic nature of phenomena, the regular form of phenomena, or the conditional nature of Dharma of dependent origination exist.

The Tathagata discovered, understood, showed, and taught this.

Whether the Tathagata appears in this world or not, the truth of dependent origination has always existed. Therefore, Buddhism did not promulgate an exclusivist and absolute Truth like apocalyptic religions. Since Truth can be discovered and awakened to and is innately known by everyone, even a person who does not have the right karmic affinity to come into contact with Buddhism can awaken to the truth and become a Buddhist. This is the reason why Buddhism acknowledges the concept of “Dokgakbul,” or awakening to the truth by oneself.

Third, that one must be free of attachment from even the Dharma is only taught in Mahayana Buddhism. This is because the truly right attitude toward Truth is one of non-attachment to Truth. In the *Yukiti-sastikā-karikā*, *Nāgārjuna* (150-250) states:

If one thinks that there is a concrete form to the doctrines and Dharma, one is doomed to become entrapped by feelings of love and hatred and caught up in conflicted emotions, which arise from one's affection for the Dharma and Buddhist doctrines, which, in turn, arise from hatred between other religions.

The Diamond Sutra also absolutely warns people not to attach themselves to the thought that what the Tathagata preached was absolute Truth.

Subhīti! Don't say that the Tathagata himself thought, “I am the proprietor of the Truth that must be preached.” If a person says that he is the proprietor of the Truth that the Tathagata preached, then he slanders the Buddha. This is because he has not awakened to what I have preached. Subhīti! Even if one were to preach the Truth, in the end, there is no Truth to preach about. Only then can one say he is preaching the Truth. (Diamond Sutra, Chapter 21)

This kind of open view of the Truth represents the Buddhists emphasis on understanding and accepting all religions' philosophies. The teaching of *śūntatā* in Mahayana Buddhism is about unlimited openness, that is, a mind that is endlessly open and has no frames.

Fourth, Buddhism preaches tolerance and peace toward other religions. Buddhist followers have put to practice Buddha's teachings of not fighting

with other religions. The great Emperor Ashoka (reign 268-232), who ruled during the Mauryan empire in India, was the first in his country's history to unify all the different states at the time; and he based his ruling political ideals on the Dharma. In the imperial orders inscribed on the extant steles of Emperor Ashoka, the emperor made the following declarations.

Do not just respect one's own religion and criticize other religions. That way, one can help one's own religion grow and also help other people's religions. If one's behavior is not like this, then this is like digging one's religion's own grave and also harming other people's religions. Therefore it is desirable for one to harmonize with other religions. Strive to understand the doctrines of other people's religions.

Fifth, Buddhism espouses methods for integrating disputes over concepts of Truth. Wonhyo (617-686), who lived during the Unified Silla dynasty (668-918) and is the most renowned scholar-monk in the history of Korean Buddhism, developed a logical basis for reconciliation and harmony of conflicting theories. Wonhyo attempted to conciliate the differing doctrines on the Truth with the concepts of *jongyo* (thematic essentials) and *gaehab* (analytical synthesis). Here, "the term *jong* means spread widely, and *yo* means to make one again." *Gae* means "analysis" and *hab* means "synthesis." What Wonhyo likely meant when he was referring to the state of *hab* is returning to the highest state in Buddhism, the state of enlightenment which Buddha attained. The state of reconciliation, in which "opening and synthesizing occur at will and these and refutations do not mutually collide," represents the workings of the mind that has achieved the ultimate freedom of being harmonious and unobstructed. Therefore, the reconciliation that Wonhyo idealized is not a form of logic to discern right and wrong, but can only be achieved when one reaches the state of liberation from attachments to all proclamations and opinions on the Truth.

This reconciliatory logic of Wonhyo's can be applied to the problem of understanding, or lack thereof, between religions. That is, one will be able to pierce the essence of all religions once one has transcended dualistic thinking and one's mind has as its foundation unobstructedness and unrestrictedness. And one will discover the path to becoming liberated from attachment to thoughts of the superiority or inferiority of certain religions, narrow visions of Truth, and religious egotism.



