



International Association for
the Defence of Religious Liberty

Conscience and Liberty

Dr. Liviu Olteanu
(Coordinator)



AGENTS & AMBASSADORS FOR PEACE

PROTECTING

FREEDOM OF RELIGION & FREEDOM OF EXPRESSION

AGAINST VIOLENCE IN THE NAME OF RELIGION

Bern, Switzerland

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PEACE**

HONORING

THE DIPLOMATS WORKING FOR PEACE WORLDWIDE

The United Nations, the Secretary General Ban KI-moon

The Council of Europe, the European Union, the O.S.C.E and the other international organizations' efforts for respect and protection of human rights, rule of law, democracy and security...

The Special Rapporteur on Freedom of Religion or Belief, Heiner BIELEFELDT

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Mario BRITO, Norbert ZENS, Barna MAGYAROSI

**MANY THANKS TO ALL THE DEFENDERS OF DIGNITY AND FOR TOGETHER
BEING AMBASSADORS FOR FREEDOM AND PEACE**

International Association for the Defence of Religious Liberty

Conscience and Liberty

Worldwide human rights & religious liberty
Special Edition

Dr. Liviu Olteanu
(coordinator)

AGENTS AND AMBASSADORS FOR PEACE

**PROTECTING FREEDOM OF RELIGION
AND FREEDOM OF EXPRESSION**

AGAINST VIOLENCE IN THE NAME OF RELIGION

Volume III

Bern, Switzerland

INTERNATIONAL ASSOCIATION FOR THE DEFENCE OF RELIGIOUS LIBERTY

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

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

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

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

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

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

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

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

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

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Liviu Olteanu, editor
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Introduction

Moving Beyond Fanaticism and Embracing Life

*Bruno Vertallier*¹

It is not necessary to recall the various, endless acts of violence in recent months to be convinced that society is heading towards sinking sand. Acts of terrorism are present in our minds and mark an escalation of horror. These acts demonstrate the inability of those who commit them to consider non-violence as a real alternative. Indiscriminate violence fed by archaic ways of thinking is a refusal to appreciate life as the most precious gift. In a mixture of political and religious misunderstandings, bursting with hatred against the ancestral societies, and guided by sectarian spirits, the world is sinking into a chaos in which the impact for future generations cannot be measured. This violence must not paralyze the enlightened minds to keep on hoping that tolerance will prevail and that the healing of wounds will become a reality. Violence of any kind has never led to peace. This is true in all conflicts for centuries. The leading force for peace is indeed in each and every individual. We should not hold any illusions: without mutual tolerance for what lies deep down in every one's heart, the lines will not move. To imagine that by force or terror one will impose their faith, creed or values over others is a dream without a future.

He who sows the wind shall reap the whirlwind, and it will be so throughout the generations. In the Bible, which is full of words of wisdom, it is written: "The fathers have eaten sour grapes, and the children's teeth are set on edge." This appeals to the responsibility for the preservation of tolerance for future generations. What legacy will we leave our children? Much is said about environmental stewardship. What about the human environment as regards

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

tolerance? Why should we continue to complain and keep count of the crimes committed by those who are fighting against each other in order to return blow for blow the suffering they have endured, in an ever-escalating tide of revenge and hatred?

The hope for profound values must be kept alive in the minds of women and men of good will so that the flame of tolerance can continue to burn and be seen by those who do not want to give up to the darkness what they believe. Courage and confidence belong to those who continue to give others the opportunity to believe in mutual tolerance. The future belongs to those who will be able to look upwards with a view to the restoration of human nature, even though this seems to require superhuman strength.



Dr. Bruno Vertallier at the International Conference organized by the International Association for the Defense of Religious Liberty together with Human Rights Institute Law Faculty University Complutense Madrid

Document-Editorial

The United Nations Workshop for Peace on the 70th Anniversary. Let us keep Peace & the Doomsday Clock's moves in perspective – Post 2015 Sustainable Development Goals

*Liviu Olteanu*²

The UN was not created to take mankind to heaven, but to save humanity from hell.

Dag Hammarskjold, Second UN Secretary-General

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1. Introduction
2. Theme milestones of 'Conscience & Liberty'
3. 'Doomsday Clock' on some issues
4. Diplomats of the world for peace
 - United Nations as Worldwide Arbiter of Disputes & Protector of the Peace*
 - The UN Meditation & Prayer Room – Other Approach to Support Peacebuilding*
5. The future we want to live

² Dr. Liviu Olteanu is a member and researcher of the Human Rights Institute of the Faculty of Law, Complutense University, Madrid. He is also an attorney and professor. In his capacity as the Secretary General of the International Association for the Defense of Religious Liberty (AIDLR) based in Switzerland, Mr. Olteanu is an observer and representative to the United Nations in Geneva, New York, and Vienna, to the European Parliament in Brussels and Strasbourg, the Council of Europe in Strasbourg as well as to the O.S.C.E. He is director/editor in chief of the „Conscience & Liberty“ magazine. Liviu Olteanu received his Doctor in Law degree “Summa Cum Laude” with a dissertation on “Origins and Horizon of the Fight for Religious Liberty. The United Nations and Diplomacy in Action for the Protection of Religious Liberty”.

1. Introduction

The violence has been a coexistent feature of human civilizations and the world in which we live today is one of systematic *group* violence, where religions, as well as racial, ethnic, or territorial divisions are used to foment fighting, terrorism, and, sometimes, even genocide. Indeed, global violence clustered around systematically cultivated divisions has a huge presence in contemporary life across the world. Advances in science and technology have also increased the catastrophic potential of such violence, even if not necessarily in the context of nuclear, chemical or biological warfare, as 9/11 has shown.³

Wallace Harrison wrote in 1947, the world hopes for a *symbol of peace*. We have given them a “*workshop for peace*”.

For seven decades, the United Nations has been working around the world and around the clock to confront the emergencies of the day while setting the foundations for a better tomorrow. Peace, development and human rights are the interrelated and mutually reinforcing pillars of our efforts, Ban Ki-moon wrote recently on the seventieth anniversary of the United Nations. According to the UN Secretary General, the 70th anniversary “finds an organization with major achievements to its credit, daunting challenges ahead, and a dedicated staff striving to bring the ideals and objectives of the United Nations Charter to life”.

For a deeper look on some of these issues – global challenges and attitudes – we have prepared an important trilogy on “human rights, history of liberty, differences or diversity, freedom of religion and freedom of expression, religious minorities, and peace”.

2. Theme milestones and actors for peace

The International Association for the Defense of Religious Liberty (AIDLR) proposed some years ago a trilogy on “Worldwide Human Rights and Religious Liberty – A New Equilibrium or New Challenges” to be published by the yearly AIDLR’s ‘Conscience & Liberty’ journal.

³ According to Amartya Sen (chairperson), *Civil Paths to Peace* chapter 1 on: *Why do respect and understanding matter?*

a) **The first volume** got the title of the trilogy, “**Worldwide Human Rights and Religious Liberty – A New Equilibrium or New Challenges**” and was *dedicated in the context of two anniversaries: 313-2013, 1700 years since the Edict of Milan, and 1948-2013, 65 years of the “Conscience and Liberty” journal.* Through that volume, we joined the special support in favor of religious freedom, expressed by great international public figures: Eleanor Roosevelt, Rene Cassin, Edgar Faure, Leopold Sedar Senghor, Mari Robinson, Dr. Jean Nusbaum, Javier Perez de Cuellar, Boutros Boutros Ghali, Kofi Annan, Ban Ki-moon and the ambassadors and international experts: Navi Pillay, Laura Dupuy, Petru Dumitriu, Robert Seiple, Heiner Bielefeldt, Mohamad Talbi, Mgr. Pietro Pavan, Mgr. Timiadis, all of them being distinguished advocates for human rights with a particular contribution to the topic of freedom of religion or belief.

b) **The second volume**, dedicated to the “**History of Liberty and Respect for Differences**”, focused on “*Great Masters of Humankind on Liberty and Liberty of Conscience and Religion*” such as: Moses, Buddha, Confucius, Jesus, Muhammad, Gandhi, Voltaire, Luther, Jean Hus, Marie Duran, Roger Williams, Solzhenitsyn, Gala Galaction, John Paul II, Hans Kung, Beart Beach. Also, we illustrated in both editions (volumes I & II) two special and exclusive interviews of the UN Special Rapporteurs: Heiner Bielefeldt and Rita Izsak. An approach from the perspective of academia, religious leaders, and civil society about the need of education and pluralism on religious liberty was emphasized by prestigious scholars and authors like Bruno Vertallier, Harald Mueller, Tiziano Rimoldi, Jose Miguel Serrano, Pierre Lanarez, Gianfranco Rossi, G. Diop, M. Verfaillie, James Vaughn, G. I. Rotaru, J. Graz, Harry Kuhalampi, L. Olteanu.

c) Within the current volume – the third one – especially, we talk about “**Agents & Ambassadors for Peace**” with a focus on *protecting persons, freedom of religion, religious minorities and freedom of expression, against violence and terrorism in the name of religion.* We recommend the interview of the Romanian Foreign Affairs Minister H.E. Mr. Bogdan Aurescu; the articles or statements of H.E. Ambassador Omar Saif Ghobash; H.E. Mr. Ban Ki-moon, UN Secretary General; H.E. Mr. R’aad Zeid al-Hussein, UN High Commissioner for Human Rights; H.E. Ms. Federica Mogherini High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission; H.E. Mr. Martin Lidegaard, Minister of Foreign Affairs of Denmark; H.E. Ambassador

Mr. Peter Sørensen, Head of the EU Delegation to the UN in Geneva; professor Heiner Bielefeldt, the UN Special Rapporteur on freedom of religion or belief; the articles of international scholars and experts: Natan Lerner, W. Cole Durham Jr., Jose Miguel Serrano, Rik Torfs, Silvio Ferrari, Rafael Palomino, James E. Wood Jr., Florian Sartorio, Winfried Noack, Jacques Doukhan, R. Minnerath, Alexey Kozhemyakov, J. Rossell Granados, Janusz Symonides, Günther Gebhardt, Alphonse Maillot, Susan Kerr, L. Olteanu; or Nicolas Berdyaev, Alphonse Maillot and so on.

Here are some of the topics the 3rd volume deals with: “*Liberty: its origins and horizons – behavior & trends*”; “*Religious minorities, freedom of religion and freedom of expression: different perspectives*”; “*Religions & religious liberty as agents for peace and security*”; “*Tolerance in favour of diversity, a path to religious liberty – winning the war of ideas*” and “*Freedom of religion and freedom of expression’s documents, statements, meetings*”.

As we can identify in this book, there are different categories of “agents and ambassadors for peace”; there are diplomats to the world, stakeholders, organizations, institutions, bodies, policy makers, religious leaders, civil society, scholars, writers, media representatives, personalities that globally or regionally had or have a special contribution and influence for peace through their life and work.

Before examining some “*Agents and Diplomats to the World*” as important actors for the peace, I invite you, first of all, to some reflections on the “*Doomsday Clock*”.

3. “Doomsday Clock”⁴ on issues of concern

a) *The threat of nuclear war was growing again on a scale measured in months or years.* Those who rule among the nuclear-war-armed states appear comfortable approaching disarmament on a time scale measured in generations – and show no interest in taking up the task again any time

4 The Doomsday Clock is a symbolic clock face representing a countdown to possible global catastrophe (e.g. nuclear war or climate change). It has been maintained since 1947 by the members of the Science and Security Board of the Bulletin of the Atomic Scientists who are in turn advised by the Governing Board and the Board of Sponsors, including 18 Nobel Laureates. The closer they set the Clock to midnight, the closer the scientists believe the world is to global disaster (Wikipedia).

soon.⁵ A vibrant global civil society movement, shocked at the devastation of WWI, pressured political leaders into seeking *global peace* and disarmament. Later, during the final stages of WWII the Allies began planning for the post-war order, determined to ensure their security and not repeat the mistakes of the post-WWI Versailles peace. Among the Allies' political leadership were serious differences about how would it be achieved. There were pressures to revert to the great power-dominate *real politik* along the lines of the Concert of Europe that had governed European relations during the 19th Century. Stalin wanted to divide the world into great power "spheres of influence", and Churchill and De Gaulle were determined to reestablish their countries as colonial powers. Nevertheless, there was a strong interest in establishing liberal institutions of international orders that would *resolve disputes through diplomacy and law at the UN*.⁶

b) *In Cold War days*, the imminent threat of nuclear destruction made nations wary of their own as well as their adversaries' weapons. Lower levels of arms made sense as a way both to reduce risks of accidentally sparking war and of limiting the destructiveness of war if it came. Nations often talked of seeking "sufficiency" or "minimum" levels in their defense planning.⁷ While the use of even one nuclear bomb would kill and maim the vast majority of people in a region and render a city uninhabitable, the current use of powerful conventional weapons in war is killing hundreds of thousands, destroying cities, collapsing societies in the Middle East, Africa and Asia, and spurring migrations that are causing suffering and disruption in nearly all countries of the world.⁸

c) *Instability and suffering are spreading and the world responds with disturbing paralysis*. The Secretary-General of the United Nations, Ban Ki-moon, and the President of the International Committee of the Red Cross (ICRC), Peter Maurer, have issued an unprecedented joint warning about

5 Andrew Lichterman, Senior Research Adviser, from the presentation of the Western States Legal Foundation on *The Challenge of Disarmament: Still Nonviolence or Nonexistence*, UN Headquarters, New York, October 2015.

6 Matthew Bolton, *Time for a Discursive Rehabilitation: A Brief History of General and Complete Disarmament*, at the Seminar *Comprehensive Approaches for Disarmament in the 21st Century. Rethinking General and Complete Disarmament*, New York headquarters, on 21st October 2015

7 H.E. Ambassador Alyson JK Bailes, former British Foreign Service on *GCD and Defense Policies*

8 Dr. Kennette Benedict, Article on *Setting the Doomsday Clock...*, submitted at the UN in New York on 21 October 2015.

the impact of today's conflicts on civilians and appealed for urgent and concrete action to address human suffering and insecurity. The two leaders stressed the importance of respect for international humanitarian law in order to *stem the chaos* and prevent further instability. "Rarely before have we witnessed so many people on the move, so much instability, so much suffering. In armed conflicts in Afghanistan, Iraq, Nigeria, South Sudan, Syria, Yemen, and elsewhere, combatants are defying humanity's most fundamental norms. Every day, we hear of civilians being killed and wounded in violation of the basic rules of international humanitarian law, and with total impunity. Instability is spreading. Suffering is growing. Almost sixty million people around the world have been displaced from their homes because of conflict and violence – the highest figure since the Second World War. Conflicts have become more protracted, meaning that many displaced people face years away from their homes, communities and livelihoods said Mr Maurer. "In the face of blatant inhumanity, the world has responded with disturbing paralysis," said the Secretary-General Ban Ki-moon. "This flouts the very *raison d'être* of the United Nations. The world must reaffirm its humanity and uphold its commitments under international humanitarian law. Today we speak with one voice to urge all States to take immediate, concrete steps to ease the plight of civilians."⁹

d) **Control of conflict and pursuit of peace.** "*The future we want*", the open working group's proposals for the post 2015 Sustainable Development Goals (SDG)¹⁰, sets out as Goal 16 to "*promote peaceful and inclusive societies for sustainable development...*" The Millennium Development Goals (MDG) states "conflict remains the biggest threat to human development with fragile and conflict-affected countries typically experiencing the highest poverty rates."¹¹ The UN has a set forth and supported many actions toward *control of conflict and pursuit of peace*. Approaches to preventive diplomacy and conflict prevention are important for maintaining the peaceful and inclusive societies in which goals towards "*the world we want*" can best be pursued.¹² Global initiatives will be needed to support positive advance

9 UN News, Geneva on 31 October 2015.

10 UN document A/68/970, available at <http://undocs.org/A/68/970>

11 UN The Millenium Development Goals Report 2015 DPI/2594E.

12 Sir Richard Jolly, Special Adviser UN Development Programme and Deputy Executive Director UN Children's Fund, Article on *Sustainable Development Goals: The Need for Peacebuilding and Measures of Disarmament*, submitted at the UN in New York October 21, 2015.

but also to prevent setbacks by tackling such threats as those from climate chaos, famine and agriculture instabilities, cross-border health pandemics. Surges in migration and human trafficking also need regional and global action on a scale far beyond what is envisaged at present. Migration is partly a consequence of conflict and human rights abuses and partly of growing inequalities in a world of rising ambitions and global awareness.

d) *Freedom of expression, freedom of religion, religious minorities and refugees are under a strong attack from extremism, religious fundamentalism and terrorism in the name of religion*, which is perpetuated in large territories of the world, with a special impact on the Middle East and Northern Africa; in Syria and Iraq, in Nigeria, Soudan and South Soudan etc., the children and women, the Christians, Yezidis and other religious minorities are suffering, persecuted and killed almost every day. The terrorist attacks of Christians or other minorities and beliefs, affect the world, and request a coordinated strategy and serious answer of the international community and Security Council.

e) *The clock is ticking*. The Doomsday Clock is an indicator of how close we are to catastrophe from technologies of own invention. Nuclear weapons can cause nearly apocalyptic damage in a very short time. Without all-out efforts to bring an end to the use of powerful conventional weapons to deal with conflicts of interest, that is, without general and complete disarmament, we are doomed to life with increasing instability, human suffering, and even the end of civilization as we know it. The clock is ticking.¹³ The Doomsday Clock is ticking too from the daily catastrophes of extremism, terrorism, climate chaos, poverty, famine, pandemics, human rights abuses and growing inequalities.

4. Agents, Messengers of Peace and Ambassadors for Peace

In 1981, the General Assembly proclaimed that on the opening day of its regular session every year, an International Day of Peace should be celebrated to honor and strengthen ideals for peace among all the world's nations. The Peace Day now occurs on the same date each year, September 21. Who are the international and regional contributors that offer a special support as agents and ambassadors for peace?

¹³ Kennette Benedict, *ibid.*

a) I would like to start this list by observing and appreciating what is being done yearly by the **Nobel Prize Foundation**, through **Nobel Peace Prize**. Thorbjørn Jagland, Chairman of the Norwegian Nobel Committee, a peacemaker in the Council of Europe and worldwide had a special role in this regard. The world needs multiplied examples of diplomats, policy makers, NGOs and civil society representatives, academia and religious leaders speaking clearly and loudly for freedom of religion and peace, as are doing today so many people, diplomats, scholars and religious leaders; Pope Francis, Ecumenical Patriarch Bartholomew, Queen Sofia of the Kingdom of Spain, Katrina Lantos Sweet, Adama Dieng, Prince Ra'ad Zeid, Heiner Bielefeldt, Valeriu Ghiletschi, etc. These are only some examples. In a rapidly changing world, the AIDLR is constantly striving to enhance effectiveness – by its expertise, actions and events, and by the Conscience & Liberty journals too, wants to be a consistently international agent and “ambassador” for peace and liberty; for that reason, AIDLR proposes to the world, to defend God given human rights, and the principle of religious freedom for all people, and to support governments and international organizations in their efforts for a better world of peace. Also there are many other organizations and universities that are supporting human rights, freedom of religion, freedom of expression and international dialogue for liberty and peace, i.e.: Amnesty International, HRWF, IRLA, CSW, EPRID, HRW, Open Doors International, EEA, ADF, USCIRF, Int’l Center for Law and Religious Studies, Center for Interfaith & Cultural Dialogue Griffith University, University Notre Dame Sydney, Human Rights Institute at University Complutense Madrid, Religious Freedom Program at the Berkley Center for Religion, Peace and World Affairs at Georgetown University, Yale, Oxford, Harvard Law School, Cambridge, etc. *Always on the peace issue, the vigilance makes the difference and every person matters.*

b) **United Nations and regional organisations.** The United Nations and other regional organizations developed a “diplomacy in action” with a multitude of bodies or organs, entities, organizations and commissions, committees, departments and offices, agents and diplomats, all of them fighting together for peace and dignity; some of the most representative are the UN Secretaries General, the Security Council, the General Assembly from New York, the Office of High Commissioner for Human Rights and the High Commissioner, the Human Rights Council from Geneva, the UN Office on Genocide Prevention and Responsibility to Protect, the

UNESCO, the Special Representatives of Secretary General of the UN and the Special Rapporteurs; also there are regional organizations: Council of Europe with Secretary General and Parliamentary Assembly (PACE), Organization for Security and Cooperation in Europe, the European Union with its High Representative for Foreign Affairs and Security Policy Ms Mogherini, the European Parliament; all of them belong to the “*global workshop for peace*”.¹⁴ The other *agents for peace* ought to be the politicians – national parliaments and governments; also, we have to include: academia, civil society, non governmental organizations – by their strong advocacy for social justice, education and training on human rights and fundamental freedoms; the culture, religions, human rights defenders, media – as opinion makers – all of them together, have or could have an important impact for world’s peace, liberty and security.