## BUDDHIST PROPOSALS FOR MODERN PROBLEMS OF RELIGIOUS FREEDOM

More than anything, the phenomena of infringement of religious freedom in the world today derives from exclusivist doctrines or feelings toward other religions. As well, it can also be said that it derives from a non-religious self-importance in which one acts in such a way as to benefit only one particular religion or ideology. The approach to the solution to these problems must likewise be undertaken in light of these two aspects. Buddhist problems must likewise be taken in light of these two aspects. The Buddhist world proposes the following concerning the modern problems of religious freedom based on the fundamental position of Buddhism on religious freedom.

First, all religious figures must re-examine exclusivist and absolute proclamations on the Truth through a reanalysis of their religions' doctrines. Only after one is free of all tradition and dogma can a rudimentary framework for achieving true religious freedom be formed. Hitherto, most religions have basically been caught up in trying to make one's own religion the embodiment of the absolute Truth. The fundamental stance of most religions is marked by the so-called exclusivist conviction that only one's own religion embodies the Truth and that one cannot attain ultimate salvation in other religions. Therefore, one comes to firmly believe that other faiths do not necessarily embody the Truth of salvation. This kind of simplistic logic socially engenders a dualistic attitude of "you and me," in which one falls into the trap of ethnocentrism and holds a prejudicial and discriminatory consciousness toward other religions, and hatred and discord that could even lead to war.

Second, in order to realize true religious freedom, priority must be given not to the logic of justice and judgment (as emphasized in Western religions), but to the non-dualistic wisdom and the concept of *dongchedaebi*, the great compassion of seeing all beings as one, of Buddhism. Instead of a belief in religious dogma, insight into life and the cosmos and a love for living beings must be given priority. We must cast away the egoistic attitude of acting in such a way as to socially benefit only a certain religion or ideology, and learn the wisdom of returning to the mind of "me and you are not two" and living together in harmony.

Third, the cultivation of an intellect versed in comparative religion in order to understand various religions, and a theory and method for discourse between the different religions needs to be emphasized. Along with an investigation into the pluralistic elements included in the doctrine of one's own religion, the systematization of the theory for respect and tolerance of other



religions and its practice is important. Religious figures of much depth and profundity have realized for themselves that “deep down, all religions are the same; different paths lead to the same goal.” East Asian religious figures traditionally hold the belief that “the Truth of the world is not dualistic, and neither is the mind of the saint.” It can be said that such a pluralistic understanding of religion is not only necessary from a cultural and social viewpoint, but also a prerequisite for becoming a mature religious person.

## CONCLUSION

It is now time for mankind to strive to completely put into practice religious freedom, instead of simply espousing religious tolerance. It is an inherent right for humans to be free to choose and practice a religion. Therefore, we must respect the freedom of faith of all religious people and treat them as our equals.

As has been examined up to now in this report, Buddhism respects freedom of investigation into thought systems and Truth, tolerates and respects other religions, condemns exclusivist proclamations to the Truth, has an open stance toward the Truth, and pursues harmony and peace through discourse. The Mahayanic teaching of the unlimited openness of emptiness (*sunyata*) is a dynamic one that can shatter all narrow-minded doctrines and traditions.

Buddha taught people to let go of hate with love that is free from anger, and to conquer evil, not with evil, but with good. Buddha had the following advice for those who espoused hostility toward others and wickedness:

Hate does not disappear through hate

Only love can put an end to hate.

*(Dhammapada)*

This feature of Buddhism can certainly be the fundamental prescription for the present-day problem of religious freedom. This position of Buddhism also gives today’s mature religious figures in the world hope and a path, and provides the direction that the world’s religions must take in the future.



END



# FIFTH WORLD CONGRESS SUMMATION:

MANILA, JUNE 6, 2002

MITCHELL A. TYNER

*Legal Counsel, International Religious Liberty Association*

In our short four-day congress we have heard 51 speakers in 13 sessions lasting 98 hours (plus overtime): a bit of a marathon, with many words introducing many provocative, sometimes startling, ideas.

It has been a productive time, in a productive atmosphere. IRLA Secretary General John Graz, in welcoming delegates from 33 nations, remarked that we are not here to give religious liberty lessons to the government of the Republic of the Philippines, for it is quite capable of instructing others in that subject, having a constitution that is as clear as any in the world in protecting religious liberty. Therefore the location for this, the first IRLA World Congress in the Pacific, is an appropriate one.

Why did we come? In his opening remarks, IRLA president Denton Lotz stated our purpose simply: to disseminate the principles of religious freedom. We have done so. We have discussed what religious liberty is, what it is not, what it has meant in the past, the current threats to its continuation and expansion, and what we can do about it, individually and collectively.

We have been enlightened by presentations on religious liberty in various faith traditions from Denton Lotz, Roland Minnerath, Shakuntala Vaswani, Paul Rosenburg, Taha Basman, Yong Pyo Kim, and Bishop Efraim Tendero.

We have heard reports of the current situation of religious liberty in diverse areas of the world from Velile Wakaba, Justice Ambeng Kandakasi, Clive Dottin, Nathaniel Garcia, Clarence Hodges, Emmanuel Nlo Nlo, Tadaomi Shinmyo, Maurice Verfaillie, Jose Hayasaka, Nceku Msimanga, Victor Krushenitsky, Reinhold Kesaulya, David Tamsung, Sophie Xiao, Suk Tae Lee, Mikhail Odintsov, Hyun Suh Koo, and Viorel Dima, and, not least, from United Nations representatives Abdelfattah Amor and Patrice Gillibert. To merely read the names of these presenters illustrates the diversity of this group and the wealth of experience brought to bear on our subject.

In addition to the above, we have been thoroughly instructed as to religious freedom in the Philippines by Mayor Peewee Trinidad, Congresswoman Imee Marcos Manotoc, Senator Franklin Drilon, Secretary Raul Roco, Congressman Jose Venecia, Senator Francisco Tatad, Congressman Harlin Abayon, Mayor Jose Atienza, and Willy Sumagaysay.

We have been treated to governmental views of religious freedom from Ambassador Robert Seiple, Ambassador Bienvenido Tejano, Rosa Maria Martinez de Codes, Director Alberto de la Hera, and David Pendleton.

We have heard from learned academics such as Moner Bajunaid, Cole Durham, and Jeremy Gunn, and from editors Lincoln Steed and Roy Adams. In considering the breadth of expert opinion available to us, it is tempting to say that our cup indeed runneth over—as, on occasion, did the clock.

Before going further, I should address one of the responsibilities of a summary such as this: to comment on strengths and weaknesses. I will first address the weaknesses, for they are so few in number. Really, only one: the absence of a dissenting viewpoint. We would have profited from hearing the views and arguments of those who oppose greater religious freedom. And we would have profited from a more leisurely hearing of the experiences of those whose religious rights have been violated. After all, our purpose is to right wrongs and prevent further wrongs, not merely to philosophize.

The strengths of this congress are much more numerous. I commend, on behalf of us all, John Graz and the entire IRLA staff who spent more hours bringing this congress to fruition than most of us will ever know. You have provided for all our needs and most of our wants, providing a convenient and comfortable venue for our deliberations. And let us not forget that the work is done not only by those in the public eye. Don Robinson, IRLA treasurer, has kept a very low profile at this congress, as he prefers to do. But without his immense efforts, it simply would not have happened. We must not forget Viola Hughes, Zelda Parmenter, and Marilyn Riley, who have spent hours in the back office making things happen. And I must give special recognition to Moldy Mambu and the corps of drivers who worked with him. After an unendurably long intercontinental flight, when you stumble off the plane half awake in a strange country, there are few things so welcome as seeing someone with your name on a card, there to lead you through formalities and on to your hotel in the shortest possible time. And these people did that for so many of us who came in at all hours over a period of many days.