This last volume of our trilogy “Agents and Ambassadors for Peace”, stresses concretely on “Liberty, Tolerance, Religions and Religious Minorities” as agents of peace and giving a special attention to “*protecting freedom of religion and freedom of expression against violence in the name of religion*”.

c) United Nations as Worldwide Arbiter of Disputes & Protector of the Peace – Politicians & diplomats to the world:

Franklin D. Roosevelt

What the American President Franklin D. Roosevelt underlined on 13 April 1945, has the same or more value today. He said: “*We seek peace – enduring peace. More than an end to war, we want an end to the beginnings of all wars – yes, an end to the brutal, inhumane, and thoroughly impractical method of settling the differences between governments. Today we are faced with the preeminent fact that, if civilization is to survive, we must cultivate the science of human relationships – the ability of all peoples, of all kinds, to live together and work together, in the same world, of peace*”.

Roosevelt truly believed in the possibility of a world governed by democratic processes, with an international organization serving as an arbiter of disputes and protector of the peace. The Atlantic Charter was

¹⁴ From the exhibition organized at the UN Headquarters in New York, on October 2015, in connection with the 70th Anniversary of the United Nations.

the second attempt by the Allied Nations to draft an agreement to promote international cooperation and security, after the Inter-Allied Declaration of June 1941. Between 1941 and 1945, at a series of international meetings attended by a growing number of Allied Nations – in Teheran, Moscow, Bretton Woods, Dumbarton Oaks and Yalta, the principles of peace, security, international justice, self-determination and human rights were discussed, refined and developed, hereby laying the ground for, as the Atlantic Charter puts it, “the establishment of a wider and permanent system of general security”: the United Nations.

Harry S. Truman

Also Harry S. Truman in his Address from 25 April 1945 to the United Nations Conference in San Francisco said: It is not the purpose of this Conference to draft a treaty of peace in the old sense of that term. It is not our assignment to settle specific questions of territories, boundaries, citizenship and reparations. This Conference will devote its energies and its labours exclusively to the single problem of *setting up the essential organization to keep the peace*. You are to write the fundamental charter. Also Wallace Harrison, UN Director of Planning wrote in 1947: For the people who have lived through Dunquerque, Warsaw, Stalingrad, Hiroshima, may we build so simply, honestly and cleanly that it will inspire the United Nations, who are today building a new world, to build this world on the same pattern... The world hopes for a *symbol of peace*. We have given them a “*workshop for peace*”.

Kofi Annan

Kofi Annan as UN Secretary General talking about the people who sacrificed their lives in the cause of peace, emphasized: “The United Nations was founded by men and women who *dreamt of peace* because they knew the cost of war. We, in our time have also witnessed friends and colleagues pay the ultimate price in the cause of peace. Our fallen colleagues went out into the world with the conviction that their service could make a difference between war and peace, poverty and security, oppression and freedom. They showed in their work and in their lives that human conflict is not inevitable, that poverty can be defeated, and that the promise of peace and tolerance exists among all peoples. Whether clerical worker, lawyer, driver or special representative, Iraqi or international civil servant, each of these men and women made a unique and invaluable contribution.”

Ban Ki-moon

According to Ban Ki-moon, “Creating the United Nations required intense efforts to bridge differences and viewpoints among countries following the end of the Second World War. Through negotiation and dialogue, the 51 founding members of the Organization in 1945 established an enduring *global instrument for peace*, security and human progress... In 2015, at the seventieth anniversary of the United Nations, Ki-moon said that “the UN comes at a time of great transition for the human family – one that offers a momentous opportunity to address these threats by mobilizing global action to secure our shared future. A global population of an estimated 2.3 billion in 1945 has grown to more than 7 billion. In such an irreversibly interconnected world, challenges faced by one become challenges faced by all – sometimes gradually but often suddenly. This is the global logic of our times. I want to bring the sense of hope and solidarity to people in need today and to ensure that the United Nations is an effective instrument of progress and dignity for all. That is my seventieth-anniversary commitment to the world’s people.”

d) Dag Hammerskjold and the UN Meditation & Prayer Room – A Different Approach to Support Peace Building

Dag Hammerskjold UN Secretary General expressed in 1957 an atypical perspective, which can have an impact supporting the peace; he personally planned and supervised in every detail the creation of the ‘United Nations Meditation Room’ as it exists today and he wrote the following text inscribed on a wall facing UN headquarters in New York – regarding this special – and necessary – room of prayer and meditation for peace.

“We all have within us a centre of stillness surrounded by silence. This house (n.r. United Nations), dedicated to work and debate in the service of peace, should have one room dedicated to *silence* in the outward sense and stillness in the inner sense. It has been the aim to create in this small room a place where the doors may open to the infinite lands of thought and prayer. People of many faiths will meet here, and for that reason none of the symbols to which we are accustomed in our meditation could be used. However, there are simple things, which speak to us all with the same language. We have sought for such things and we believe that we have found them in the shaft of light striking the shimmering surface of solid rock. So,

in the middle of the room we see a symbol of how, daily, the light of the skies gives life to the earth on which we stand, a symbol to many of us of how the light of the spirit gives life to matter. But the stone in the middle of the room has more to tell us. We may see it as an altar, empty not because there is no God, not because it is an altar to an unknown god, but because it is dedicated to the God whom man worships under many names and in many forms. The stone in the middle of the room reminds us also of the firm and permanent in a world of movement and change. The block of iron ore has the weight and solidity of the everlasting. It is a reminder of that cornerstone of endurance and faith on which all human endeavour must be based.

The material of the stone leads our thoughts to the necessity for choice between destruction and construction, between war and peace. Of iron man has forged his swords, of iron he has also made his ploughshares. Of iron he has constructed tanks, but of iron he has likewise built homes for man. The block of iron ore is part of the wealth we have inherited on this earth of ours. How are we to use it?

The shaft of light strikes the stone in a room of utter simplicity. There are no other symbols; there is nothing to distract our attention or to break in on the stillness within ourselves. When our eyes travel from these symbols to the front wall they meet a simple pattern opening up the room to the harmony, freedom and balance of space. There is an ancient saying that the sense of a vessel is not in its shell but in the void. So it is with this room. It is for those who come here to fill the void with what they find in their centre of stillness”.

5. Future we want to live

We need to remember and to support the Preamble of the UN Charter, which underlines:

“We the people of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, and for these ends to practice tolerance and live together in peace with one another as good

neighbours, and to unite our strength to maintain international peace and security and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all people, have resolved to combine our efforts to accomplish these aims. Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations”.

Thanks to the United Nations for still being a “workshop for peace” to everyone, everywhere and for taking care of human rights and security. Thanks to all diplomats of the world and to stakeholders’ efforts in favour of a better life, liberty and peace.

*In words inscribed too on a wall facing UN headquarters in New York, the Hebrew prophet **Isaiah** (2:4 NRSV) envisioned a world in which **people would beat their swords into plowshares, and their spears into pruning hooks** – converting the economy of militarism to one of peace. The UN Charter supports this horizon. Article 26 of the Charter calls for the maintenance of international *peace* and *security* with the least diversion of human and economic resources for armaments.¹⁵*



Dr. Liviu Olteanu – Secretary General of the International Association for the Defense of Religious Liberty, at the side-event organized in Geneva, during the 26th Session of UN HRC by AIDLR and co-sponsored by the Council of Europe, Uruguay, Canada, Spain, and Norway

15 H.E. Ambassador Paul Meyer, Keynote on Hard and Soft Linkages between Nuclear and Conventional Disarmament, at the UN General Assembly, October 2015.

CHAPTER

1

Exclusive Interview: H.E. Mr. Bogdan Aurescu, Minister of Foreign Affairs

„Diplomats dealing with human rights do not have
a monopoly on the related expertise –
Appreciation for the work done over the years
by the IADRL”

&

Special Event at the Palais des Nations

Universalistic effort for human rights & “religious freedom diplomacy” –
Chronicle of Events at the University Complutense and the United Nations

Special Interview
with
H.E. Mr. Bogdan Aurescu
Romanian Minister of Foreign Affairs

Liviu Olteanu

A career diplomat and university professor, Bogdan Aurescu (b. 1973) defies the conventional notion that associates competence with old age. There is nothing in his impressive background that would hint at his relative youth. He served as Government Agent before the European Court of Human Rights and also as Romania's Agent for the International Court of Justice. From his former position as State Secretary he coordinated European and then strategic affairs. He is a substitute member of the Venice Commission, President of the Romanian branch of the International Law Association, editor-in-chief of the Romanian Journal of International Law, and the list does not end here. His legal skills were best tested as his country's Agent in the Maritime Delimitation in the Black Sea case, a boundary dispute with Ukraine that Romania brought before the International Court of Justice, where he scored a tremendous success. Aurescu was also chief negotiator of the recently signed Ballistic Missile Defense Agreement between Romania and the US and Joint Declaration on Strategic Partnership for the 21st Century Between the two countries. Meanwhile, he teaches university courses in international law, international organizations, protection of minorities a.s.o. He has co-authored or coordinated fifteen books dedicated to these subjects. Aurescu's guiding principle as a diplomat was expressed early in his career – his PhD thesis spoke of the supremacy of international law. He remained faithful to the principle to this very day.



Excellency,

1. On its 70th anniversary, the United Nations recalls its role in “Tackling Global Challenges and helping those in need since 1945.” What does the work done by the United Nations since the adoption of the Universal Declaration for Human Rights mean for Romania and its human rights policy?

I share the view that the area where the work of the United Nations has been done in a most substantial and profound way is international human rights law. The world has changed as a result of the spreading of moral, political and, in particular, legal norms of respect for human rights, started by the United Nations with the 1948 Universal Declaration of Human Rights. Its provisions have, over time, been widely accepted as the fundamental norms of human rights that every state should promote, respect, and protect. The Universal Declaration has become the basis from which more than 60 various international human rights treaties and other instruments have grown. For Romania, most of the United Nations human rights conventions, as well as the Council of Europe's Conventions are now part and parcel of its legal system, while the prevalence of international treaties of human rights is unambiguously stated in the Constitution. Romania is a State party to the two International Covenants and other five core United Nations Conventions and established mechanisms and institutions that could monitor the respect of all human rights or even trigger sanctions, as it is the case in the area of fighting against discrimination.

2. How do you view the cooperation between diplomatic representatives and other governmental officials, on the one hand, and civil society organizations, on the other? Do you believe that the human rights expertise available through the means of national and international non-governmental organizations makes the difference today in the implementation of human rights commitments?

I should point out that diplomats dealing with human rights do not have a monopoly on the related expertise. The subject is too vast and the mechanisms of human rights protection too complex to be left to a handful of specialists. They are rather those who synchronize national and international efforts in improving the legal framework for an efficient protection of human rights. What we have behind is an array of national institutions whose duty is to implement the legislation on human rights, monitor its application, and sanction its violations. In Romania, it ranges from the National Council for Combating Discrimination, to the office of the Ombudsman, the Department for Inter-ethnic Relations, the relevant Parliamentary committees, the National Agency for Roma, the National Minority Council, which also includes representatives of the civil society, the National Audio-visual Council and so on. But this panorama of inter-related institutional actors would be incomplete without the non-governmental organizations active in the field. They bring not just a great deal of much needed expertise, but also the kind of flexibility and swiftness of action that quite often lack in government

bodies. The on-going dialogue between the governmental and non-governmental actors is the living proof that the system, in a larger sense, is working. There is still room for improvement, but the ingredients are there and results can already be seen. And if Romania today lives up to the commitments it made in the field of human rights, it is thanks to this balanced mechanism.

3. We remember New York 9/11, Madrid, London, Syria, Iraq, Nigeria, and more recently Paris (Charlie Hebdo), Copenhagen and Tunisia, and ever more numerous/frequent terrorist attacks perpetrated in the name of religion. Do you believe that “religion” has become a growing “problem” for worldwide security and peace?

This is perhaps one of the most harmful misconceptions being circulated these days in connection with the afore mentioned tragedies. Not one of the major religions is a problem for peace and security. Not one of them preaches anything other than peace, love and generosity. Religions inspire and give a sense of direction. Crimes have been made in the name of lofty ideals since the dawn of history. Lofty ideals do not justify crimes, just as crimes cannot taint these ideals. Let us be clear: this is about the abusive use of religion by a handful of fanatic, misguided or simply interested groups. And while governments have a duty to protect their citizens and provide the entire set of instruments to avoid radicalization of religious or ethnic groups, I think the duty in addressing the content of religious propaganda inciting violence lies mainly with religious leaders. They can and must clarify the true meaning of their religion for “the misguided,” and dismantle the toxic narratives of “the interested.” It is a duty to their followers, who are quite often confused by the developments in our contemporary world. The handiest example is the harm done to Islam by the various jihadist terrorist groups.

4. Do you believe that “diplomatic-interreligious meetings” and “diplomatic-civil society/NGOs meetings” can help, and may in fact have a positive impact on contemporary religious liberty challenges? Is freedom of religion a significant challenge for diplomats and politicians? Should they do more?

Are these meetings useful? Definitely. I would mention only two such recent events: the one organized in March by France as Chair of the Security Council, on ethnically and religiously motivated violence in the Middle East, and the high-level debate one month later in the UN General Assembly on promoting tolerance and reconciliation. These meetings help build that critical mass needed to act decisively in addressing current challenges. They are excellent for sharing ideas and expertise, for finding solutions. Last but not least, they re-

store in a symbolic way that sense of communion threatened by the sectarian approach of all contemporary “holy warriors.” Freedom of religion is becoming more of an issue because religious and cultural diversity are a fact in present-day societies and a resource for the democratic ones. And, indeed, more can and must be done by politicians, diplomats, religious leaders, journalists and civil society alike, because the complex question of religiously motivated violence and discrimination must receive a comprehensive answer. This means not just combating the phenomenon, but also addressing its roots – social, economic, ideological, political. Dysfunctional economies of certain thirds countries and failed social integration policies in Western European ones can produce individuals that fall prey to radical ideologies. The youths are especially vulnerable to their propaganda, because these ideologies actually give some of these youths a sense of direction; only the wrong way. The causes of this vulnerability must be looked into and it takes a collective effort to reach results.

5. Article 18 of the Universal Declaration of Human Rights, article 18 of the ICCPR, also the 1981 Declaration, have a special relevance on the issue of religious liberty regarding the right of every person to religious liberty and freedom of conscience, and also the freedom to adopt or to change a religion. However, when we regard these freedoms from a geopolitical and globalization context, and when we consider the increasing threat of fundamentalism, extremism, or terrorism, is it your belief that we do now need more international laws on freedom of religion?

We need to be cautious about the excess of legislation, and also about its possible infringement on other liberties, like for instance freedom of speech. As I have already said, the legal norms set forth by the United Nations and the ensuing international treaties represent a solid package for dealing with challenges to the human rights, including freedom of religion or belief. There have been attempts to introduce new international standards related to religion, but they in fact introduce restrictions on other liberties, which is unacceptable. What we need is rather new mechanisms to address the threat of extremism. Romania has recently suggested for reflection the usefulness of establishing an international criminal court that would prosecute the criminal offence of international terrorism. The idea was well received by our European and other partners and we are currently working on developing the concept. Fight against terror also requires unanimous and coordinate action of states and institutions. Last but not least, as I have said previously, solutions must be sought for the causes of terrorism, because the preventive approach has been, in our opinion, somehow neglected.

6. After 9/11, we have noticed more resolutions, documents and guidelines on religious freedom or belief circulating within the UN which have been initiated by Western countries and also by Islamic countries over recent years. There have also been numerous meetings, conferences, and symposiums, along with guidelines that have been adopted by international organizations at a global or regional level. Do you believe that governments empower the international and regional bodies to a sufficient extent in the implementation of those resolutions?

As there are still violations of rights related to religious freedom of beliefs, hate speech and violent forms of intolerance based on religion, one cannot say that governments have done enough. On the contrary, they should do more than ever because the crimes committed in the name of religion not only infringe upon basic human rights, but also foster confusion about the values and role of religions and their significance for the individuals and societies.

Yet, I believe that governments all over the world reacted firmly and responsibly within the United Nations system, by giving high priority to the fight against religious intolerance, as well as to education and raising awareness about the dangers of religious extremism. Much has been done at regional level, in particular by the Council of Europe and all its institutions: the Committee of Ministers, the European Commission against Racism, the Commissioner for Human Rights, and the Venice Commission. The latter issued together with the OSCE Office for Democratic Institutions and Human Rights valuable guidelines for legislative reviews of laws affecting religion or belief. Moreover, I should emphasize the special role played by the European Court of Human Rights which developed a significant case law and principles in the area of freedom of conscience and religion. Let us add to that the campaign against the hate speech among young people, initiated and successfully led by the Council of Europe recently. It is work in progress and it should continue.

7. How can existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief – in *forum externum* – be identified and solved?

I am afraid we do not have a problem in identifying the obstacles these days, as they are pretty obvious especially in certain regions of the world. And they do not affect only the practice of one's religion, the *forum externum*, but also the inner religious beliefs, the *forum internum*. The violent attacks on the Christians and other religious minorities in the Middle East by radical groups have gone

beyond merely denying freedom of practice; they deny freedom of religion in private too. For most countries, the solution is democracy; a democratic system that creates and guarantees the legal and institutional framework for the free exercise of religious beliefs. But different denominations have lived together for centuries, much before democracy as we know it even existed. So, it all comes down to the States. Governments are responsible for the fate of their citizens under all aspects, and should be held responsible according to the international agreements they are part of. To what extent some of them have control over their territories is quite another matter, but it goes beyond the scope of this interview.

8. As a country with an Orthodox majority, how much attention does Romania pay to religious minorities? Could you give us some examples of the support provided in favor of the fundamental rights and practice of freedom of religion or belief, freedom of expression and for religious minorities in your country?