We have been treated to presentations by several speakers who addressed the background of the struggle for religious liberty. Robert Nixon rightly observed that the tension between freedom and security is not new. That is why Intramuros, the old city of Manila, has a city wall. Cole Durham described for us how, for much of history, religion was social glue. And yet the specter of religion as a divisive power is not new either. Denton Lotz surveyed the substantial Baptist involvement in the historic struggle for religious freedom and brought us into the near past with a discussion of the socialist period. He noted that those secular systems that intended to bring heaven from above only succeeded in bringing hell from below. Rosa Maria Martinez de Codes presented the history of the international documents addressing religious liberty and discussed the phenomenon of post Cold War Europe returning to natural patterns, including rejuvenation of religious cultures, and reminded us that central and eastern Europe are facing pluralism—religious and otherwise—for first time.

Several speakers early in our time together focused on current realities—and threats. Cole Durham noted that religion as factor in peace—our theme—seems paradoxical after 9/11, that increasingly, wars are intra-state affairs, and that it seems the bi-polar orientation of the Cold War period has been replaced by multi-polar conflicts all too often based on religion.

Professor Amor spoke, as did so many of our speakers, of the attacks of 9/11. Ominously, he fears that religious liberty violations have not been dealt with for political reasons; that these violations, if not officially sanctioned, have certainly been overlooked. In light of all that has happened, Senator Drilon stated that “never before has religion assumed such international political significance.” I heard that and wondered if that included the period of the crusades. Regardless, the exception proves the point: no thinking person would choose to revert to that ghastly time.

Ambassador Seiple spoke at length—and tellingly—of the interrelationship between security and religious liberty, and of the need to forge a new alliance between the two. He spoke of religious liberty as the missing dimension of security, and stated clearly that we neglect it at our peril. Seiple called the events of 9/11 the ultimate perversion of religion, and warned that our response, if not on point, runs the risk of being no more than “sound and fury, signifying nothing.”

I thought Ambassador Seiple’s best line was this: “The first casualty of war is subtlety and nuance.” Yet the inability or refusal to see subtlety and to deal

with nuance and ambiguity is a major cause of both religious hostility and the erosion of confidence in religion. Perhaps we have identified a vicious, self-reinforcing problem.

In summary then, what have we learned from one another? Several ideas kept recurring through the Congress. Obviously, in spite of our diversity, we hold essential values in common.

**1•Religious Liberty is a right and a necessity, not a luxury. One does not purchase it or earn it. It is inherent to the human condition.**

Representative Marcos Manotoc spoke of the primacy of religion and human rights over other laws, and referred to the phrase “religious war” as an oxymoron. Monsignor Minnerath spoke of freedom of conscience being at the heart of human rights, and said that all human rights are founded in the inherent dignity of the person. Secretary Roco observed that the soul, and human dignity, are the sources of equality and religious freedom. And Ambassador Seiple echoed that idea when he described religious liberty as the cornerstone of civil society.

**2•Divisions between people are of human—not divine—origin, for every faith extols the primacy and necessity of religious liberty.**

Speaker after speaker confirmed this from the perspective of his or her faith.

Representative Marcos Manontoc perhaps said it most clearly: “No religion extols wholesale loss of human life; no religion justifies attack on civilians. This is not religion, this is war.” Prof. Bajunaid said “You are a Muslim if you wish for others what you wish for yourself.” He reminded us that terrorism and fundamentalism have been viciously associated with Islam, and that the pitting of Judaism against Islam is largely due to lack of dialogue—another word used frequently. Taha Basman went further and showed us the theological basis for religious liberty in the Koran. Bishop Tendero, from an evangelical Christian perspective, said that the basis of religious liberty is found in the nature and character of both God and man.

From a comparative-religions perspective Monsignor Minnerath observed that when individuals and communities—of any faith—use religion to appeal to violence, they do not act in the best traditions of their faith. Denton Lotz spoke of the difference between toleration and soul liberty, which encompasses freedom of conscience, expression, association, and corporate activity. Our Hindu, Buddhist, and Jewish speakers flatly stated that



repression of religious freedom is not part of their faith tradition. And yet Prof. Amor said, correctly, that all religions are somehow involved in violations, that these violations often deal with right of conversion, and that the situation of women *vis-à-vis* religious freedom should be of special concern. So we find that Jews/Muslims/Christians/Buddhists don't oppress—but individuals certainly do. Perhaps we should be discussing the apparent difference between official positions and the popular understanding and practice of the religious communities making them?

### **3•Law, as a remedy for religious intolerance, has its limits.**

This is a rather remarkable admission from a group containing so many lawyers! Yet perhaps we know even more than others that laws are only as effective as the willingness of the people to abide by them and the ability and will of governments to provide and protect the rule of law.

Prof. Amor spoke of the progress made in codifying and enforcing judicial norms, both national and international. It is no simple task. Dr. Martinez de Codes observed that recognizing the will and rights of the majority while protecting minorities is a constitutional challenge. Senator Tatad recognized the limits of this endeavor in the words of a street-smart politician when he said “We have church-state separation in the constitution, but not everyone wants to live by the constitution.”

Those familiar with the realities would agree with Rep. Marcos Manotoc: “We are aware of the limits of logic and law, and we seek the wisdom of the Spirit.”

### **4•The challenges of modernity, post-modernity, and globalization reflect the fact of pluralism and diversity, and religious liberty challenges are exacerbated thereby.**

What better illustration could we have than Justice Kandakasi's reference to the 800 groups in Papua New Guinea.

Cole Durham referred to pluralism as an inescapable fact of modern life, and said that the illusion of religious homogeneity is simply no longer tenable. Yet Cole also reminded us that while inappropriate constraints on pluralism are hazardous, pluralism *per se* is not.

Cole also addressed the related area of conflicting truth claims, the one area that seems to divide us. For Cole, the idea that exclusive truth claims are suspect is problematic. He stated that religious traditions need not compromise truth claims to be eligible for respect and tolerance, and that pluralism need not mean moral relativism.



### Concerns clearly stated

Often those concerns were stated with a clear note of anxiety. More than at any IRLA Congress I have attended over the last 20 years, speakers here sounded warnings of crises.

Prof. Amor observed that while there has been considerable progress in religious liberty, the work has been limited, and, importantly, that the progress made could be reversed. He said, “We are today in danger of going back down a road that leads to disaster,” that since 9/11, the reversal of progress is a very real possibility. This is ominous.

For several speakers, the problems we face are tied to and exacerbated by the events of 9/11/01. Rep. Marcos Manotoc spoke of the dangerous idea that we must accept the abatement of freedom in order to counter threats to freedom. Jeremy Gunn stated the same fear: that a hasty reaction to 9/11 will prove inimical to religious liberty, that by focusing on security concerns rather than justice, governments undermine the very result they seek. Amb. Seiple agreed. He is concerned that the need for security will provide the rationale for crackdowns on dissent.

Roy Adams, in his usual creative manner, brought us a very relevant warning: that the loose use of the term “fanaticism” can create a creeping intolerance among those pledged to oppose intolerance. Has the word “terrorism” achieved the status of the word “crusade,” so emotionally laden with unspoken implications that we must find a lower-key alternative or risk alienating our hearers?

Two other warnings I found most pointed. The first came from Amb. Seiple: “If we advocate religious liberty outside geopolitical realities, we will become irrelevant”: a clear statement of the absolute necessity of addressing reality at a time when retreat to the ivory tower of theory may be tempting. The second came from Cole Durham, who said, “We must find ways to build bridges, for the alternative is nuclear hostility.”