Romania is a country of 18 legally recognized denominations; 10 of them belong to national minorities. It is Orthodox indeed, by a large majority, but ecumenical in spirit. Romania was the destination of the first visit ever made by a head of the Catholic Church in an Orthodox country: the historical visit of Pope John Paul II in 1999. I think the first explanation of this situation lies in the common sense of the local people of all denominations who have learned to live together through good and bad times, having their religion as support and guidance. Then, it was the work of several post-'89 governments and parliaments who provided the necessary legal and institutional framework that guarantees true freedom of religion. The 2003 Constitution stipulates the principle of non-discrimination based on religion and also the principle of freedom of conscience and religion. Moreover, the drafting of the 2006 Law on freedom of religion and religious denominations was based on a wide process of consultation, both internally and internationally. This process took almost 2 years, given the numerous consultations with representatives of religious denominations, civil society and public institutions, as well as the symposia and round table discussions dedicated to the subject. The outcome was a solid piece of legislation that can cope with the complexity of religious life in Romania. As a result, all religious denominations are supported financially by the State, and ethnic minorities have access to religious services in their mother tongue. Why do we attach such importance to religious minorities? First, because Romania means to live up to its commitments in the field of human rights. Second, because we believe

in the ethic of reciprocity: as religion is an essential part of one's identity, we expect the Romanian minorities in other countries to receive similar treatment. There is one last point that I would like to make: we also have a native Muslim minority – the Turkish and Tatar communities in Eastern Romania. They have made an important contribution to the building of Romania as EU and NATO Member State. This is to answer those who consider that some religions are incompatible with Europe, democracy or certain security arrangements.

9. What about the influence that interreligious dialogue, respect for differences, tolerance and the role of religious minorities may have for peace and worldwide security?

One must be aware that religious diversity is an asset, not a problem. Ignoring or mismanaging it means depriving the society of a valuable resource for democracy. The religiously motivated tensions and violence of the past several years make it clear that States should attach more importance to freedom of religion in order to create a climate of peace and security in multi-cultural and multi-religious communities. Social cohesion does not mean eliminating cultural and religious identity, or assimilation; it means integration in the social life of the larger, culturally diverse community. Interreligious dialogue is therefore of paramount importance. This dialogue must be promoted by all relevant actors, governmental and non-governmental. In this respect, I cannot but express my highest appreciation for the work done over the years by the International Association for the Defense of Religious Liberty (IADRL) in fostering interreligious dialogue. This is an effort that I would like to see multiplied at this time of dramatic evolutions on the world scene.

10. What final message would you like to share with the worldwide readers of the journal, Conscience and Liberty?

The creation of a comprehensive package of international human rights laws is perhaps one of man's most important achievements in over half a century. It set a standard for the civilized world and represents a useful instrument in addressing human rights issues. It is therefore our duty to safeguard – and improve, to the best of our abilities – what has been achieved by some of the best legal and political minds.

I would like to take this opportunity to thank you whole heartedly for your time and the insights you have shared today, Excellency.

Universalistic Effort for “Religious Freedom Diplomacy” and Peace – Chronicle of Events at the University Complutense & the United Nations

*José Miguel Serrano Ruiz-Calderón*¹⁶

The events having occurred over the past year with increasing religious persecutions in Asia and Africa (where armed conflicts are taking place), with problems linked to religious freedom in the Ukraine and the refugee crisis in Europe, greatly spread persecutions on religious grounds and increased the necessity to multiply and strengthen forums on religious freedom.

In such a context, the efforts the *International Association for the Defence of Religious Liberty (IADRL/AIDLR)* made in 2014 and 2015 seem to have been a premonition.

The IADRL did well in setting up dialogue forums in which three essential elements combine together. On the one hand we have what we could call “religious freedom diplomacy” as Liviu Olteanu, the IADRL general secretary, rightly put it and, on the other hand, the presence of a large panel of scholars that ensure that these issues are discussed rigorously and at a highly academic level. The third element is the active participation of the members of different religious denominations, these members probably being the most necessary as they give voice to personal conviction and testify to how the demand for religious freedom helps in the achievement of self-fulfillment.

As an example of this triple presence, they were featured in the event set up by the IADRL at the Institute for Human Rights of the Faculty of Law of the Universidad Complutense in Madrid on 17 January 2014. On that occasion, the main topic was religious minorities and their treatment, the latter being the key to distinguish real respect for human dignity. As previously said: “the keystone of respect towards religious freedom is the way minorities are treated.” That treatment is precisely where genuine respect for human dignity (in both meanings of the word: “sacred” and what is most distant from economic value) can be assessed.

¹⁶ Professor of Philosophy of Law and researcher of the Institute of Human Rights at the Complutense University of Madrid.

The Universidad Complutense event presented two major effects. On the one hand, many scholars became more interested in religious freedom in great public institutions at national and international levels. On the other hand, it allowed a fair number of religious denominations to be present in the academic field from which they have been missing throughout time to a certain extent, with the exception of confessional universities. In that sense, it turns out that even when the Uni-



International Conference on Religious Freedom and Religious Minorities at Law Faculty University Complutense Madrid- Dean Professor Dr. Raul Canosa and international guests



Professor Heiner Bielefeldt, Special Rapporteur of the UN on freedom of religion or belief

versidad Complutense fundamentally was ecclesiastical in its origin, to the extent of not being able to bestow degrees in Civil Law, and then turned into the ultimate state university in the Napoleonic model; the link between religion and fundamental rights thus acquired the relevance the IADRL has been acting on since its foundation. From another viewpoint, it also gave body to the collaboration the Institute of Human Rights was putting together with the IADRL general secretary, who was first a student, then a scholarship-holder at the University of Oxford through the Institute, and finally a collaborator and professor at the Institute.

Guests and participants came from the United Nations, the Council of Europe, the European Parliament, the Spanish government on the one hand and international experts on human rights and freedom of religion and international NGOs on the other.

Heiner Bielefeld’s intervention on “the necessity to plan such events on a regular basis” was particularly important. In that perspective, the Institute is preparing the next meeting in Madrid in 2016 with the International Association for the Defence of Religious Liberty.

Along with the afore mentioned scholars, the following were also present: Professor José Iturmendi Morales (Philosophy of Law from the UCM), Professor Raúl Canosa Usera (dean and professor in Constitutional Law), Professor Alberto de la Hera (Ecclesiastical Law and American History), Professor Fernando Falcón Tella (director of the UCM Institute of Human Rights), Doctor Liviu Olteanu (Human Rights expert, collaborator, professor and researcher, recently appointed as a full member at the Institute), Professor



Madrid International Conference on January 2014. In the middle: Professor Jose Iturmendi-Honorary Dean of Law Faculty, Professor Jose Miguel Serrano co-organizer of the Conference and international guests

Vicente Espinar (Professor in International Law of the Universidad de Alcalá de Henares) and a large number of specialists.

The active presence of students from the special course on Human Rights at the UCM, of the MA in International Law and International Relationships, of the double Degree in Law and in Business Administration at the UCM and the degree in Law and MA in Scholarship and Financial Markets of the Institute of Stock Market Studies must also be acknowledged.

At the United Nations

The success of the event led the IADRL to hold a panel of experts on “Human Rights worldwide, religious freedom and religious minorities; a five-way stakeholders representatives’ dialogue” on 10 June 2014. The event was held in the United Nations at Human Rights Council in Geneva during the Organisation’s Human Rights Council’s 26th session.

On top of the IADRL’s participation, one must also acknowledge the support given by the permanent delegations at the UN: the Council of Europe, the Republic of Uruguay, Canada and the Kings of Spain and Norway.

The most strictly academic aspect of the event at the international headquarters of human rights was the launching of the book *Worldwide Human Rights and Religious Liberty: a new equilibrium or new challenges*. It is no easy thing to exaggerate the importance of this book. Firstly, due to the almanac the volume celebrates, the



At the United Nations Human Rights Council Side-Event on 10 of June 2014: Dr. Bruno Vertallier, President IADRL presenting the *Conscience and Liberty* the first edition from 1948, and H.E. Ambassador Petru Dumitriu – Council of Europe at the UN in Geneva

65th anniversary of the magazine *Conscience et Liberté*, the eldest magazine dedicated to religious freedom and one of the oldest focusing on fundamental rights. As Bruno Vertallier, Doctor in Theology and president of the International Association for



At the UN HRC 26 Session, from left: Dr. Bruno Vertallier, H.E. Ambassador Petru Dumitriu – Council of Europe, Dr. Liviu Olteanu –Secretary General of IADRL, H.E. Ambassador Laura Dupuy Lassere – Mission of Uruguay, Former President of Human Rights Council.



View of the participation of different UN missions at the Side-Event organized in Geneva by the International Association for the Defense of Religious Liberty, an event co-sponsored by the Council of Europe, Uruguay, Canada, Spain and Norway.



Overview of the participants at the UN HRC event (June 2014) on religious liberty organized by the AIDLR and co-sponsored by five UN delegations.

the Defence of Religious Liberty, writes in his introduction: “Happy birthday, freedom of thought and religion hang from a fragile equilibrium.”

But the crucial point in the agenda is the importance of the contributions. After Bruno Vertallier’s presentation and Liviu Olteanu’s editorial, we find a history of the Association for the Defence of Religious Liberty, including contributions from the presidents of the honorary committee, United Nations officials and former general secretaries.

The list is impressive, including texts intended for the magazine and others published on various occasions. Some of the authors are Jean Nussbaum, Eleanor Roosevelt, Edgar Faure, René Cassin, Léopold Sédar Senghor, Mary Robinson, Javier Pérez de Cuellar, Boutros Boutros-Ghali, Gianfranco Rossi, Karel Nowak.

The second part of the book includes a series of answers to a general question on “Human rights and religious freedom in today’s world: a new equilibrium or new challenges.” Contributions by the UN Secretary General Ban Ki-moon, former High Commissioner Navi Pillay, former Secretary General Kofi Annan, Professor Heiner Bielefeldt, UN Special Rapporteur on Freedom of Religion or Belief, Laura Dupuy, ambassador of Uruguay at the UN, ambassador Petru Dumitriu, former ambassador Robert Seiple, Judge Harald Mueller, José Miguel Serrano and John Graz briefly and humorously address them.

The third part, more strictly historical, refers to freedom and religious liberty, giving the 1,700th anniversary of the Edict of Milan as a reference. Con-

tributions came from Marta Sordi, Pierre Lanarès, His Excellency Timiadis, His Eminence Pietro Pavan, Dr Ganoune Diop and Mohamed Talbi.

This work is a reference and is particularly relevant and it certainly deserved to be introduced as it was in Geneva. It also showed the universalistic effort of the IADRL. The special issue of *Conscience et Liberté* was published in French, English, Spanish, Italian, Portugues, German and Romanian. This portrays the demanding editorial work undertaken by the Journal.

The presentation of this book took place within a panel moderated by Dr Liviu Olteanu, IADRL general secretary and representative at the United Nations, the European Parliament and the OSCE. President Bruno Vertallier, former Prime Minister Petre Roman, Ambassador Laura Dupuy, Ambassador Petre Dumitriu, Judge Harald Mueller and Professor José Miguel Serrano took part in it.

The second part of the event consisted of a debate panel on “religious liberty and religious minorities – developing a holistic frame.”

Moderated by Petru Dumitriu, ambassador and a permanent observer of the Council of Europe in the United Nations. There were interventions by Rita Izsak, Special Rapporteur on minorities, Professor Ricardo García-García, member of the Ministry of Justice in Spain, Dr Ganoune Diop, Dr Harry Ku-



The launching of the ‘Conscience and Liberty’ on “Worldwide Human Rights & Religious Liberty” Volume I, at the United Nations. From left to right: Judge Harald Mueller, Dr Bruno Vertallier, H.E. Ambassador Petru Dumitriu, Dr Liviu Olteanu, H.E. Ambassador Laura Dupuy Lasserre, Former Prime Minister Professor Petre Roman and Professor Jose Miguel Serrano Ruiz-Calderon



H.E. Ambassador Laura Dupuy Lasserre, Mission of Uruguay and former President of Human Rights Council

halampi, Professor Heiner Bielefeldt, UN Special Rapporteur on Freedom of Religion or Belief (by video conference) and Dr Liviu Olteanu.

The panel developed the idea of a five-way stakeholders representatives dialogue, a concept supported by the International Association for the Defence of Religious Liberty and involving governments, diplomats, religious leaders, academics and NGOs able to work together at international, regional, national and local levels to promote tolerance and respect towards other people, heeding differences of beliefs and religions while always defending human dignity and the principle of religious freedom for all.

Moderator Petru Dumitriu, ambassador and permanent observer of the Council of Europe, started the debate with a speech in which he developed the idea that religious liberty is an existential condition for a peaceful society. It is a pillar of democracy. To this end, collective cooperation to make people aware of the “five-pillar” line, which the IADRL referred to, is compulsory.

Furthermore, United Nations Special Rapporteur on minorities Rita Izsak, who had also delivered a widely commented speech in the meeting in Madrid, spoke too. Her intervention referred to the necessity for religious minorities to be active agents to convince and assist their governments in promoting religious freedom. She also tackled the institutional aspect.

Another participant, Dr Ricardo García-García, deputy director general of relationships with religious faiths of the Spanish Ministry for Justice, focused

on the Spanish system, which turned into a model at international level. This system starts from the fact that, in Spain, one faith clearly is numerically predominant, alongside a series of other faiths notoriously deeply rooted in society. From that point of view and considering religious liberty as a constitutional fundamental value, the rule is cooperation with religious faiths, taking care that said cooperation does not interfere with or control these faiths. Thus, the system is based on equality between different faiths, separation between State and religions, cooperation and the respect for Human Rights.

Dr Ganoune Diop also delivered a speech on the institutional basis, giving special attention to the active role and participation of NGOs. He made specific reference to what was accomplished in the academic domain in the meeting at the Universidad Complutense, developing the same idea as the United Nations’ already well-known pillars of Peace, Security, Justice, Development, Human Rights and Human Dignity.

Dr. Harry Kuhalampi, who was involved in the European Parliament in Brussels at the time, also spoke out on the respect for religion that grows from the knowledge thereof, which, for obvious reasons, occurs more often with religious minorities. Dialogue should purposely be the path to such knowledge, expressed through tolerance, not in the old sense of merely consenting to a lesser nuisance



UN Special Rapporteur on freedom of religion or belief Professor Heiner Bielefeldt by video-conference, and from left to right: Dr Liviu Olteanu, Dr. Ganoune Diop, Ms Rita Izsak – the UN Special Rapporteur on Minorities, H.E. Ambassador Petru Dumitriu, H.E. Dr Ricardo Garcia – Ministry of Justice Kingdom of Spain and Dr. Harry Kuhalampi – the European Parliament.

but rather as contained in the Human Rights; that is, tolerance as related to affection and respect for human liberty which finds its expression in dignity.

Prior to the joined efforts summary in both speeches and in his presentation in the same spirit as previous speakers and along the lines of what the International Association for the Defence of Religious Liberty (IADRL) developed, Heiner Bielefeld, UN special rapporteur for religious freedom, called for a multi-factorial cooperation which needs to develop between said civil society, State and international organisations' representatives. The confluence of all those efforts creates a synergy which was specifically evidenced through the three fundamental events – the first one being the book, the second one being the conference in Madrid and the third one being the day at the United Nations which we are referring to.

Debates ended with Liviu Olteanu, Secretary General for the International Association for the Defense of Religious Liberty, an organization that has gathered the afore mentioned group of relevant individuals who are well known for their commitment to religious liberty. It is no exaggeration to say that, with the presentation of this number, the journal *Conscience et Liberté* is also regaining its role as an essential forum for religious freedom in international institutions and organisations.



Professor Jose Miguel Serrano Ruiz-Calderon – Law Faculty Universidad Complutense Madrid at the side – event organized by the IADRL at the UN HRC – Geneva 10 of June 2014 on “Worldwide Human Rights & Religious Liberty”



CHAPTER

2

Liberty: its Origins and Horizons
Behavior, Trends, Events

God and Caesar¹⁷

R. P. Didon¹⁸

In his admirable book entitled Life of Christ, the Dominican monk Henri Didon tells the story of the time when the chief priests and scribes wished to trap Jesus by sending him some Pharisee and Herodian emissaries. The idea was to compromise him vis-à-vis the Roman authorities...

He was hypocritically asked the following question: "Is it lawful to give tribute to Caesar?" Roman taxes were a dangerous and treacherous issue.

The Master responded to his enemies' envoys by saying "... render to Caesar the things that are Caesar's, and to God the things that are God's."

Didon indicates just how important this statement making the first ever distinction between political and spiritual empires was to prove for humankind.

It clearly showed the necessity of keeping the domain of faith fully independent.

"...Then render to Caesar the things that are Caesar's, and to God that the things that are God's."

It was a legal precept taught in schools: namely that wherever the currency of a sovereign was in effect, the inhabitants must regard him as their master. Two sorts of currency were in effect among the Jews: one secular, and the other sacred; one symbolising earthly and political law and civil authority, and the other divine law. Jesus used this token to express one of the least well-known and most necessary truths: the distinction between the two societies to which individuals belong and between the two essential human duties that result from this. On a material level, through their body and their physical, outward life, people are linked to human society, their people and their country; they are the subjects of a political power. Spiritually speaking, through their inner life and their country, they are part of religious society and subjects of God.

17 Article published in C&L no 1, 1948, p. 79.

18 Of the Order of Friar Preachers.

In just a few words, Jesus traced the path by which humankind was to walk from then on. The entire Ancient world, including the Jews, had lived in a theocracy merging Religion and the State. The power of the things brought by God had forced Israel to separate them, since once it lost its nationality, Israel was nothing more than a church. But the ambitious hope to become a great people once again and to renew the former theocracy lived on. Once Jesus said "Render unto Caesar the things that are Caesar's, and unto God the things that are God's," the distinction between Religion and the State was firmly founded and established. The spiritual kingdom He was to create would no longer be confused with earthly kingdoms; it would live among them, often fought against and persecuted, but it would respect their laws; it would never revive the doctrines of the Gaulonite; it would take revenge on them and their hatred by showing them justice, beauty and peace. States have nothing to fear from the Church of Jesus, from which they will receive only acts of kindness; and they will have no surer guarantee of progress and tranquility than the one who said "Render unto Caesar the things that are Caesar's, and to God the things that are God's."

This simple and powerful formula sums up the entire law of human societies that can only hope to evolve within the context of an indestructible harmony between authority and freedom. Without God, authority turns to tyranny, and freedom to revolt. When political powers, constantly inclined towards despotism, brutally wish to impose themselves on the human conscience, they will be repulsed by the disciples of Jesus who have learned from him that one must render unto God that which belongs to God; and when peoples who tend to be impatient about any form of subservience, are carried away by a spirit of rebellion, they will be held back by he who said "Render unto Caesar the things that are Caesar's."

Jesus' entire life confirmed his doctrine. He was never seen stirring up crowds on public squares and not a single word from his lips expressed a rebellious attitude towards authority. If the tetrarch threatened him, he continued his peaceful mission; if religious chiefs hovered around him and sought to pursue him, he withdrew, saddened by what he saw. When the people, incapable of understanding him, wished to proclaim him king, he fled, and he deliberately discouraged them by revealing his Messianic mission in the most shocking possible way. Even when he accepted their acclamations, he allowed this applause only on the eve of his death, and nothing in this popular enthusiasm could trouble the authorities of the time. His apostles and their successors have followed

his example: even in the midst of persecution, they preach obedience to those who wield the sword that intends to slay them.

The sly intent of the emissaries sent to compromise Jesus was foiled. These hypocrites could not help but admire his wisdom; they did not reply and instead slunk away, confounded and amazed.

The Bishop and the Emir¹⁹

Michelle-Marie Fayard²⁰

Adding a new chapter to her history of the heroes of tolerance, Michelle-Marie Fayard today evokes “a wonderful war of religion” taking place on the sidelines of the conquest of Algeria between a Christian and a Muslim united by a brotherly friendship and disputing over which of the two would ease the most misfortunes.

But is this entirely about the work of a historian? Yes, certainly, since this Oriental tale owes nothing to the imagination of its author. Yet not so, if you ask the historian to be an impartial judge.

Michelle-Marie Fayard does not hide her emotion at the magnanimity of her heroes. She invites you to follow their example. Which of you would dare to blame her?