## PRESCRIPTIONS

Our speakers gave us many prescriptions, but they seem to fall into six categories.

**1•Realism.** This is no time to shrink from the realities we face, or from the tasks they engender. Sen. Drilon cautioned that we must resist easy generalizations and answers. Indeed. Monsignor Minnerath reminded us

that peace is never achieved once and for all. And Amb. Tejano stated clearly that freedom is an expensive commodity, and one that is not won once for all time.

**2•Dialogue.** Prof. Amor said that we can expect increased calls for dialogue between civilizations, between religions, and within faith traditions. Yet he cautioned as to the limits on dialogue concerning the place of religion in civil society; and on interreligious dialogue. Prof. Bajunaid stated a very important truth that must be remembered in any effort to achieve meaningful dialogue: understanding requires listening.

**3•Mutual Respect,** the proper but by no means assured outgrowth of dialogue. Msg. Minnerath put it simply: “Religions must learn to respect each other.” Prof. Kim stated the same truth from his Buddhist perspective, saying “It is time for mankind to completely put into practice religious freedom, instead of simply espousing religious tolerance.”

**4•Dynamic, Effective Cooperation.** The modifiers are important. A desultory, half-hearted effort to cooperate simply will not do. Hear Prof. Amor again: “Our strategy must be for the international community to work together, to face the problems, to act against intolerance.” The reversal of freedom which he warns of can only be resisted by a strong voice of opposition. This is no time to be timid. Rep. Marcos Manontoc said it well: “What we need is not an end to religion, nor religious silence, but new age of religion and genuine peace.” As Amb. Seiple put it, principles without implementation will equal nothing.

**5•Education.** Prof. Amor had the most to say on the subject, as it is one of his key convictions. He said that we must educate—at home, at school, in places of worship—a new generation with a new attitude toward non-discrimination. He believes that our work must focus on prevention—not reaction—that our work must be both remedial and preventative.

Mayor Trinidad placed a different but most important spin on the necessity of education: “Religious liberty is something we must all learn to embrace.” We must be not only instructors, but also students.

**6•For the good of both, keep religion out of politics and politics out of religion.** A proper degree of separation is in the best interest of both.

Sen. Tatad said it well: “The Church must be protected from the political activities of its clergy. In politics, the church is best heard through the laity, not the clergy.”

6• Three other prescriptions from our speakers defy categorization, but are too good to go unmentioned. Rep. Marcos Manotoc: “Let there be more religion and less arrogance.” Amb. Seiple: “Nothing enhances security more than knowing one’s own faith at its deepest and richest level.” David Pendleton: “Let us wage peace.”

## QUESTIONS REMAIN

- How do we relate to exclusive truth claims, and more importantly, to those who make them?
- What are the proper limits of pluralism and diversity?
- What is extremism? In her book *The Battle for God*, Karen Armstrong defines extremism as taking a spiritual/theological vision of the ideal and transforming it into a political agenda for immediate implementation. Is this valid?
- What is terrorism?
- What are the proper limits on the free exercise of religion?
- Under what circumstances should an individual be able to challenge an act of government that burdens his or her practice of religion and require the government to justify its action?

Although questions remain, all of us, and the communities we represent, must foster greater understanding of the meaning, the value, and the necessity of religious liberty. And we must do so in the context of a pluralistic, diverse, rapidly-changing world.

As we part, may it be our resolve to seek—in whatever way may be available to us—to confirm, strengthen, and extend that liberty given to us by our Creator.



END



# RESOLUTIONS

OF THE FIFTH WORLD CONGRESS

of the

INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION

on

“RELIGIOUS FREEDOM: A BASIS FOR PEACE AND JUSTICE”

Manila, June 10-13, 2002

Concerned with the atmosphere of increasing tension leading to and growing out of conflicts which are often religion based and threaten peace within and among nations, the International Religious Liberty Association (“IRLA”) decided to hold its Fifth World Congress in Manila, Republic of the Philippines, to address the relationship between religious freedom and peace and justice.

The Congress expresses its gratitude for the hospitality it has received in Manila, as exemplified by the interest shown in it by many of the leading authorities in the country and takes this occasion to praise the high standard of religious freedom which prevails in the Philippines.

At the same time, the Congress deplures that while the Philippines affords excellent protection in the area of religious freedom for foreigners and minority religious groups in its territory, many citizens of this country do not enjoy reciprocity of religious freedom protection when working abroad.

Considering that justice implies the respect of all human rights, and especially the fundamental right to freedom of conscience, religion, and belief, and that peace is a result of justice;

Convinced that respect for religious freedom plays a leading role in giving rise to a culture of justice and peace;

Reaffirming the fundamental right of individuals and religious communities not only to have but also to manifest their beliefs, in public and private;

Recognizing that religious communities have the right to autonomy in their own affairs, including the right to organize themselves in accordance with their own rules and beliefs;

Bearing in mind that the free exercise of religion requires a clear distinction of the religious and governmental spheres so as to permit an equal treatment of all persons regardless of their religious affiliation;

THE CONGRESS HEREBY RESOLVES AS FOLLOWS:

1. Religion should not be invoked as justifying violence, such as in wars of aggression or attacks on innocent persons.
2. Education at all levels should promote a culture of tolerance and mutual understanding. It should warn young people about the harm of prejudice and inculcate respect for others.
3. A cornerstone of civic education should be education about human rights and their foundation in the inviolable dignity of all human beings as a means to secure a peaceful future.
4. Religious teaching should stress the call inherent in religious traditions for respect, peace and understanding among all human beings in a pluralistic world.
5. World peace will be advanced when religious groups put aside the spirit of animosity and refuse to demonize each other.
6. Interreligious strife, hatred, and religious antagonism are to be rejected and replaced by dialogue in truth and mutual respect. No one should knowingly make false statements regarding any aspect of other religions, nor ridicule their beliefs, practices or origins.
7. Those engaged in missionary activity should be encouraged, as a matter of moral obligation, to avoid indulging in ill-founded disparagement of the faith of others. Where disagreement occurs, it should be approached in a spirit of genuine dialogue and respectful debate.
8. Mass media should seek to provide balanced and controlled information regarding religion, especially regarding sensitive areas such as religious

feelings and cultural identity, and should avoid reinforcing prejudicial stereotypes and distorting the image of others.

**9.** The legitimate interests of states in assuring safety and security should be structured in ways that do not violate fundamental rights, including rights to freedom of religion or belief. In many situations, particularly where tensions linked to religion are involved, such sensitivity is likely to promote stability and security.

**10.** The Congress urges countries to respect the well-recognized right of religious communities to acquire legal personality if they so desire by facilitating rather than obstructing registration, incorporation, or other legal processes that result in the granting of legal entity status in a fair, expeditious and non-discriminatory manner.

**11.** The Congress encourages the IRLA to cooperate with other NGOs of good will and with relevant expertise to organize a forum or conference to promote understanding and analysis of newly emerging issues concerning the appropriate relationship of security issues and the protection of freedom of religion or belief.

**12.** Tragically, religious leaders and faith communities are too often responsible for intolerance and violations of the religious freedom of others. The Congress calls on all faith communities and their leaders to commit themselves explicitly to the principle of religious freedom, and to work to inculcate this value both within their own communities and in interactions with others, particularly where they hold majority or influential positions in society.

**13.** Religious communities should have the right to select, appoint, transfer and replace their personnel, including national or non-national individuals in formal positions of responsibility and volunteers, in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and state authorities.

**14.** The Congress recognizes and upholds the right of an individual to hold or change his or her religion or belief in accordance with the dictates of conscience and personal conviction, and condemns those states which violate this right through the imposition of penalties, including in some cases imprisonment, torture or even death.