It is not without a certain amount of caution that I have chosen the title beneath which this study is written. Everywhere aside from in our review, it would be very likely to evoke in the reader's mind some of these so-called Oriental tales, the likes of which were often written by Montesquieu and Voltaire, where the two characters portrayed wage a war of minds to demonstrate that faith is the excusable weakness of an insufficiently enlightened mind.

But this is an account of a genuine bishop and a genuine emir, both equally bound to their religion. The bishop is Monsignor Dupuch, the first bishop of Algiers; the Emir is Abd-El-Kader, defender of the Muslim faith.

These two men that seemed to be poles apart nevertheless had such greatness of spirit that they were able to understand the other completely. They never felt estranged because they did not practice the same religion. Instead they found reasons to appreciate the other better, because tolerance is an active virtue

19 Article published in C&L no 3, 1950, p. 43.

20 University Associate.

that carries with it its own reward and which, more than any other in the world, uplifts and ennobles our hearts.

This story is the story of a friendship between a Christian and a Muslim. It is beautiful and poetic as much for its inherent truth as it is as an Eastern tale.

My desire is that it brings a glimmer of hope to the souls of all those who have little faith in man and believe him incapable of being good.

The action of this drama begins in 1841, during the early days of the French occupation in Algeria.

On a stormy night, a tearful woman, holding a little girl in his arms, comes knocking at the door of the Episcopal Palace of Algiers and begs an audience with the bishop. The doorman knows that the Monseigneur loves to personally console all those in distress who come to confide in him. The young woman is introduced. Through her tears she tells a story that he comes across almost daily in the colony, her husband, the deputy superintendent Massot, was abducted by the horsemen of Emir Abd-El-Kader who was conducting a campaign against the military of General Bugeaud, waging a merciless war. Merciless? Says who? Some afford the Muslim leader the reputation of chivalrous generosity that possibly cannot be usurped. Bishop Dupuch knows that the Islamic warrior, who preaches a holy war against the Christian invaders, respects Catholic priests. The bishop in Algiers was not surprised to see the indigenous population, who had been depicted to him so readily as fanatics, attending Christian ceremonies with great reverence and contributing very charitably to the good works of his diocese. Bishop Dupuch comforts the young woman, smiles at the child and promises to intercede with the Arab leader to release his prisoner.

A moment later, having meditated before the crucifix, the prelate wrote this letter to Abd-El-Kader:

“You do not know me, but I profess to serve God and in his name to love all men, his children and my brothers...”

If I could set off immediately on horseback, I would fear neither the depths of the shadows nor the roar of the storm; I would depart, I would stand at the door of your tent and say to you in a voice which, if I am not mistaken about you, you would not be able to resist: “Give me, return to me one of my brothers who has just fallen into your warrior clutches...”

I have neither gold nor silver and can only offer you in return the prayers of a sincere soul and most deeply felt recognition of the family in whose name I write...

... It is said, "Blessed are the merciful for they will be shown mercy themselves."

It is unclear in what way the letter reached its destination, but a few days later the bishop received the response from the emir:

"I received your letter and I understood. It did not surprise me after what I have heard tell of your holy nature ... However, permit me to point out to you, in the dual role that you hold as servant of God and friend to men, your brothers, you should have asked me for the freedom of not just one, but rather that of all the Christians who have been captured since the resumption of hostilities.

Much more. Would you not be twice worthy of the mission you have mentioned to me if by not simply achieving such a good deed for 2 or 300 Christians, but if you tried to extend this benefit to a corresponding number of Muslims languishing in your prisons?

It is written: "Do unto others as you would have done to yourselves".

Slowly, too slowly perhaps, the defiant military authority undertakes the necessary negotiations for the proposed dual liberation.

But Bishop Dupuch did not want to be outdone by the generosity of his adversary. Adversary? The holy bishop no longer knew how to use that word. He visits the Algerian prisoners that the emir delegated under his protection. He found women, children and elderly people crammed into a fortress without space or light. The rules of engagement are tough. At the Abd-El-Kader camp life is also rough. Yet the law of Bishop Dupuch is not the law of war. His is the law of Jesus: "Let the little children come unto me... Blessed are the peacemakers... Blessed are those who mourn for they shall be comforted." So he gave asylum to the prisoners. He had nowhere to receive them save the house of God. Was that not the most appropriate? The Arab women and children were thus welcomed into the Church of the Holy Cross in the Kasbah. The poor captives could stretch their weary limbs on the carpets in the bishopric and the cathedral; on the beautiful carpets only usually rolled out for major holidays such as Christmas, Easter or Corpus Christi. These poor mothers, drained due to their hardships, had no more milk for their little ones. So the miracle continued with Monsignor arranging for Maltese goats to be brought which he had great difficulty acclimating to feed the children found in the St-Cyprian asylum. And soon, in the shadow of the tabernacle beneath the smile of the Virgin and

Child, happy mothers crooned sweet Arabic songs that resembled hymns to their sleeping babies.

One can remain skeptical of the cautionary tales composed by the professional moralists to demonstrate that virtue is always rewarded. Yet there are times when that does happen, even in stories, for the little daughter of the sub-quartermaster named Massot met with her father again while the Arab prisoners returned to the camp of Abd-El-Kader and recounted how the “man of God” had saved their children.

Some time later, Bishop Dupuch received a splendid herd of goats sent by the Emir for his orphans, in memory of the “sweet encounter” (those were his very words) that took place between the French priests and his lieutenants, in exchange for the prisoners.

“Please excuse, he added, the smallness of this gift, but I am somewhat lacking at present.”

This was absolutely true. Hunted on all sides by the indefatigable General Bugeaud, Abd-El-Kader felt the moment approaching when he should give up the fight; but even in times of despair – dealing with an enemy with whom he was engaged in an unremitting war – he had no intention of straying from certain acts of charity through which Christians could recognize the spirit of the Gospel. They say he transported to his own tent a French soldier who, after having been wounded three times, had finally fallen, mortally wounded. He had wanted to comfort him in his agony and had given him all the care necessary to sweeten his last few moments.

“If the soldier were still alive,” Monsignor Dupuch would later say, “how you would probably, just like me, have loved to have heard him recount this heroic, or might I say, this Christian way of avenging oneself.”

The family of the emir, who encamped with him and shared the hazards and dangers of combat, also shared his sublime charity. His mother was given responsibility for the protection of Christian women: women settlers, canteen keepers, sometimes even poor Algerian girls lured by the thought of adventure. And if she learned that one of the captives was sick? Quickly, she would send her coffee or sugar taken from her own rations. She engaged the most unfortunate in sewing work for which she paid twenty times its value, to enable them to improve their lot somewhat.

The emir would do even better. He wrote once more to the holy bishop that he had found a generosity equal to his, in order to negoti-

ate new releases. He proposed that a priest came immediately to assist the captives:

“He would lack for nothing from me, I would ensure that he was honored and respected by all of us as would suit his position of a man of God and your representative. He would pray every day with the prisoners. He would console them. He could correspond with their families and thereby obtain money for them, clothes, books, in a word, everything that they might wish for that would ease the rigors of their captivity.

Only upon arriving and once and for all, he would promise never to reveal in his letters neither the location of my camps nor any of my military operations.”

Bugeaud, a tough warrior, who had refused any negotiations with the Emir, did not think that he ought to make an exception for this.

And this is how the first chapter of the beautiful story of friendship came to a close.

The second was soon to begin: and it is yet another prisoner story.

Abd-El-Kader, defeated, surrendered himself to the generosity of the Duke of Aumale, son of Louis-Philippe, who promised to have him transported to a Muslim country where he would have the right to live freely.

But the French Chamber, holding the emir responsible for a massacre of the wounded which occurred not in the chaos of his retreat but in his absence (a cruel but unique exception to the charity which the Emir had always practiced), refused to ratify this promise.

There then followed the revolution of 1848. The Constituent Assembly, to which history will owe the bloody responsibility of those days in June, were unable to comprehend – in much the same way as the Chamber of Peers of the July Monarchy – how a French vow given to a defeated foe should be considered sacred.

The scholar Arago, a man of integrity nonetheless and of great virtue, showed himself to be as brutal as Bugeaud, the tough Perigord peasant had been. He told the tribunal that “the French Republic does not consider itself committed in any way concerning Abd-El-Kader and should receive him in the situation where the previous government left him, that is to say, a prisoner.”

The emir and his family – his aged mother, his wife, his children, two of whom were to die in France – were interned at Fort Lamalgue, near Toulon. They were then transferred to the Chateau de Pau, admittedly a princely residence and a lavish museum, but yet still a prison with its vaults, its thick walls,

its long dark corridors, and guards at the door. It was cold there in winter, far away from the African sun.

In his distress, Abd-El-Kader immediately thought of the Frenchman who had managed to understand him, even though he was fighting against his own people.

But fortune had not favored the bishop any more than the Emir. Bishop Dupuch, in debt through his over-abundant charity had to resign the bishopric of Algiers. He sought refuge in Bordeaux, his hometown, where he lived in retirement, in prayer. It was a defeat for him too.

The call of the prisoner reopened a means of action for him. All his remaining strength and credibility would now be implemented to secure the release of Abd-El-Kader.

At this point in time, all he had to offer was his compassion, but the infinite riches of just such Christian charity, was that not what the poor exile had the greatest need of?

He therefore paid him a visit at the Chateau de Pau. It was the first time they had met. Sometimes an epistolary friendship is not able to withstand direct contact; but two such beings already united by such noble memories could no longer break their bonds.

When the bishop saw this man come towards him, frail in body, wearing garments of mourning, his face emaciated, ravaged with suffering, and when his eyes met the blue eyes of the emir, filled with such painful resignation, he could no longer control his tears. He took him in his arms and from his heart to his lips surged the most tender consolations of the Catholic faith to soften the pain of this Muslim soul.

At the end of 1848, Abd-El-Kader, transferred from Pau to Amboise, asked to stop in Bordeaux to see his friend there. Bishop Dupuch welcomed him with brotherly joy and shared this hope with him: Louis-Napoleon Bonaparte's star was rising on the horizon. This prince had been in prison. He was the nephew of the captive of St. Helena. He could not ignore the plight of Abd-El-Kader; especially as a simple gesture towards the noble exile would bring him the enthusiastic support of many French who were reluctant to rally behind him. For Abd-El-Kader enjoyed a popularity that was the envy of Louis Napoleon Bonaparte: with such acumen that one would not have suspected in a man otherwise completely devoid of practicality, Bishop Dupuch had in effect succeeded to rally to his friend's cause first his city of Bordeaux, then,

soon, all of France. Officers from the African army came to corroborate his testimony.

There was also the promise of the Duke of Aumale that the Republic had not upheld. Songs and poems exalted the imprisoned Emir even more so than those who had defeated him; so much so that when Abd-El-Kader arrived in Bordeaux, he was received with the honors accorded to a sovereign. And it was indeed an unusual sight that this Muslim warrior was taken by carriage through a French city between two prelates of the Catholic Church: Bishop Dupuch his friend, radiating hope and Monsignor Donnet, Archbishop of Bordeaux, who shared the enthusiasm of the former Bishop of Algiers.

When it was time to take leave of his friend, the emir threw over his shoulders a precious burnoose of white wool, as he once did to his dearest war comrades; then he made his way with a lighter heart to his new prison.

For the Amboise Castle was nevertheless a prison where the emir and his family would live for four long years, marked by grief and anguish. Perhaps the captives sometimes lamented the old fortress of Henry IV where the southern sun and the nearby mountains reminded them a little of the Algerian landscapes. The Loire can often be cheerful and poets have sung about its mild sky; but it also has its mists, its long winters battered by the wind, its grey springs sodden with rain. Mournful memories cling to this old castle, that have nevertheless been touched by the rulers of the Renaissance: the door where the young Charles VIII, bounding like a deer in the ardor of his twenties, hit his forehead so violently that he died as a result; the iron balcony above the Loire where François de Guise left the bodies of Huguenot conspirators, guilty of the attempted kidnapping of the young king François II, hanging until the vultures had stripped them. Here finally also lived Louis-Philippe and his family, recently departed into exile but to a voluntary exile.

The emir was installed in the State Room whose high arches and columns decorated with fleur-de-lis were not without some kinship with the mosques he loved. He divided his time into reading, long conversations with his friends, the tutoring of his children and above all, prayer.

Nothing seemed to remain within him of the proud warrior of old, who loved great horse rides and the scent of gunpowder. Similar to his Christian friend, Abd-El-Kader was from this moment merely a man of God.

Perhaps in truth he had never been anything else. Perhaps his fighter's demeanor was only a mask imposed by circumstances: deep down, the emir had

never been convinced by the virtues of force. As he battled against the expeditionary corps of General Valée, he told an officer sent to negotiate with him, "I do not understand you; have your science and the power of your weapons made you mad? You have more respect for the stronger man than the just man and for the swordsman than the priest. Look, consider this camel. It is stronger than me. But do you think this inspires my respect for it?"

Would then the defeated foe held at Castle Amboise, capable of such beautiful lucidity at the height of his splendor, not take greater refuge once more in the worship of a God of justice who condemns the use of the sword? All who drew near him unanimously admired his humility, his detachment from all human grandeur, his stirring charity. The Colonel Dumas, who the French government had charged with guarding him, soon tired of the task of jailer. He also took a liking to his prisoner. He described him as "sweet, uncomplicated, affectionate, resigned, humble, asking for nothing, not concerned with anything worldly, never complaining, forgiving of his enemies, those by whom he may have suffered yet further and never allowing anything bad to be said about them in his presence."

However, the emir was also familiar with times of bitterness. He had left Bordeaux with the certainty of an imminent release; yet day after day went by with nothing occurring to confirm this premature hope. During an unrelenting winter, many who were dear to him and whose presence eased his exile were laid to rest in the small cemetery at Castle Amboise within this Christian land. Why wasn't his friend the holy Bishop there to help him face such an uphill battle?

In his monastery cell at Bordeaux, more austere than the Amboise prison, where Bishop Dupuch was consumed in prayer, poignant letters arrived begging the saint to come once more to bring the comfort of his goodness to the captive.

The bishop was poor, sick, exhausted by penance and sorrow. He could not undertake the journey: he sent some sisters of mercy to his unfortunate friend so they could assist and care for the sick. The friends of the prelate did not approve of his actions. What help for the emir and his family would these women be – foreigners by race and faith? Would those exiled not risk viewing this as a clumsy act of proselytizing? The response of Abd-El-Kader was quick to dispel such idle misgivings: "You have let us know that you cannot visit us before the end of the great Christian fast. This latest news has saddened us beyond all speech.

Will you please tell us about the sisters of mercy that you placed with us and who have already begun undertaking their merciful functions? Ah, both men and women, we are in such need of help for as long as we are in here, for we all suffer so cruelly.”

At Easter 1849 Bishop Dupuch finally yielded to the entreaties of his friend and spent several days with him “in the sweetest intimacy” as he loved to recall afterwards. Under the lofty arches of Charles VIII, the bishop and the devout Muslim discussed wholeheartedly all that was dear to them, especially their different faiths. The bishop unreservedly admired the deep piety of his friend and the elevation of his soul: “He is generous, grateful, easy to forgive, possessing an unpretentious piety that is much closer to the truth than anyone perhaps suspects.”

The religion of Jesus Christ, said the emir in turn, seems to me to be more and more about gentleness, forbearance, and the very kindness of God.”

So there came a time when the bishop wondered if his friend might become a Christian; the emir knew how to disabuse him of this thought with so much affection and delicacy that the old missionary did not even think to feel disappointed. Perhaps never had two such noble souls been so elevated in their tolerance and mutual understanding.

However, the day to part rapidly arrived; the captive made no attempt to hide his melancholy:

“Soon you will be leaving me. The days have flown by so quickly for me, but you will come back. Ah! Come back soon, because you know my heart is not satisfied.”

When they hugged one last time, witnesses to their farewells (a prisoner always has witnesses) saw that they were both crying.

Back in Bordeaux, Bishop Dupuch, for a time discouraged by his initial failure, resumed with a renewed ardor his struggle to free the glorious defeated one. Hastily, but with the most convincing eloquence, that which comes from the heart, he wrote an account of his visit to Castle Amboise. And once again the French press was moved and sympathies made known. Louis-Napoleon Bonaparte, having become the Prince-President, ended up also spending time at the prison in Amboise. A chimerical but generous soul, the prince was also deeply moved by the dignity and magnanimity of Abd-El-Kader. He brought his order of release on October 16, 1852.

On the following 21 December, the emir and his entourage embarked for Syria. Abd-El-Kader, in the joy of newfound freedom, was full of regret at not being able to say goodbye to the friend whose support for him during his most painful times had been so necessary; he at least wrote to him before leaving Marseille:

“For us it is the most painful thing to be deprived of seeing you, to embrace you when we left ... We will part with the most profound conviction that wherever in the world we find ourselves, your heart will never be apart from ours and that we will rejoice in the sweetness of your friendship as we have enjoyed it during our time on French soil.

Goodbye once more, from the one who will always love you. We hope your great generosity will permit you to write to us at least once a month ...”

This correspondence would in fact be terminated only by the death of Bishop Dupuch, on July 10, 1856.

But our story is not yet over, for to true believers death holds very little sway: it is a separation merely in appearance. The prayers of the Qur’an would continue to surround the Christian soul of the holy bishop, and every time the emir received a visitor from France in his retreat in Syria, he liked to evoke the memory of the Frenchman that he liked most.

The more he walked in the path of spirituality, the more he asserted his desire to testify to all men, regardless of race or faith, of a true brotherly love; it was merely enough to call oneself Christian to ensure particular rights to his friendship and protection. All his actions aimed at uprooting the prejudice of Christians and Muslims at odds with one another since the Crusades.

“If Christians and Muslims would listen to me,” he said at the end of his life, “I would end their differences and they would become brothers.”

At the risk of his own life, he had the opportunity to provide proof – the most wonderful in the history of humankind – of this.

On July 9, 1860, riots broke out in Damascus. The Muslim population, fanatical for much more political than religious reasons originating elsewhere, set upon the Christians, burning their homes, killing women and children. The soldiers of the Sultan, overwhelmed, joined in with the persecutors.

Followed only by a small escort of Algerians, Abd-El-Kader flung himself into the thick of the fray to offer protection and asylum to the threatened Christians. They threw stones at him; he was threatened and treated as a renegade. Unmoved by the violence, he implored his misguided brothers to return to reason. He reminded them of the forgotten words of the Prophet: “There is

no compulsion in religion. The true road is distinguished enough from the lies." The verses of the Qur'an, so often meditated upon, which prescribe kindness, forgiveness, justice, rose to his lips to calm the furious crowd.

"O my brothers, he cried, your conduct is ungodly; is this a day of battle that you have the right to kill people? To what extent have you debased yourselves for me to find Muslims covered with the blood of women and children? Did God not say: "He who kills a man without that man having committed a murder or unrest in that country, will be regarded as the murderer of the entire human race?" And addressing his soldiers, he added: "We will fight today for a cause as holy as that for which we fought together in days of old."

Through the narrow streets of the old town, the little band of the emir progressed slowly, continuing his difficult mission of peace.

"Oh! Christians, unfortunate ones," called the emir, "come to me, Abd-El-Kader, son Mahi-Ed-Din. Come beneath the flag of France and I will protect you with the blood of my body ... The head of each Christian of Damascus is my own head."

On the evening of July 10, 1860, 12,000 Damascene Christians were gathered under the protection of Abd-El-Kader. The emir, his family and servants devoted themselves to the care of the wounded, comforting women and children still trembling with fear. And no one will ever know if, overwhelmed by this weighty task, Abd-El-Kader had time to remember that he was thus celebrating the anniversary of when his friend, Antoine Dupuch was summoned by God, four years ago to the day...