# STATEMENT OF CONCERN

adopted by  
THE FIFTH WORLD CONGRESS  
of the  
INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION  
on  
“RELIGIOUS FREEDOM: A BASIS FOR PEACE AND JUSTICE”

Manila, June 10-13, 2002

In harmony with the Resolution adopted in Manila, the Fifth World Congress hereby expresses its profound concern that in spite of much progress being made around the world in implementing freedom of religion or belief, there continue to be flagrant violations of this fundamental right.

The Congress calls on governments, the institutions of civil society, and individuals to address grave situations that threaten peace, justice, and security because of encroachments on freedom of religion or belief.

During the course of the Congress, attention of participants was focused in particular on the following situations, among others, deserving urgent attention:

**1.** In Turkmenistan, the government continues to violate religious freedom of all religious minorities by burning and destroying churches, temples, and other places of worship, and by failing to prevent such actions by others; by depriving people of their dwellings because of worship conducted on the premises; by harassing, intimidating and imprisoning people of faith; and by denying legal protection of the religious rights of its inhabitants.

**2.** The Congress has received reports that in China, members of Christian house churches continue to be harassed and denied freedom of religious expression. A variety of other serious religious freedom infractions are occurring with respect to Tibetan Buddhists, Muslims, as well as Orthodox and Catholic churches. It is also reported that members of the Falun Gong

spiritual movement continue to be persecuted and made the object of brutal treatment by government officials.

3. Of great concern, particularly for this Congress held in the Philippines, are the many reports of mistreatment and judicial penalties enforced against guest workers of religious minorities in Saudi Arabia and other Gulf States. The frequent incidents resulting in the jailing and deporting of individuals on the basis of their religious practice have been brought to the attention of this Congress by representatives of the host country.

4. In Belarus, the government is considering passing a law which would disallow non-registered religious communities from meeting or carrying out religious activities; establish censorship of religious literature, and other forms of media used by religious communities; and allow other discriminatory treatment of religious groups. Should such a law be adopted it would severely restrict religious liberty in Belarus.

5. The Congress remains troubled by the ongoing tense situation in nearby Indonesia, with reports of continuing sporadic incidents of violence between the Christian and Muslim communities. Recognizing the recent tragic events that have led to the death of many thousands, and the displacement of hundreds of thousands more as internal refugees within Indonesia, the Congress supports the contributions of the relevant Indonesian authorities to end the violence, to mediate in areas of conflict, and to promote reconciliation to develop a culture of peace and harmony among the different religious communities.

6. Continuing incidents of violence and intimidation against religious minorities in Chiapas, Mexico are of considerable concern to the Congress. Expulsions of religious believers from their homes and villages, mob violence, and extra-judicial punishment reflect a situation of local intolerance and discrimination. The desire of federal, state and municipal authorities to resolve such religious freedom and human rights violations is welcomed by the Congress. However, these efforts need to be intensified in order to protect and defend against such violations.

The Congress recognizes that this is, unfortunately, only a small sampling of the types of religious freedom infractions that are occurring around the world. The list does not include, for example, Sudan, North Korea, and some

states in India, which are no doubt among the most serious violators of religious freedom. Concern is also expressed about refusal of conscientious objection status in South Korea. This Statement of Concern is intended as a means of raising awareness and does not presume to be definitive or exhaustive in its scope, nor is it intended to give offense or to critique situations that are inevitably complex and in need of further understanding and elaboration.

The participants in the Congress express their sympathy, compassion, and solidarity with the victims of religious discrimination, intolerance and persecution, such as those mentioned above.

The Congress reaffirms the International Religious Liberty Association's commitment to cooperate with the foregoing governments in finding solutions to these lamentable problems.



END



THE INTERNATIONAL  
RELIGIOUS LIBERTY  
ASSOCIATION

12501 Old Columbia Pike  
Silver Spring, Maryland 20904-6600, USA

Fax: 301.680.6695

[www.IRLA.org](http://www.IRLA.org)