It was at that time, it seems to me, that we must mark the end of the struggle, a struggle of generosity fought since 1841 between the bishop and the emir; and we might question who, between the Muslim or the Christian, had the upper hand in this novel and wonderful war of religion.

One wonders at least, for as long as we have not understood them and for as long as we refuse to walk in the path of light they have marked out for us.

Otherwise the answer is easy; am I truly a Christian if I don't hesitate for one moment to say that it was the Muslim?

Our Hard-Won Freedoms Are Gradually Vanishing²¹

Carlyle B. Haynes

This article was written in 1948. We are republishing it to compare those times with the current international scenario.

Fighting for religious liberty? In our day? Here? What is the point, since nobody prevents us from believing what we want to, as we wish?

If you doubt the current relevance of our activity, read this article by Carlyle B. Haynes published in the USA.

The plague of intolerance smolders everywhere and manifests itself in regions rightly renowned for their love of culture and civilization.

Might this be the monstrous fruit of our age of iron and fire?

These pages by Haynes are tinged with an apocalyptic intensity. For all those who see no point in “forming a human chain” on behalf of liberty of conscience, read this, think about it... and take action.

Where have human liberties gone? No reader of history can fail to be impressed with the thought that the dearly-bought liberties of yesteryear are disappearing in the developments and changes of present times.

We had gotten to the point where we believed that the early centuries of the Middle Ages were far behind us, that the world had progressed far too much to be once again poisoned by the terrible oppressive measures of former times. We had thus gotten to the point of believing that civilization had brought with it charity and kindness.

Yet today, throughout the world, dark forces have once again emerged from the redoubtable hiding places where civilization had forced them into hiding, and are in the process of sweeping away the hard-fought gains of many a war for liberty. All over the globe we are seeing the world regress in its centuries-old race towards progress, bringing us back to the use of oppressive weapons, laws and measures that are scarcely conceivable in our civilized age.

²¹ Article published in C&L no 1, 1948, p. 57

The world has only recently emerged from a nightmare of horror during which, for long centuries, it was the established and universal practice to hound and oppress and persecute minorities, both of race and religion.

These same evil forces have again entered the life of civilized nations. There are minorities in many lands today who live in constant dread of prison, of detention camps, of forced labor, of pogroms, of “purges” and “blood baths.” And this solely because of their race or religion, or both, or because they have merely exercised their divine right to think and to express their opinions and convictions.

The prejudices, fanaticism, oppressions and inhuman injustices of the Dark Ages are being renewed all about us. Hatreds which resemble those of the early barbarian hordes are blazing out again. The spirit of Nero and the sin of Cain are not outmoded. They are being repeated. The onward march of civilization has been not merely retarded, but stopped dead in its tracks. Indeed, we are on the backward path to the Dark Ages.

There are those even in America who partake of the spirit of intolerance so that they would not hesitate to overthrow the ideals of our Constitution and Declaration of Independence. This nation has stood from the beginning as a beacon light of liberty, of democracy, of social justice. There are those within its borders who seek to overthrow the traditional principles and bring back the oppressions, the intolerance, the cruelties of former ages. Their vengeful activities tend to arouse racial and religious passions as they seek to suppress all opinion and all worship but their own.

Sensational changes are taking place

Examples of the swift and sudden destruction of human liberties on a vast scale are placed before us almost daily in our newspapers. It is altogether amazing how speedily the achievements and advancements made in human progress over a period of decades and centuries, can be made to disappear as through a magician’s hand gesture. We are living in a time of rapid changes, when the laborious and careful building of long years of struggle and costly expenditure of blood and life, is ruthlessly destroyed overnight.

A national crisis develops—confusion and turmoil follow—a spectacular leader appears almost by magic and gains followers by millions through impossible promises. They place him in power—they consolidate his position—

they support him in canceling and removing all obstacles against the use of dictatorial power—they make loyalty to him a fetish—they make disloyalty to him treason—and they shout with satisfaction when he proceeds to put down all opposition, and destroy all the safeguards of constitutional and well-ordered civilized society as he gathers the power of absolute despotism for himself.

It is an unbelievable picture. After centuries of heart-breaking struggle and sacrifice, civilization, at the beginning of the twentieth century, was emerging into a condition of stability. The liberties men fought for during long years of hardship were being consolidated everywhere.

Liberty of speech, of press, of opinion, of assembly, of conscience and freedom of religion, being recognized and established everywhere. And, now, almost overnight, we see these things tumbling like a house of cards, all the gains of centuries being lost. It is almost as if some super-human despot angered to the point of fury by the enlightenment and progress human beings had made, had issued the order to bring it all to nothing, and lesser human despots leap to carry out his orders.

And these destructive movements occur with a swiftness that take one's breath away. Never before in human history have such world-shaking developments taken place so rapidly. The stupendous changes now taking place before our eyes have never been equaled either in their speed or their vast importance.

A decree—and great parties of opposition, representing millions of votes are suppressed or driven out of existence.

An order—and a million citizens whose only misdemeanor is to be from a hated race are disfranchised.

A pronouncement—and the autonomy of universities, the liberty of the press, the right of free speech and debate, and freedom of assembly, are wiped out.

An executive ukase—and millions of youth and children are militarized and placed under army training.

An edict—and every activity of the state is brought under automatic control.

A law—and the churches and religion are reorganized and regimented as aids and activities of the state.

A world in disarray

More and more the sense of balance has been lost. Everything moves with desperate haste. Stupendous projects, involving not millions of dollars but billions, are rushed through without thought or plan. Turmoil reigns everywhere. The world is drunk or mad or both.

Nothing so fitly described the days we live in as the words of an old, old, prophecy dealing with this very time. Looking forward to the nations of today, and declaring God would send among them the cup of war and of His wrath, an ancient prophet wrote: "And they shall drink, and reel to and fro, and be mad." Jer. 25:16.

Drunk and mad! That is indeed an accurate description. Nothing else will explain the situation. Commotions rock the world. Turmoil reigns everywhere. Black clouds of evil portent hang on all earth's political horizons.

Mutual hatred embitters the relations of nations. Self-destructive infatuation pervades the councils of the mighty. Feverish restlessness permeates the whole world. Men's fairest schemes result in failure. There certainly is distress among nations, a mixture of anguish and perplexity. Men's hearts are failing out of fear and for anticipating what will become of our world. The nations are heaving in a restless fury, like the roaring of the sea in a great storm. The machinery of civilization has suffered a shattering shock, and is dislocated. It cannot be reduced to order. The world is drunk—and mad.

We do well in these menacing times to study anew the principles of religious and civil liberty which, in the providence of God, were put into the basic law of our land by the large-hearted and liberal-minded men who founded this nation.

The liberalism of Washington

It is a breath of fresh air to read the words of General George Washington in a service letter to General Benedict Arnold, who had been placed at the head of an army that was to go to Canada to attack Quebec. This letter, dated September 14th 1775, reads:

"As the contempt of the religion of a country, by ridiculing any of its ceremonies or affronting its ministers or votaries has always been deeply resented, you are to be particularly careful to restrain every officer and soldier from such

imprudence and folly, and to punish every instance of it. On the other hand, as far as lies in your power, you are to protect and support the free exercise of the religion of the country, and the undisturbed enjoyment of the rights of conscience in religious matters, with your utmost influence and authority.” (The Writings of George Washington, published by Sparks, New York, 1847, vol. III, p. 89.)

Four occasions during the course of his career, Washington grasped the opportunity to repeat these powerful principles; not only regarding religious tolerance, but also clear-cut and egalitarian religious freedom. In May 1779, Washington responded to the compliments of the General Committee representing the Union of Baptist Churches of Virginia, in these words:

“For you doubtless remember that I have often expressed my sentiment, that every man conducting himself as a good citizen and being accountable to God alone for his religious opinions, ought to be protected in worshipping the Deity according to the dictates of his own conscience.” (op. cit, Vol. XII, p. 155)

In 1790, Washington, writing to the Hebrew Congregation in Savannah, Georgia (US), expressed himself in these terms:

“May the same wonder-working Deity, who long since delivered the Hebrews from their Egyptian oppressors and planted them in the promised land, whose providential agency has lately been conspicuous in establishing these United States as an independent nation, still continue to water them with the dews of Heaven, and to make the inhabitants of every denomination participate in the temporal and spiritual blessings of that people whose God is Jehovah.” (Maxims of Washington, Political, Social, Moral and Religious. pp. 373-374)

In October 1789, Washington, in response to the wishes expressed by the Quakers, wrote to them:

“The liberty enjoyed by the people of these States, of worshipping Almighty God agreeably to their consciences, is not only among the choicest of their blessings, but also of their rights. While men perform their social duties faithfully, they do all that society or the state can with propriety demand or expect; and remain responsible only to their Maker for the religion, or modes of faith, which they may prefer or profess.” (The Writings of George Washington, vol. XII, p. 168)

In January 1793, responding to the compliments of the members of the New Jerusalem Church of Baltimore, Washington wrote:

“We have abundant reason to rejoice, that in this land the light of truth and reason have triumphed over the power of bigotry and superstition, and that every person may here worship God according to the dictates of his own heart. In this enlightened age and in this land of equal liberty, it is our boast, that a man’s religious tenets will not forfeit the protection of the laws, nor deprive him of the right of attaining and holding the highest offices that are known in the United States.” (op. cit. Vol. XII, p. 202)

Jefferson and Lincoln praise religious liberty

In his second inaugural address, Thomas Jefferson said:

“In matters of religion I have considered that its free exercise is placed by the Constitution independent of the powers of the general government. I have therefore undertaken on no occasion to prescribe the religious exercises suited to it, but have left them, as the Constitution found them, under the direction and discipline of the church or state authorities acknowledged by the several religious societies.” (The Works of Thomas Jefferson, edited by Paul Leicester Ford, vol. X, p. 131)

And in 1808, writing to the Reverend Samuel Miller, Jefferson stated:

“I do not believe it is in the interest of religion to invite the civil magistrate to direct its exercises, its discipline, or its doctrines; nor of the religious societies that the general government should be invested with the power of affecting any uniformity of time or matter among them.” (op. cit. Vol. XI, p. 8)

On June 16th 1817, Jefferson wrote to Albert Gallatin:

“Three of our papers have presented us with the copy of an act of the legislature of New York, which, if it has really passed, will carry us back to the times of the darkest bigotry and barbarism, to find a parallel. It purports that all those who shall hereafter join in communion with the religious sect of Shaking Quakers shall be deemed civilly dead, their marriages dissolved, and all their children and property taken out of their hands... It contrasts singularly with a contemporary vote of the Pennsylvania legislature who, on a proposition to make the belief in God a necessary qualification for office, rejected it by a great majority, although assuredly there was not a single atheist in their body.” (op. cit. Vol. XII, p. 73)

Moreover, the great emancipator, the most zealous friend and greatest champion of liberty that America has ever known, Abraham Lincoln, wrote a circular regarding Churches on March 4th 1864, stating:

“I have already written and I repeat that the U.S. government must not, as by this order, undertake to run the churches. When an individual, in a church or out of it, becomes dangerous to the public interest, he must be checked; but the churches, as such, must take care of themselves. It will not do for the U.S. to appoint trustees, supervisors, or other agents for the churches.” (Complete works of Abraham Lincoln, edited by Nicolay and Hay, vol. 2, p. 491.)

Have we regressed so far during the past century in matters of the mind that these words can seem to us to be exceptional? Has dusk settled on humankind? No, it cannot be so!



CHAPTER

3

**Religious Minorities,
Freedom of Religion & Freedom of Expression:
Different Perspectives**

Freedom of Speech vs. Religious Sentiments: A ‘Shouting Match’?²²

*Rafael Palomino*²³

In 2009 several professors at Universidad Complutense promoted a research group²⁴ to analyse the dimensions of the “Muhammad Cartoons Affair” of 2005²⁵. The purpose of our project (a tiny part of a wider scholar spontane-

22 Rafael Palomino, professor at the Universidad Complutense, Madrid, Spain

23 Spanish Ministry of Science and Education, Project “Freedom of Religion and Freedom of Expression” (2009-2011), ref. DER2008-05283.

24 Part of the results were published, along with contributions from other European scholars, in J. MARTÍNEZ-TORRÓN; S. CAÑAMARES ARRIBAS (eds.), *Tensiones entre libertad de expresión y libertad religiosa*, Tirant lo Blanch, Valencia, 2014.

25 Academic literature on this topic is almost unmanageable. Among others, F. ALICINO, “Liberté d’expression et religion en France. Les démarches de la laïcité à la française”, *La Costituzione francese / La constitution Française*, 2 vol., Giappichelli, Torino, 2009; S. ANGELETTI, “La diffamazione delle religioni nei documenti delle Nazioni Unite: Alcune osservazioni critiche”, *Coscienza e Libertà*, 44, 2010; I. M. BRIONES MARTÍNEZ, “Religión y religiones en el Reino Unido. Diez años desde la ley de Derechos Humanos a la supresión del delito de blasfemia”, *Anuario de Derecho Eclesiástico del Estado*, vol. 25, 2009; B. CHELINI-PONT, “La diffamazione delle religioni: un braccio di ferro internazionale (1999-2009)”, *Coscienza e Libertà*, 44, 2010; B. CLARKE, “Freedom of Speech and Criticism of Religion: What are the Limits?”, *Murdoch University eLaw Journal*, vol. 14, 2, accessed 10/04/2015 at <https://elaw.murdoch.edu.au/archives/elaw-14-2-2007.html>; N. COLAIANNI, “Diritto di satira e libertà di religione”, *Stato, Chiese e pluralismo confessionale*, Maggio 2008, accessed 07/08/2012 at: http://www.statoechiese.it/images/stories/2008.5/colaianni_diritto.pdf; Z. COMBALÍA SOLÍS, “Libertad de expresión y difamación de las religiones: el debate en Naciones Unidas a propósito del conflicto de las caricaturas de Mahoma”, *Revista General de Derecho Canónico y Derecho Eclesiástico del Estado*, 19, 2009; Council of Europe, Venice Commission, *Blasphemy, insult and hatred – Finding answers in a democratic society*, Council of Europe Publishing, Strasbourg Cedex, 2010; A. M. EMON, “On the Pope, Cartoons, and Apostates: Shari’a 2006”, *Journal of Law and Religion*, vol. 22, 2006; C. EVANS, “Religion and freedom of expression”, *Fides et libertas*, 2010; J. FERREIRO GALGUERA, “Las caricaturas sobre Mahoma y la jurisprudencia del Tribunal Europeo de los Derechos Humanos”, *Revista Electrónica de Estudios Internacionales*, vol. 12, 2006; P. FLORIS, “Libertà religiosa e liberta di espressione artistica”, *Quaderni di Diritto e Politica Ecclesiastica*, vol. 2008, 1; J. FOSTER, “Prophets, Cartoons, and Legal Norms: Rethinking the United Nations Defamation of Religion Provisions”, *Journal of Catholic Legal Studies*, vol. 48, 1, 2009; D. GARCÍA-PARDO, “La protección de los sentimientos religiosos en los medios de comunicación”, *Ius Canonicum*, vol. XL, 79; M. GRINBERG, “Defamation of Religions v. Freedom of Expression: Finding the Balance in a Democratic Society”, *Sri Lanka Journal*

ous movement²⁶) was to understand the conflict and to find legal clues in order to provide an enduring solution to the dramatic global affairs we were gazing at. We thought "perhaps naively" that we were facing an outbreak of violence and misunderstanding which once cooled over time could be studied in a quiet academic environment. Nothing could be further from the truth, since the Muhammad Cartoons Affair have been repeated (in a different fashion) again and again in the period of ten years. The last episode took place in Paris, in January 2015. The apparent confrontation between "secular speech" and "religious sentiments" (which has been the more frequent confrontation during these years) could lead to draw the conclusion that the problem is a one-way street in which the Western-secularized world is attacking the religious-Eastern world. However, it is also true that the "religious speech" has been labelled as "offensive" to secular sentiments "at home" (especially in the gender ideology sphere...).

The conflict was far from being "spontaneously" solved, since the opponents have reaffirmed their own positions; i.e., the Western media have responded to the attacks with "more speech" and radical Islam sectors have reacted with "more bullets." In the end, this "shouting match" has claimed many innocent lives, has distanced us from each other, has hindered the advancement of human rights and has buried dialogue as a tool for promoting peace among Peoples.

of International Law, vol. 18, 2006; C. C. HAYNES, "Living with our Deepest Differences: Freedom of Expression in a Religiously Diverse World", *Fides et Libertas*, vol. 2008-2009; N. LERNER, "Freedom of Expression and Incitement to Hatred", *Fides et Libertas*, vol. 2008-2009; Á. López-Sidro López, "Libertad de expresión y libertad religiosa en el mundo islámico", *Revista General de Derecho Canónico y Derecho Eclesiástico del Estado*, 30, 2012; J. MARTÍNEZ-TORRÓN, "Libertad de expresión y libertad de religión. Comentarios en torno a algunas recientes sentencias del Tribunal Europeo de Derechos Humanos", *Revista General de Derecho Canónico y Derecho Eclesiástico del Estado*, 11, 2006; L. Martín-Retortillo Baquer, "Respeto a los sentimientos religiosos y libertad de expresión", *Anales de la Real Academia de Jurisprudencia y Legislación*, vol. 36, 2006; I. MINTEGUIA ARREGUI, "Libertad de expresión artística y sentimientos religiosos", *Anuario de Derecho Eclesiástico del Estado*, 14, 1998; I. MINTEGUIA ARREGUI, "El arte ante el debido respeto a los sentimientos religiosos", *Revista General de Derecho Canónico y Derecho Eclesiástico del Estado*, 11, 2006; D. NORRIS, "Are Laws Proscribing Incitement to Religious Hatred Compatible with Freedom of Speech?", *UCL Human Rights Review*, vol. 1, 1, 2008; F. PÉREZ-MADRID, "Incitación al odio religioso o «hate speech» y libertad de expresión", *Revista General de Derecho Canónico y Derecho Eclesiástico del Estado*, 19, 2009; G. PUPPINCK, "Lottare contro la diffamazione delle religioni", *Coscienza e Libertà*, 44, 2010; J. RIVERS, "The Question of Freedom of Religion or Belief and Defamation", *Religion and Human Rights*, 2, 2007; A. SAJÓ (ed.), *Censorial sensitivities: free speech and religion in a fundamentalist world*, Eleven International Pub., Utrecht; Portland, OR, 2007; J. TEMPERMAN, "Blasphemy, Defamation of Religions and Human Rights Law", *Netherlands Quarterly of Human Rights*, vol. 26, 4, 2008.

26 L. ZUCCA, *Constitutional Dilemmas: Conflicts of Fundamental Legal Rights in Europe and the USA*, Oxford University Press, Oxford; New York, 2007, p. 51.

It is easy to infer that our research group didn't reach the promising solution we envisaged at the beginning of our academic work. However, after three years of legal study (comparing the laws of different countries, analysing international legal instruments and the case-law of the European Court of Human Rights) we reached several conclusions concerning the seemingly unsolvable conflict between freedom of expression and religious sentiments. It would be pretentious on my part to try to synthesize all the conclusions (or to take the role of spokesman for all my colleagues of the research group!) Instead, I shall offer some personal ideas below.

It is important to underscore that in almost all cases there is not a *legal* conflict *strito sensu* between freedom of religion and freedom of speech. A real legal conflict arises when "a right makes something permissible while a competing right makes it impermissible." And this is not the case: the fact that someone utters hurtful speech which is judged by the listener as insulting, annoying or even blasphemous, does not mean necessarily to infringe upon the right of others to have, change or to adopt a religion or belief, either individually or in community, or to manifest his religion or belief in worship, observance, practice and teaching... Besides, the right to speech does not entail the right not to listen. "Freedom of speech puts the emphasis on the speaker and what is said (...) A worrying trend is the shift toward the hearer and to what is being heard or how things are perceived, including the possibility that an individual or group may feel hurt or offended by what has been expressed. This is a move from the objective (what was expressed) to the subjective (how it was received, perceived). This is contrary to fundamental Rule of Law."²⁷

To be sure, only in those instances in which offensive speech "is very likely to lead to violence and death are these grounds a reason in favor of state sanctioning. The same applies to the fact that offending someone's religious beliefs is very likely to cause severe psychological distress or damage to that person."²⁸

This being said, it is also undisputed that "a social environment of free exchange of ideas and free speech including the free expression of beliefs" is essential for democracy. Conversely, a social environment dominated by verbal aggression or violence is certainly not the most suitable habitat for the exercise

27 M. TUNEHAG, "Religious Cartoons & Sermons on Homosexual Practice". Global Trends, Concerns and Recommendations Regarding Freedom of Speech & Religion, 2007, p. 6, accessed 12/12/2011, at <http://www.worldevangelicals.org/news/article.htm?id=1556>.

28 G. LETSAS, "Is There a Right not to be Offended in Ones Religious Beliefs?", SSRN eLibrary, 2009, accessed 10/04/2015 at <http://ssrn.com/paper=1500291>.

of freedoms. From this perspective, attacks on religion are not inherently different from attacks based on sex, race or national origin; and all these factors are mentioned by Article 14 ECHR, which prohibits discrimination.²⁹

In addition, the new scenario in which speech and religious sentiments collide has its own new and peculiar features. In part, this is due to the “unforeseen potential audience” of offensive speech. Internet makes possible to reach countries and cultures in which the context and the reactions cannot be measured according to the expectations of Western media. Many years ago, Oliver Wendell Holmes underscored the role that circumstances and places play in free speech limitation cases: “The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. (...) The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree.”³⁰ Nowadays the relevance of context increases insofar as internet and technology make almost impossible to know (let’s return to Wendell Holmes) whether we are in a theatre, whether the theatre is empty or crowded, and whom exactly is the audience (firemen? pyromaniacs?).

In a globalized context, we might think and act in different ways and with different attitudes. **First**, we may think and act locally: “Here in Europe freedom of speech is sacred, it includes the right to publish something which could be considered insulting or blasphemous... Free speech is equal to all: I may say “X”, you may say “Y”... Free market of ideas is part of the rules of the game. —What about Pakistan or Nigeria? Well, that’s not our problem...” **Second**, thinking locally and acting globally: “Everyone everywhere must respect human rights. Let’s exercise freedom of speech worldwide to change this world, let’s respond to more violence with more speech. —What about Pakistan or Nigeria? Well, the cause of freedom may bring forth martyrdom.” **And finally**, thinking globally and acting globally: “Freedom of speech is a fundamental human right every human being possesses. Though there are utterances that reach beyond our cultural boundaries... So, let’s also think about those innocent people, let’s exercise freedom responsibly.”

29 J. MARTÍNEZ-TORRÓN, “La tragedia de «Charlie Hebdo»: algunas claves para el análisis jurídico”, *El Cronista del Estado Social y Democrático de Derecho*, 50, 2015, p. 26.

30 *Schenck v. United States*, 249 U.S. 47 at 52 (1919).

The last option is not only an “ethical” one. When recognizing freedom of speech, the European Convention of Human Rights points out that this right “carries with it duties and responsibilities.” In a global context, not all duties and responsibilities are compiled in domestic law. “Freedom of expression must include a *legal right* to offend. But not, in all circumstances, the complete license to *do so*.”³¹

Besides, globalization made us experience religion as multi-faceted. In the dominant Western thought, religion is a matter of choice,³² is part of the *ideas* that one may or may not have, leave or change. However, in the Eastern world religion is considered to be part of personal *identity*.³³ The Western press sometimes intends to ridicule or criticize “ideas,” not people. And yet, the Eastern effect turns out to be quite different. This is not to say that freedom of speech has to be measured according to the hearer’s sensibility, but encourages one to realize the complexity of religion in global context.

Violence is not the legitimate response to speech, we all know that. And violent responses on the part of extremists (both in Muslim and non-Muslim countries, let us always be reminded of this) require serious internal reflection and action inside the Muslim world. At the same time, freedom of speech in the area of religious sentiments requires a certain amount of sensitivity and responsibility. As a Spanish scholar pointed out in 2012 on the occasion of one of the terrible episodes of this long-term affair³⁴ when Parliament and the Libyan people asked forgiveness for the murder of the US ambassador and, at the same, time demanded respect for Islamic beliefs, they began to walk the right path. They rejected violence but demanded decency by the West. Indeed, in a diverse – but sometimes deranged – society unfair attacks on the great religions are not uncommon. The problem is how to react fairly.

31 F. KLUG, “Freedom of Expression Must Include the Licence to Offend”, *Religion and Human Rights*, vol. 1, 2006, p. 227.

32 J. H. GARVEY, *What are freedoms for?*, Harvard University Press, Cambridge, Mass., 1996, pp. 43-49; M. J. SANDEL, “Freedom of Conscience or Freedom of Choice”, James Davison Hunter, Os Guinness (eds.) *Articles of Faith, Articles of Peace: The Religious liberty Clauses and the American Public Philosophy*, Brookings Institution Press, 1990.

33 S. MAHMOOD, “Religious Reason and Secular Affect: An Incommensurable Divide?”, *Critical Inquiry*, 35, 2009.

34 R. NAVARRO-VALLS, “La Globalización del Odio”, *Zenit*, 20/09/2012, accessed 30/10/2012 at <http://www.zenit.org/es/articles/la-globalizacion-del-odio>.

Challenges and Attitudes on Human Rights, Freedom of Religion and Freedom of Expression in Today's World.

“The Charlie Issue” or How to Approach the Divergences - Some Proposals.³⁵

*Liviu Olteanu*³⁶

I. Introduction

Excellencies,

Ladies and gentlemen,

First of all, I thank the Government and the Italian Ministry of Foreign Affairs and I especially thank the President of the Inter-ministerial Committee for Human Rights, His Excellency the Ambassador Mr. Gianluovico de Martino, for the invitation to join you here in Treviso at this inter-

35 A part of this study was delivered in Treviso (Venice) at the International Conference held by the Ministry of Foreign Affairs of Italy on 18-19 September 2015; also a résumé of this conference has been submitted in written format at the OSCE HDIM in Warsaw on 30 September 2015.

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national conference organized by the Italian Ministry of Foreign Affairs on: *Freedom of conscience, thought and religion: what limits social, economic and cultural progress?*

I would like to share with your Excellencies some reflections regarding: *Human rights, freedom of religion and freedom of expression in today's world. "The Charlie issue" or how to approach the divergences. Some proposals.*

I have the honor to speak here as a member and researcher of the Human Rights Institute from the Faculty of Law, University Complutense of Madrid and I am also attending in the role of Secretary General of the International Association for the Defense of Religious Liberty AIDLR/IADRL from Switzerland, organized in 1946 by Dr. Jean Nussbaum; as you know, my organization was privileged for 16 years to have a certain Mme. Eleanor Roosevelt as its first president of the honorary committee; it was then guided and advised by: Dr. Albert Schweitzer, Paul Henry Spaak, Rene Cassin, Edgar Faure, Leopold Sedar Senghor and Mary Robinson. Because of the AIDLR's historical background, it is a great honor for me to speak on its behalf as observer and representative at the UN in Geneva, New York and Vienna and at the European Parliament in Brussels and as representative at the Council of Europe in Strasbourg and at the O.S.C.E., as defender and promoter of human rights and the principle of religious liberty and freedom of conscience for all people.

I am so pleased today to convey my **congratulations to H.E. Dr. Adama Dieng**, the Special Adviser to the Secretary General of the United Nations for the Prevention of Genocide, for his excellent work as an international ambassador for human rights. I would also like to pay special consideration to **H.E. Ms. Federica Mogherini**, High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission, and former Minister of Foreign Affairs of Italy; an illustrious personality I was fortunate to meet this year at the UN Human Rights Council in Geneva. My heartfelt thanks to the **Government of Italy** for its commitment to security and political humanitarian assistance and development cooperation and also in terms of protecting and promoting fundamental freedoms and rights. I particularly appreciate what Italian Foreign Minister **H.E. Mr. Paolo Gentiloni** said: "*Italy underscores the collective dimension of religious freedom and its active defence*"³⁷, at

37 http://www.esteri.it/mae/en/sala_stampa/archivionotizie/approfondimenti/2015/09/gentiloni-alla-conferenza-internazionale.html, Gentiloni attended an international conference to relaunch an Action Plan against ethnic and religious violence in the Middle East

the Treviso International Conference organized by the Italian President of the Inter-ministerial Committee for Human Rights. **H.E. Mr. Gianludovico De Martino** with the support of the Under-secretary of State, honorable Minister **H.E. Mr. Benedetto Della Vedova**, demonstrates the considerable attention paid by the Italian Ministry of Foreign Affairs towards the global dimension of religious freedom.

Mr. President and Excellencies,

Ladies and Gentlemen, dear Colleagues,

The intellectuals analyze³⁸ the operations of international systems; statesmen build them. And there is a vast difference between the perspective of an analyst and that of a statesman. The analyst has available to him all the facts; he will be judged on his intellectual power. The statesman must act on assessments that cannot be proved at the time that he is making them; he will be judged by history on the basis of how wisely he managed the inevitable change and, above all, by how well he preserves the peace.

The fact that statesmen and scholars, ministers and human rights experts are all in attendance at this august international conference in Treviso, and that they are working together and trying to draw solutions for sensitive contemporary issues, should be regarded as a positive outlook on the horizon of human rights at a regional and international level.

Ladies and Gentlemen,

When we consider the challenges of human rights, religious freedom issues, violence and terrorism in the name of religion, migration and refugees and so many other contemporary humanitarian issues, I believe that *a rethinking and reconstruction of the international system is so very necessary.*

The structure of the twenty-first-century world order should be revealed³⁹ on the one hand as subjected to pressure, problems and crisis and on the other hand by the absence of an effective mechanism of application at the level of the international community.

38 Henry Kissinger, World Order, Penguin Group, New York, 2014.

39 Henry Kissinger, idem.

First, the *nature of the state itself*, the basic formal unit of international life, *has been subjected to a multitude of pressures*: attacked and dismantled by design, or corroded from neglect, often submerged by the sheer rush of events, or collapsed in its expectation and horizon by the various humanitarian crises concerned such as migration, violence and terrorism in the name of religion. But it is doubtful that claims to global peace and security separated from any shared global concept of *strategy* can solve the deep tensions, problems and issues of freedom of religion, freedom of expression, terrorism, migration and dignity of every human being.

Second, is the *absence of an effective mechanism* to enable the great powers to consult and possibly cooperate on the most consequential issues. *For example: at the meetings of UN Security Council or at the UN Human Rights Council, participating heads of state or ambassadors, by the very nature of their positions, focus especially on the public impact of their actions at the meeting; they are tempted to emphasize the tactical implications or the public relations aspect.* A contemporary structure of international rules and norms, if it is to prove relevant, cannot merely be affirmed by joint declaration; it must be fostered as a matter of common conviction.

II. Contemporary Challenges

Excellencies, we live in a complex world of unseen changes. Some of the *challenges* of contemporary society are:

1. *Respect for differences and protection for religious minorities*
2. *Efforts towards common objectives*
3. *Adapting the policies to global change and confronting religious violence*
4. *Respect for dignity*
5. *Ambiguity of postmodernism*
6. *Divergences on common values, human rights approach and freedom of expression*
7. *Migration and refugees issues*

1. **Respect for differences and protection for religious minorities**

The defense of justice and protection of religious minorities is a challenge today. One of the great difficulties resides in reconciling cultural identity and respect for differences in a society where beliefs and cultures coexist. Our

goal of achieving a more just and fraternal society passes through a change in our mental attitudes and behavior. According to the first US Ambassador for Freedom of Religion, Robert Seiple: “*The governments that ignore the religious liberty of the minorities or discriminate against them, cannot obtain security for the majority.*”

2. Efforts towards common objectives

The basis of the pedagogy of peace, respect and non-violence, is an education in hope and in the growth of freedom. *Social achievements are never the result of the efforts of a single individual or even a group of enthusiastic and committed people. Nor are they the exclusive work of a government or administration. They come from the willful and consistent work of a series of individuals who agree on common goals.*

3. Adapting to global change and confronting religious violence

Speaking about the world order, the situation changes and becomes radicalized with the loss of authority and legitimacy of the values. Today, almost each of the cultural claims hides a violence of a religious nature. Belonging to the same culture or religion is not a guarantee of tolerance or of a political happiness.

According to one of the UN resolutions from March 2015, *Violence committed “in the name of religion,” that is, on the basis of or arrogated to the religious tenets of the perpetrator, can lead to massive violations of human rights, including freedom of religion or belief. The main message is that **violence in the name of religion** should not be misperceived as a “natural” outbreak of collective acts of aggression that supposedly reflect sectarian hostilities existing since time immemorial. Rather, it typically originates from contemporary factors and actors, including political circumstances.*

The Special Rapporteur also recommends concerted actions by all relevant stakeholders, including States, religious communities, interreligious dialogue initiatives, civil society organizations and media representatives, in order to contain and eventually eliminate the source of violence committed in the name of religion.

4. Respect for dignity

Being a person is what gives humans a peculiar dignity, which cannot be exchanged for a price. The differences between human beings are many and

varied. Persons differ from each other by the political community to which they accept to belong, by their religious affiliation, their cultural background and by the countless other dimensions that together build up a whole human being.

5. Ambiguity of postmodernism

Multiculturalism requires *teaching to live with differences*. Why? Samuel Huntington predicts that future conflicts will be more determined by *cultural factors* than by economic and ideological ones. Nations and people need to develop a deeper understanding of the religious and philosophical conceptions of other civilizations. *The central and most dangerous dimension of the emerging global policy will be conflict between groups of different civilizations, and it warns and urges intercultural education. It is necessary to establish interaction between all these cultures without deleting the specific identity of each one of them.*

The first thing that sparks our attention in postmodern society is the apparent emphasis on what has been called the *moral debate*. The religious reflection of global explanations, which maintained some moral demands, has been replaced by the direct discussion of *moral issues*. The surprising effect for an observer is that, for example, there is a requirement that the various religious positions adapt themselves to successive *moral demands*, or rather to the moral laxity so widespread among our peers. *A kind of relativity, or relativism, seems to affect all values.* On the other hand, we can say that we keep being anchored in the ambiguity of postmodernism.

6. “The Charlie issue” or how to approach/treat divergences on common values, human rights and freedom of expression

So far, the problem of the foundations of the values was extremely simple: *“God had offered laws to humans so they could do the right thing. On the other hand, in the secular context of the very close societies, the situation was similar, as ethical precepts were deeply internalized. Obeying and respecting the values were obvious attitudes.”* Things change with increasing autonomy and individual responsibility, to the point where it is considered that the imperative no longer comes from God, neither religion, nor state, nor society, but from the individual himself.

According to Heiner Bielefeldt, the UN Special Rapporteur for freedom of religion or belief, *to divide the idea of human rights into “Western,” “Islamic,” and other culturally defined conceptions, however, would be the end of universal human rights.* The language of human rights would thus simply be turned into a rhetorical weapon for intercultural competition. We have to find a way out of

the predicament of *cultural relativism* versus *cultural imperialism*. What is needed is a critical defense of universal human rights in a way that gives room – and I stress creating room – for different cultural and religious interpretations and, at the same time, avoids the pitfalls of cultural essentialism. We understand human rights as the center of a cross-cultural “overlapping consensus” (J. Rawls) on basic normative standards in our increasingly multi-cultural societies. The “overlapping consensus” is an ideal for a pluralistic modern society, not a description of the status quo. On the one hand, it opens up the conceptual space for a plurality of different worldviews, ideologies, religions, philosophical doctrines, etc.⁴⁰

We have seen the divergence expressed by the slogan: “I am Charlie” and “I am not Charlie.” Why? Is it possible to be “Charlie” and at the same time, not be “Charlie”? What does it mean to emphasize “I am Charlie” yet also stress that: “I am not Charlie”?

Saying “I am Charlie” means that we strongly condemn the terrorism, the loss of human lives, but also recognize and emphasize that freedom of expression is fundamental to all human beings and has to be protected by national and international law; nobody can take away and “kill” this freedom. Saying “I’m not Charlie” is to stress that it is advisable to express ourselves with prudence and respect, especially when we know that our “language” (in word or art form) affects the sensitivities of the *forum internum* of one person or religion. We must take into account certain limits that I self-impose on my freedom of expression, with the purpose of respecting the feelings and dignity of others or matters related to their religion.

An interesting book on “*Youth transforming conflict*” prepared in partnership between the European Commission and the Council of Europe, approaches the *freedom of expression* from an interesting and (why not?) wise perspective. Whereas many reject the idea that some things simply must not be criticized, British historian Timothy Garden Ash reminds us that *freedom of expression does not mean that anyone should be allowed to say anything, anywhere and anytime, and, therefore, of how delicate this debate can be. To have respect for the other and to live together in peace, one must self-impose limits and be aware of what one can and cannot say in public.*⁴¹

40 Heiner Bielefeldt, “Western” Versus “Islamic” Human Rights Conceptions? A Critique of Cultural Essentialism in the Discussion on Human Rights.

41 Yael Ohana, *Youth transforming conflict*. T-Kit *Youth transforming conflict*, Partnership between the European Commission and the Council of Europe in the field of youth, Council of Europe Publishing, October 2012.

In any case, physical violence can never be considered a legitimate reaction to an offense, either verbal or written in nature, to a person or religion.

What should prevail: *freedom* OR *security*? I will rectify this saying: *freedom AND security* should prevail.⁴² Is *religion* “guilty” for the actions perpetrated by terrorists who act in the name of religion (Islam)? Never!

7. Migration and the refugee issue

Matters relating to the refugee issue are being extensively debated at the European Union and the United Nations level. Some concerns are related to the cultural and religious backgrounds of the refugees.

III. Regional and International Attitudes

1. *No consensus among key participants nor about application*
2. *Less cooperation*
3. *No common model*
4. *Ineffective rules and absent enforcement*
5. *Exclusionary spheres of interest*

Regarding the international context of the sensitive issues of the human rights concerned, and also looking to the policy makers and international actors we can observe the following attitudes:⁴³

1. No consensus among key participants and about application

Now international affairs take place on a global basis, and there is no consensus among the major actors about the rules and limits guiding the process of solving worldwide problems. The result is mounting tension. In the world of geopolitics, the order established and proclaimed as universal by the Western countries stands at a turning point. Its nostrums are understood globally, but there is no consensus about their application; indeed, concepts such as democracy, human rights, and international law are given such divergent interpretations that warring parties regularly invoke them against each other as battle cries.

⁴² This issue will be developed as a special topic in one of the next editions of the *Conscience and Liberty* magazine.

⁴³ Henry Kissinger, *Diplomatia*, Simon & Schuster Paperbacks, trad. Mircea Stefanu, 2013.

2. Less (regional and international) cooperation

Nations have pursued self-interest more frequently than high-minded principle, and have competed more than they have cooperated. There is little evidence to suggest that this age-old mode of behavior has changed, or that it is likely to change in the decades ahead.

3. No common model

*Every partner (power) has a different model, and has in fact, pursued a concept of international relations drawn from its history and based on its expertise.*⁴⁴

4. Ineffective rules and absent enforcement on application

The system's rules have been promulgated but have proven ineffective due to the lack of active enforcement. The pledge of partnership and community has in some regions been replaced, or at least accompanied, by a harder-edged testing of limits...

5. Exclusionary spheres of interest

*More elemental forms of identity are celebrated as the basis for exclusionary spheres of interest. The result is a world of increasingly contradictory realities. It must not be assumed that, left unattended, these trends will at some point reconcile automatically to a world of balance and cooperation – or even any order at all.*⁴⁵

IV. Some Proposals

Evidently, there are *challenges* to the freedom of religion in today's world. What about the *guarantees*? What about *solutions*? What about the tools which can be used and which have a practical efficiency?

The issue of the dignity of every person and of protected life – in the context of wars and migration, the issue of human rights and freedom of religion and freedom of expression – in the context of violence and terrorism in the name of religion – need *an international cooperation and order, a strategic plan with an effective mechanism and an active application* and require respect for human rights and fundamental freedoms, on the basis of principles, values, international cooperation and coordination.

⁴⁴ Idem, p. 716 .

⁴⁵ Henry Kissinger, *World Order*, Penguin Group, New York, 2014, p. 364. 365.

Practical proposals:

1. *Dialogue and communication between cultures, religions and governments.*
2. *Coordination (of dialogue and measures) between different categories of stakeholders (see the project initiated by the AIDLR named "Dialogue five").*
3. *Train the trainers. Education and training in principles, common values, the culture of respect and non-discrimination for all people.*
4. *Defending not a religion or a church...but the Principle of religious liberty, freedom of conscience and freedom of expression for all people.*
5. *Prudence and balance regarding divergences*

1. Dialogue and communication between cultures, religions and governments. Some suggestions for useful dialogue:

- a. *We need a positive practice of tolerance.*

It's easy to believe that you are tolerant just by the fact that you are different. The power reserves its actions in case some want to coercively impose their religion, morals or politics, limiting the freedom of others and hindering the free exercise of allowing the opportunity for free thinking. *Active tolerance requires the practice of recognition of others.* Is the religious act a basic component of the human being and his development as a citizen of the world? Of course! Knowing the features of reality that surround us: the conceptions of the world, man and society are a form of knowing what a moral involves. They at least have the values to be the beliefs (and experiences) of the other, my neighbor. If I do not know the ideas, emotions and hopes of another, I cannot know or respect him. I cannot practice active tolerance towards him and I will project a false image of him that will prove unjust and oppressive.

- b. *We are equal and we are different, that means we need to be tolerant.*

It is possible to spend time with others as equals whilst appreciating our differences and be mutually enriched from these differences. Tolerance is *respect for diversity through our common humanity.* In a UNESCO document, the school is defined as the place *par excellence* where tolerance is exercised, human rights are respected, democracy is practiced and where the diversity and wealth of cultural identities can be learned.

c. *Creating a climate of tolerance.*

The climate of tolerance starts through eliminating the factors that threaten peace and democracy, namely: violence, xenophobia, racism, aggressive nationalism and fundamentalism, violations of human rights, religious intolerance, terrorism and the growing gap between rich and poor countries.

We should consider religious diversity as useful for our times. But it becomes a negative when the state religion is set in law or in fact, when there is an obligation to belong to a particular religion or those persons or institutions linked to another religion are deliberately excluded. Religious intolerance often leads to hatred, division and war. Religious people too often betray the noble ideals they themselves have preached.

2. Coordination of dialogue and measures between (at least) five categories of stakeholders

To demonstrate the efficiency of the holistic approach, the International Association for the Defense of Religious Liberty (AIDLR) initiated a new paradigm project named “**Dialogue five**”: **diplomatic, political, religious, academia, and civil society representatives working together**. The AIDLR and Human Rights Institute of the University Complutense of Madrid organized the International Conference hosted in Madrid at the Law Faculty of the Human Rights Institute on January 17, 2014. The theme was: “*In the Light of the Edict of Milan, Religious Freedom and Religious Minorities in the World: New Balance or New Challenges?*”

Regarding the importance of this holistic framework initiated and proposed through the International Association for the Defense of Religious Liberty, I invite you to look to Heiner Bielefeld’s observations where he stressed:⁴⁶

a. *I attach great importance to the design of the Madrid Conference proposed by the International Association for the Defense of Religious Liberty, for the systematic consideration to have “five” different actors, i.e. the presence of five differing stakeholders of human rights at various levels of Human Rights Institutions.*

b. *We have human rights obligations at different levels: national, regional and international; and religious beliefs and human rights develop in different di-*

46 A/HRC/25/NGO/121 p. 4.

rections and can mutually undermine each other. We have the Council of Europe approach, the EU approach, various national approaches, the UN approach... Still I think as a matter of fact these different institutions sometimes are worlds of their own.” *“We need coordination: one purpose is to avoid a mutual undermining of the authority of human rights standards and for that reason we have to know one another better, to be aware of what’s happening, so from my perspective now working in the UN, it is very important to see what’s happening in the Council of Europe, in the EU, and in different countries...”*

c. *The structure and purpose of the Madrid Conference demonstrated how to avoid damage, risky situations or a loss of authority because one institution could be played off against other institutions; but of course there is also the positive opportunity to learn from one another, this is the task of “cross-fertilization.”*

d. *We do need these exchanges in order to know from one another’s activities how to mutually support and reinforce one another rather than possibly undermine each other without even knowing what we are doing.*

e. *The Madrid Conference really sets an example, this is something we have to do and is really something we should copy, it is good and useful; we should establish that on a regular basis in fact.*

f. *The aim of the AIDLR is to develop a consistent holistic framework at various levels and in institutions, and for the elements of infrastructure to fit together.*

3. To train the trainers – Continuous education and training of governments, parliaments, and religious and civil society representatives on common values, the culture of respect and non-discrimination.

Let us start by training the stakeholders and – first of all – the *policy makers* by education programs on freedom of conscience, religion, expression and values. The education of values is justified by the need for us as individuals to be engaged with certain ethical principles that help us to evaluate our own actions and those of others. Regarding these questions we have to be aware of some features regarding these values:

(a) Values are prescriptive beliefs or normative principles that suggest to us that a certain type of conduct is personally and socially preferable to others when we consider opposing or contradicting them (b) That the values are actually worthwhile (c) Reality is dynamic (d) Values are qualities that allow us to

make the world a better place (e) The values have dynamism and bring life to our actions.

The danger that threatens us today IS NOT, as some say, the clash of civilizations, but the absence of shared values.

Evidently, problems and changes in our world affect us all. Increasingly, there is a need for the role of values to be encouraged as promoters of the person and of society.

4. Defending – not a religion or church but a principle: the principle of freedom of religion for all people

When we consider the history and the current situations in some regions, we understand that it would be inappropriate for the *state to control the religious issue* (as each state must operate individually), but rather the separation between them. The state doesn't need to promote a religion but a principle, the principle of freedom of religion and freedom of expression for all people; in this way, the conflicts and violence should be better avoided.

5. Exhibiting *prudence* and *balance* on how we resolve the divergences

The freedom of expression is a fundamental freedom and has to be protected and respected by national and international law. In order to live together in peace, one must self-impose limits, to be aware of what one can and cannot say in public, to weigh up the consequences and much more, especially when we know our “language” may have an effect on the sensitivities of a person or their religion. We don't need to be in agreement with the religion or culture of others, but we have to respect the diversity and dignity of the other person's religion, identity and culture; we need interreligious and intercultural dialogue and in this way, we will know and respect each other better. While some people make mistakes regarding “freedom of expression” through genuine *ignorance*, others repeat these mistakes due to their *arrogance*; the latter is more conflictive and can create much more serious consequences. By respecting the other person's diversity, we support and protect the peace and security.

Very Final Thoughts

(a) *Every country of the United Nations, every country of the Council of Europe, every country of the European Union* needs to – and can – promote through

its example and its politics the Culture of Non-Discrimination, the Culture of Respect, Justice, Tolerance and Liberty for all people, religions, cultures and civilizations, religious minorities and for the dignity of each person.

(b) *Neither the Christian denominations, nor Muslims, Jews, Hindus, Buddhists, Bahai's or Communists and so on, have any moral right to exert pressure on another to accept their philosophies, beliefs or religion; they also have no right to prevent another from voluntarily sharing their teachings or to stop another from changing his or her religion.*

(c) *Governments should not have any right to impose an ideology or to discriminate against religious minorities or other belief minorities or to manifest discrimination, intolerance or persecution against the freedom of conscience of any persons who are different to them.*

Let us all promote respect towards differences in a society where various beliefs and cultures coexist.

My thanks again to the Ministry of Foreign Affairs and the International Cooperation of Italy for organizing in Treviso this practical international conference on "*Freedom of conscience, thought and religion: what limits social, economic and cultural progress?*" Only by working together as statesmen, scholars, politicians, religious leaders, diplomats, civil society representatives and journalists, will we see a positive outlook on the horizon of human rights and religious issues at a regional and international level.

Always, the International Association for the Defense of Religious Liberty (AIDLR) from Switzerland have been and will be by its expertise, strategy and vision, a serious partner and supporter to the governments, parliaments and to international and regional organizations such as the United Nations, the European Union, Council of Europe and O.S.C.E. in favor of the promotion and protection of principles of democracy, rule of law and no discrimination for religious minorities, in favor of respect for the dignity of every human being, fundamental freedoms and human rights, the principle of freedom of conscience, religion and expression for all people.

Let us be the Ambassadors for Freedom, Dignity and Peace!

Thank you Excellencies.

Christianophobic Demonstrations Inside & Outside the Western Sphere

*Joaquin Mantecon*⁴⁷

As I am a lawyer, my approach to this topic should be essentially from a legal standpoint. But without a doubt, this question is not easily dealt with from a judicial point of view alone. So I will be using aspects from both social and public opinion areas.

A few years ago, Bernard-Henry Levy, one of the most well known representatives of the New Left political party, was stating in the Milanese newspaper "Il Corriere della Sera," that Christians as a whole, on a global scale, are the most constantly, violently and heavily persecuted.⁴⁸ Anybody who attentively follows the international news is aware of this fact. The annual bulletin on world religious freedom, Kerk in Nood, would draw the same conclusion, looking in detail at each individual country.⁴⁹

Nonetheless, it seems to me that in the public view, there is no clear perception of the grandeur and importance of this phenomenon, when compared with the preoccupation with anti Islam or anti-Semitic accounts. This could be due to the fact that we are less accustomed to this in our Western Christianity.

It is a fact that Christians are a discriminated minority in many of the Islamic countries, where in most cases they are simply tolerated. In those countries, Christians cannot express any type of proselytism and the conversion to Christianity means, in many cases, the end of one's civil (social) life rather than physical. Even then, violent persecution as a response to conversion is not uncommon, as we can remember the case of the 21 Christians killed in Libya, the burning of churches in Iraq and Syria, the systematic destruction of Christian villages by Boko Haram in Nigeria, etc.

47 See note at the end of the text.

48 «Difendere tutti i perseguitati a cominciare dai cristiani d'Oriente» (http://archivistorico.corriere.it/2010/novembre/17/Difendere_tutti_perseguitati_cominciare_dai_co_9_101117057.shtml)

49 «Religious Freedom in the World. Report 2010» (<http://www.ain-es.org/informe2010/index.html>)

We can recognise the same lack of freedom and the same constraints from the authorities in communist countries such as China, Cuba, North Korea or Vietnam, where the governments exercise a tight vigilance over the hierarchy and the religious leaders. They prevent the manifestation of many outreach activities or the social support normally allocated to different pastoral activities in the churches. We also cannot forget the violent persecutions the Christians in some of the states in India are exposed to from Hindu officials, with its long list of deaths, destruction of churches and meeting places, without any protection from the local authorities.

Evidently, these situations are the result of false Christian stereotypes that exist in these countries.

Despite Christians living in those territories for many centuries prior to the Muslims' arrival, they are still identified as Westerners, colonisers or successors to the Crusaders, perceived as a potential threat and therefore watched very closely.

What results is a constant and growing migration of Christians who feel obligated to leave their land in an exodus of Biblical proportions. Have they stopped and wondered what would happen if the Muslims who live and work in Europe had to return to their countries due to anti Islamic pressure?

It becomes inevitable not to point out the weak, or lack of, reaction from western countries, which are in theory human rights champions, in view of the Christian discriminations and persecutions. Occasionally, there is also the impression that geostrategic or economical advantages hold more value than the defence of human rights. This is supported by the distinct intensity in responses to anti-Islamic or anti-Semitic cases.

It could be for this reason that in August 2014, during the Meeting for Friendship among the villages of Rimini, Italy, the secretary for relations between the Vatican and the States, Monsignor Dominique Mamberti, made an appeal to the international community to combat the phobia against Christians with the same determination that is given to Islamic and Semitic groups. He stated, "*We understand that the efficiency of the international action depends, greatly, on its credibility and its "inclusive" characteristic. In other words, it would be paradoxical to omit the adoption of concrete measures to ensure Christian freedom, or even better to create a new hierarchy of intolerances, especially when we are trying to eliminate discrimination and intolerances.*"⁵⁰

50 <http://blogs.periodistadigital.com/infordeus.php/2008/08/31/p186198>

However, we cannot forget that this Christian phobia is a phenomenon that is also affecting the Western Christianity, although in a different manner. There are, on the one hand, strong ideologically anti-religious currents, and on the other hand, specific anti-Christian and anti-clerical forces that create Christianophobic situations.

In Spain, Christianophobia is limited to the Catholic Church as the Protestants are to this day only a small minority, mainly unfairly discriminated against and ignored. The same can be said with certainty about a Protestantophobia from the Catholic majority and other confessional bodies, a phobia happily no longer present today (although, as my good friend Andavert can identify, there are still unpleasant remnants towards the Spanish protestants).

In Spain, the historical presence of a strong confessional State has, logically, led to anti-confessional, or more precisely anti-clerical reactions.

The traditional elements of these currents, in which the anti-religious and anti-clerical factors mix, were in parts from Masonry, the radical political parties, the Marxist parties and syndicates, and the anarchists.

The last civil war was an internal struggle, to death even, not just between opposing political factions but between two visions of life: one strongly marked by religious influence, and the other idealistically anti-religious and anti-clerical, which produced one of the most bloody religious persecutions in history with 13 bishops and over 7000 priests murdered in *odium religionis* (without taking into account the thousands of lay members killed for the simple reason of being known as practicing Catholics).

Interestingly, the wounds left by the civil war, which seemed cured after the transition to democracy, have recently been re-opened; and with them a series of ever growing anti-Catholic and anti-clerical initiatives, the last one being the request to demolish the Cross in the Valley of the fallen (Cruz del Valle de los Caidos) and to desecrate the Basilica in order to convert it into a museum in honour of the Francoist victims.⁵¹ And, more so, this request was not made by a marginal group but by an association legally registered and subsidised.

This is one of the most recurring stereotypes: identifying the Catholic Church with Francoism as a way to disqualify it without recourse. The cruci-

51 <http://www.europapress.es/madrid/noticia-foros-memoria-piden-voladura-gran-cruz-valle-caidos-exhumacion-restos-franco-20101118131844.html>

fixes in public places are an inheritance from the Francoist period (although it is forgotten that they were there long before Franco), and obviously they have to be taken down. The church also continues to be supported by public funds, as it was during Francoist times (and long before that), and therefore it cannot access any type of financing, etc. The current bishops of Bilbao and Solsona, for example, were 10 years old and 9 respectively, when Franco died. This is to say, the Spanish Catholic hierarchy in our days has very little to do with the Francoist era. And those Catholics that can remember Franco are in a very small minority, many in their old age.

Another recurring stereotype is that of considering the Catholic Church as an obscuring social and anti-democratic agent due to its radical pro-life, maternal and family views. But it doesn't end here. The church is also accused of wanting to impose its moral views on all society, abusively invading public space and forcing the democratic willingness of its citizens.

These ideas are assumed indiscriminately by the means of communication, which are the real creators of public opinions. So much so, that people with lower education and little ability to critically analyse the facts, end up convinced that things are really as the media says they are. A Christianophobic climate is then created, the same as in Muslim and Hindu countries. In the end, the Catholic Church, or the Catholics, are considered as *non grata* in the democratic world. Of course, we cannot throw them into the lions' dens as in the time of Rome, but we can label them as Fascists without the fear of having to explain themselves.

This permits public ridicule of the Catholic Church and the common Christian symbols on television, during so called arts exhibitions, in theatre plays, in newspapers and magazines, etc., without fear of any administrative norms or penalties put in place for similar cases being applied to them. These are then sold as courageous manifestations of the freedom of speech.

Quite recently an advert against AIDS, created by the youth of a political party, was stating, paraphrasing some of the words due to their nature: "*Blessed be the condom that takes away the AIDS of the world,*" with an image attached showing some hands holding a condom in the same way a priest would present a Holy object to the parishioners.⁵²

52 <http://www.youtube.com/watch?v=Bq3eKQjc1xw>

Of course, the Christians feel insulted and voice their feelings. But rarely do their protests materialise. This results in certain weariness on their part, who then end up going through the humiliation of the dictatorship of the politically correct freedom of expression, which in turn vindicates the anti-christian stereotypes and intolerance.

But there exists an even more subtle and destructive Christianophobic type that is being established in the Western world. The problem is that it is hard to identify it, as it appears to be a neutral phenomenon. There is no doubt that most of the intellectual, cultural, political and economic elite of the West considered themselves alien to the world of religion, which is perceived as a dark remnant of a past happily overcome. And in many other cases there is an active front against the Christian religion and everything that the culture stands for.

What may be the reasons for this? Probably prejudices inherited from the Age of Enlightenment and the French Revolution, like the idealistic philosophical systems and Marxism-Leninism. These ideological currents keep alive such anti-Christian prejudices and defend a model of society where anything to do with religion is absolutely residual. This last justification is sought in the principle of tolerance, conceived as absolute relativism, and paradoxically erected as a new official dogma.

We can identify in that paragraph the profoundly ideological administrative and legislative measures which, without responding to a clear social need, end up imposing models of conduct that, seemingly neutral, end up in measures that go against the convictions of an important sector of the population. I am referring to the laws that are an expression of the gender ideology. No matter how legitimate they are formally and materially, to not allow a possible response from the conscience, they show a worrying lack of awareness of the real meaning of religious freedom and belief. We should remember that it does not seem acceptable that the State assumes, even as a display, any form of ideology. The State does not have any official religion or ideology. The era of official ideologies ended, thank goodness, with the end of Nazism, Fascism and Communism.

It has been rightly pointed out in this respect that, despite their promoters' claims, these measures did not help expand the boundaries of freedom. In actual fact, these measures were doing away with values strongly anchored in society and imposing what many considered to be anti values. The result becomes an unacceptable fallacy claiming to have a neutral standpoint, when in reality it is clearly achieving a division of society.

Even in Spain we see these anti-Christian demonstrations that, dare I say, are increasing in number. On one hand we find those that are clearly anti-clerical, offensive and scandalous, which rely on a self-defined freedom of expression. On the other hand we find a series of initiatives of all sorts – cultural, administrative, political – which, being neutral in principle or, better said, not directly antireligious or specifically anti-Christian, affect the religious values of a significant number of the population.

I suppose that, besides undeniable historical causes, the Christians are also to blame in this situation. There may have been errors, or we could say, tactics. However, over all, I think this has to do with the Spanish Catholics and especially the hierarchy, who have tried to assimilate change from a strictly confessional and authoritarian society to one that is non-confessional and democratic; and as for the latter, they did not know how to sell their values in a convincing manner. But experience helps with learning. And one of the lessons we can take from this is to not wait for salvation from those who cannot provide it, that is to say, the politicians.

The Christians will have to get used to living, like yeast in an antireligious or irreligious mix, as owners of irrevocable rights and, without too much disruption, will have to use any means available to defend those rights.

Allow me please to mention, before finishing, as it seems only fair, those religious phobias against other denominations in minority in our country.

Is there anti-Semitism in Spain? I am sure it exists, although in my opinion it is clearly a very small phenomenon closely linked to Nazi and Fascist groups. It certainly does not seem to be expanding, and the Penal Code seems sufficient to counteract it without having to lower their guard. The duty of prevention will always be important and necessary. However, Islamophobia has a greater extent and intensity. Islam, in general, causes a certain mistrust associated with being different or unknown. From here to a phobia is only a step. In this case, one needs to be aware of the distorted image that the media gives to Islam, many times driven by prejudices and negative stereotypes. The most noted exhibition of such feelings seem to be protests, in the form of gathering signatures or demonstrations from the locals in certain neighbourhoods where there is a request to build a mosque. However, generally speaking, the violent attacks against Muslims are exceptionally rare.

As for the Protestant minority, there can't be said there is much phobia against them. There had been some in the first few decades of Francoism but has thankfully disappeared in today's age. The Protestant churches are well integrated into our country, and some are even well known. One of those churches is the Seventh-day Adventist Church, much appreciated for their health and education publications, their schools and social involvement such as the great work of ADRA. This denomination is putting in a steady effort towards achieving religious freedom and tolerance amongst all faiths.

National and international government representatives have noted and appreciated the work of the Seventh-day Adventist Church, as an important player in the culture of respect and diversity and in interreligious exchanges. The need for coordination amongst all international religious stakeholders, and for upholding the principle of religious liberty and freedom of conscience for all, regardless of denomination or belief, has always been stressed.

Initiatives like this undoubtedly contribute to creating a climate of mutual understanding and tolerance between religions, emanating a sense of peace rather than worry, conflict or phobias.

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- » Scientiae Juridicae Doctor, University of Granada, Spain.
- » Professor of Law, University of Cantabria (Santander, Spain).
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- » Member of the Royal Academy of Jurisprudence and Legislation (Madrid).
- » Member of the Honorary Committee and Consultative Board of the International Association for the Defense of Religious Liberty, Bern (Switzerland).
- » Member of the Advisory Board of the «Anuario de Derecho Eclesiástico del Estado» and of the external Advisory Council of the «Revista General de Derecho Canónico y Derecho Eclesiástico del Estado».
- » Advisor to the Legal Affairs Commission of the Conference of Spanish Bishops.
- » Elected member of the Senate and of the Board of Regents of the University of Cantabria.

- » Vice Dean of the School of Law at the University of Cantabria.
- » Secretary of the «*Instituto para el Estudio de la Libertad Religiosa*» (Institute for the Study of Religious Freedom), Madrid.
- » Founder member of the «*Consortio Latinoamericano de Libertad Religiosa*» (Latin American Consortium for Religious Freedom), Lima (Peru).
- » Member of the National Advisory Council on Religious Freedom.
- » Representative of Spain (Ministry of Justice) in several conferences and international forums on religious freedom.
- » Decorated with the Cross of the San Raimundo de Peñafort's Order, for distinguished jurists.
- » He has been:
- » Vice General Director of Coordination and Promotion of Religious Freedom, and Vice General Director of the Religious Entities Register, at the Spanish Ministry of Justice.
- » Member of the follow-up commissions of the Cooperation Agreements of the State with the Jewish, Evangelical and Islamic Federations.
- » Director of the Permanent Seminary on Human Rights at the University of Jaén.
- » Member of the Legal Affairs Commission of the COMECE (Brussels).

Three Monitoring Bodies, One Common Purpose

*(an abstract on the mechanisms of the Council of Europe
dealing with national minorities, their languages
and combating of discrimination)*

Alexey Kozhemyakov⁵³

Europe has built a unique and unprecedented mechanism for the protection, enforcement and promotion of human rights regarding national minorities, their languages and anti-discrimination. Beyond the promotion of the human rights through its international conventions and numerous activities of its different organs of general competence (such as the Secretary General, the Committee of Ministers, the Parliamentary Assembly, the Human Rights Commissioner, the Congress of Local and Regional Authorities, the Conference of International Non-Governmental Organisations, and last but not least the European Court of Court of Human Rights), there are three monitoring mechanisms of the Council of Europe (CoE) which have a specific vocation to make their contribution to the human-rights protection in such sensitive domains as minorities, their languages and anti-discrimination. Their names are Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM, 1994), European Commission against Racism and Intolerance (ECRI, 1993), and the Committee of Experts of the European Charter for Regional or Minority Languages (ECRML, 1992). All of them in different degrees, dependent on their statutory purposes, are directly or indirectly contributing to the freedom of conscience, religious liberty and more generally to the cultural diversity in greater Europe; or rather they are creating a favourable climate for the use of such liberties.

An excellent occasion to represent the results of work by the CoE in this domain was the conference organised jointly by Universidad Complutense de Madrid, Faculty of Law and Human Rights Institute (Prof. Jose Miguel Serrano Ruiz-Calderon) and the International Association for the

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Defense of Religious Liberty (Dr. Liviu Olteanu) held in Madrid, Spain on January 17-18, 2014. Its title was “Human rights and religious liberty in the world: a new balance or new challenges.” This event was probably the first one where gathered together were a very impressive number of representatives of all leading international institutions acting in the field of minorities protection and freedom of religion and belief, as well as high Spanish officials, academic, media, civil society and different religious groups’ representatives.⁵⁴ Such a multi-institutional, – professional and – civil societies’ strata representative gathering should be welcome in the future bearing in mind that a sectorial and “administrative” approach could hardly meet the whole complexity of the proposed agenda.

Returning to the CoE, you could see from the dates of establishment (or opening for participation) that these three monitoring bodies were established in the early 90’s, so soon after the remaking of the political map of the East and South East of Europe, and under the pressure of new challenges coming from these areas. At the same time, this new development coincided with more general changes through the societies of “old” and “new” Europe: the traditional nationalism of states was gradually changing from national, ethnic and religious homogeneity leaving more space for new cultures and identities bringing new diversities into European societies. So, the establishment of these new bodies within the CoE (created in 1949) was an authentic reply to the new realities a half-century later.

The extensive information about FCNM, ECRI and ECRML, and related expert’s opinions are available at the CoE sites and respectively on www.coe.int/minorities, www.coe.int/ecri, www.coe.int/minlang. However some brief overview could be useful to present the profiles of these various activities from the point of view of their contributions to the consolidation of religious liberty in Europe.

The FCNM (ratified at present by 41 states) aims at protecting minority rights in fields ranging from media and education to discrimination and participation. Many of its articles (see Art.5, 6, 7, 17) explicitly mention religion as an essential element of the wellness of national minorities, which has an impact on the identity, freedom, manifestation, cultural development and non-discrimination of minorities. The Framework Convention is coupled with a dynamic monitoring mechanism, following periodical states’ reports, and designed to

⁵⁴ For more details see the UN General Assembly document: A/HRC/25/NGO/121; Distr.: General, 4 March 2014, English only.

foster constructive dialogue with all the parties concerned. The monitoring mechanism involves country visits and country specific opinions by the Advisory Committee of independent experts. These form the basis for the Committee of Ministers' conclusions and recommendations. Direct dialogue between the Advisory Committee and the representatives of national minorities and civil society is pursued during the visits and follow-up activities. The monitoring process could reveal specific shortcomings in the implementation of important principles in the Framework Convention in a given country and its purpose consists in producing specific and precise recommendations about advancements in legislative and institutional terms but also improvements in actual practices to produce positive impact on the situation of national minorities.

The ECRI is entrusted with combating racism, racial discrimination, xenophobia, anti-Semitism and intolerance based on the provisions of the European Convention on Human Rights, its additional protocols and related case-law of the European Court on Human Rights. Being a non-convention based body, the Commission's activity is anchoring in the international human rights framework. It is composed of independent members and, after thorough preparatory work, carries out regular country monitoring. With the view of sensitive nature of discussed issues, the resulting country reports are published following a confidential dialogue with the national authorities. ECRI reviews member states' legislation, policies and other measures, including their application, implementation and effectiveness. ECRI then proposes concrete and practical advices on how to tackle problems of racism and intolerance in the country. Beyond the country reports, ECRI also elaborates on General Policy Recommendations (14 at present) addressed to the governments with detailed guidelines which policy-makers are invited to use when drawing up national strategies and policies in a variety of fields. It is to be mentioned that issues related to religion are somehow "transversal" through the whole activity of the Commission, since the ground of "religion" is one of those covered by the concept of "modern day racism."

The ECRML (ratified at present by 25 states) is the European legal frame of reference for the protection and promotion of languages (languages *per se*, and not national minorities are subject to regulation by the Charter) used by traditional national and ethnic minorities (languages of migrants are not covered by this treaty). The Charter obliges its states' parties to actively promote the use of minority languages in virtually all domains of public life:

education, courts, administration, media, culture, economic and social life, and trans-frontier co-operation. The Charter also provides for a monitoring mechanism to evaluate at three-yearly intervals (five years for two above described bodies) how the treaty is applied. The Committee of Experts of the ECRML is responsible for evaluation how state parties comply with its undertakings, to recommend improvements in legislation, policy and practice, and to report to the Committee of Ministers. It is clear that this convention, taking into account its provisions, is to a lesser extent concerned by the issues related to religion. However, its indirect impact to the situation of traditional religious minorities speaking regional or minority languages different to the official one, in particular the use of these languages during religious services and publishing of related literature, should not be underestimated.

The distinctive character of the European model of minorities protection lies, in particular, in the legally binding character of its standards, in case of two convention based mechanisms (FCNM and the ECRML), and political obligation of the member-states of the CoE (see Committee of Ministers Resolution (2002)8) as to the ECRI purposes and functioning concerned. It should be taken into account its wide geographical scope (although each conventional monitoring covers yet different number of states-parties). This mechanism represents at the end an overall and mutually-reinforcing system. The purpose of the monitoring is to identify any shortcomings, but also good practices in the compliance with the Council of Europe standards. The monitoring also serves to indicate appropriate remedies and possible needs for Council of Europe assistance in their implementation.

Three bodies are certainly acting each in its own way, but have nevertheless some similar important features: they are independent (in the sense that each expert from one of 47 member-states does not represent the governments but acts independently), all are based on the international human rights framework, all are considering the "positive action" (targeting prevention and effective remedies), and not a simple "statement" as the main purpose of activity, possess their own monitoring mechanism that put their work into the context of regular and non-stop critical consideration of actuality, and last but not least ensure transparency to the large public of its results. These activities have important advantages for each other: they are transparent, since after the adoption of their results by the Committee of Ministers the reports are open to the public, and their activities are supposed to be carried out in close contact with the civil societies of all states involved, in particular through the legally established NGOs. The activities of three

important monitoring bodies of the CoE have two other important advantages: they are transparent since after the adoption of their results by the Committee of Ministers, reports are open to the public, and their activities are supposed to be carried out in close contact with the civil societies of all states involved, in particular through the legally established NGOs. So these bodies are open for all Europeans and are waiting for their active involvement.

It is not by game of chance that these three monitoring bodies were finally brought together within the Department of National Minorities and Anti-Discrimination in the Directorate General II – Democracy in the Secretariat General of the CoE at the end of years 2000th. This structural change reflected the natural inter-connection of three bodies, and the political will of the Organisation to have these three monitoring under the same “roof” for the purpose of their better coordination and strengthening of the impact of the CoE in this domain. These sectors, including to a different degree their “religious dimension” are of crucial importance for establishing the European model for the protection of human rights, democracy and the rule of law. Many examples of increased efforts to enhance synergies not just between the above CoE “kin monitoring mechanisms” but also between key external partners, i.e. the CoE and the OSCE High Commissioner on National Minorities working in the area of minorities have been registered during recent years.

At the same time we could realise the rise of new threats to our common European political, social and institutional model and some of the most worrying challenges concern issues which, at least to a certain extent, are connected with these three domains considered briefly above (minorities, their languages, discrimination).

It is to be underlined that the most common problem identified for overwhelming the majority of member-states of the CoE remains different forms of discrimination! And under some historical circumstances the cumulative effect of the accumulated insufficiencies in this field, such as interruption of dialogue, a growing wave of hate speech, of verbal and sometimes physical violence against minorities, including on ethnic and religious grounds which could provoke an explosion.

The notion of “deep security” resulting from the continent-wide compliance with European human rights, democratic and rule of law standards, in particular concerning national minorities, their languages and combating discrimination – has its antipode – namely, deep insecurity.

Europe is again at the crossroads.

Governance, Non-Discrimination, and Religious Minorities in the European Union

*Jaime Rossell Granados*⁵⁵

1.- Introduction

For some decades, and as a result of migration processes, among other factors, the EU has become a multi-religious society that has broken with Christian hegemony. This reality has led to the emergence of situations, following the exercise of religious freedom for both individuals and groups, which has involved the modification of the different national legal systems. From my point of view, the issue in Europe today is not whether the right to religious freedom is secured from the legal point of view, but if these religious groups, which are a minority, are integrated into the host societies. Or if instead, religious specificity, the religious element, entails social exclusion by understanding that there is a rejection by society toward its practices and beliefs.

In the past, several models of integration have been developed by these communities in different European countries, but they have not yielded the results that might have been expected. Events taking place in countries like France, UK, Netherlands, Belgium, Spain, Italy and Germany show us on the one hand a society that sometimes is not able to tackle racist incidents or discriminatory situations and, on the other hand, how people belonging to these religious minorities have no interest in their integration into the host society by not accepting certain rules of conduct.

Among all possible models, perhaps the right tool for searching for social cohesion that allows us to speak of a true integration of minorities in society basically rests on three pillars: a) To promote equal rights for people; b) Respect for fundamental freedoms; c) Political participation of individuals belonging to these minorities.

We understand that the last one, political participation of minorities, is an essential condition for ensuring a collective identity of belonging to a

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community, ultimately for social cohesion, and therefore has to become one of the goals. The Human Rights Council and the United Nations Forum on Minority Issues, which takes place regularly in Geneva, has advocated on several occasions in this regard. The issue will be determining how a true integration of religious minorities can be achieved, through their participation in the public sphere, in order to generate the desired social cohesion. Governance thus becomes an important tool.

To make this possible, the State must recognize the right of participation of individuals and groups beyond simple political representation, because sometimes this is not enough for some social actors to be heard. In that sense, the recognition of civil and political rights to groups has been a constant in the UN, and the right to effective participation of minorities has been included in different international texts. With regard to religious minorities, it has even been explicitly reflected in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 1992⁵⁶ in Article 2. It is about ensuring the participation of minorities in public life, especially in relation to decisions that affect them in their successful integration, and so was also established in the Durban Declaration of 2001 and the Forum on Minority Issues.

Clearly, «the participation of minorities in political and social processes at the national level, their contribution to policy-making and participating in (and benefiting from) public services could be useful in combating marginalization and exclusion.»⁵⁷ Therefore, «States which welcome the participation and integration of minorities tend not only to be more stable, but also more prosperous.»⁵⁸

However, to ensure the participation is real and effective, several requirements must be met: a) First a state recognizing religious minorities as such; b) Secondly, in order to make this participation possible, “a continuing and substantive dialogue is required in order to ensure the effective participation of women and men belonging to minorities in their society. This dialogue should be multidirectional: it must involve persons belonging to minorities as well as the majority, and it also must be between persons belonging to minorities and

56 A/RES/47/135

57 As mentioned by Ms. Gay McDougall Independent Expert in its Background Document on minorities and effective political participation, submitted to the Human Rights Council at the Forum on Minority Issues, 2009. Vid. A/HRC/FMI/2009/3.

58 Human Rights Committee, General Comment No. 25 (1996), para. 12

the authorities” as noted McDougall⁵⁹; c) Finally, it must also be an intercultural and interreligious dialogue involving not only the leaders but also grassroots communities.

In this regard, the Independent Expert on minority issues, Rita Izsák, in her 2012 Report⁶⁰ states that “establishing institutional mechanisms to promote interfaith dialogue helps build bridges between faith groups that may have become increasingly polarized and distrustful. The value of permanent institutionalized participatory and intercultural dialogue mechanisms is emphasized by the Independent Expert. Such mechanisms not only benefit minority communities, but are also essential for eliminating exclusionary practices and changing discriminatory perceptions in respect of minorities, which may exist in wider society and may be institutionalized. Addressing ‘institutional racism’ remains a challenge in many states and requires activities to promote participation and dialogue focused not only on minorities, but on all sectors of society.”⁶¹ This interfaith dialogue can help resolve disputes and maintain stability in a multi-religious society.

In the same way, it is also necessary to establish institutional consultative mechanisms, which can provide «meaningful opportunities to participate in a complementary manner when there is no representation in elected bodies because the minority community is too small to have an impact on an election.»⁶²

Nor must we forget in that process the collaboration of civil society and NGOs. These are often the most active defenders of the rights of minorities and they carry specific programs aimed at grassroots communities. Institutional cooperation with NGOs allow the acquisition of a specialized knowledge of the different issues that concern or affect minorities and extends the capacity for action of state bodies. In fact, collaboration between civil society groups, ethnic or religious associations and local or national authorities can provide opportunities for dialogue and understanding between communities and authorities. In this sense, how have the EU and the different partner countries addressed these recommendations from the international community? In our multi-religious society, can minorities become an element of social cohesion through this participation?

59 A/HRC/FMI/2009/3

60 A/67/293

61 Ibid.

62 Ibid.

2. Governance, non-discrimination and religious minorities in the EU

The EU is a political organization with a multilevel and polycentric government that encompasses a variety of cultures, languages, memories, habits, etc. that form a heterogeneous and diverse society. This, along with the complexity of the decision making process in the institutions, means that we find in most cases a more competitive and dynamic model of government than those in the national systems, since the negotiation processes have a great importance in making certain legislative decisions. This circumstance provides greater accessibility to organized groups or lobbys to influence the UE decisions and policies, although it also generates some suspicions regarding the so-called democratic accountability.

For this reason, more than a decade ago the EU raised as one of its main strategic objectives, governance reform.⁶³ And, how have models of governance in the EU been proposed regarding religious minorities? Perhaps one of the most important objectives of supranational and international law is the protection of the people that, for structural reasons, are discriminated under the domestic law of the different countries. Indeed, EU law has a set of provisions that protect persons belonging to a minority.

But the fact is there is no comprehensive EU policy on the protection of minorities through legislation because the EU does not have the competence to harmonize the law related to diversity management. In fact, the member states have autonomy from the EU regarding the essential mechanisms of the organization of fundamental rights protection, explicitly mentioned by the European Charter of Fundamental Rights in its Article 51 that recognizes the principle of subsidiarity.

However, the adoption of Article 19 of the Treaty on the Functioning of the European Union reflects the growing recognition of the need to develop a coherent and integrated approach in the fight against discrimination. For this reason the EU, in order to strengthen the principle of non-discrimination and on the basis of former Article 13 of the Treaty, adopted a series of directives through the Council.⁶⁴ Considering the subject of my presentation, I will focus on Directive 2000/78/EC, the employment equality framework directive,

63 Concerned about these issues the European Commission published on 25 July 2001, "The European governance. A White Paper", COM (2001) 428 Final.

64 Vid., Directive 2000/43, Directive 2000/78, Directive 2002/73 and Directive 2004/113/CE.

which makes a reference to non-discrimination on the grounds of religion or belief in the workplace, and that will allow me to make a brief observation on the governance system intended to be incorporated into national legislation.

This is the first regulatory text of the European Union expressly referring to the protection of the right to religious freedom of individuals and communities although applied to the work sphere. The Directive does not seek to protect the exercise of the fundamental right of religious freedom directly. Nor is it a text that contains an autonomous regulation of this fundamental right within the European legal system beyond its possible consideration as a general principle to be protected by the courts. This Directive simply contains an additional protection of this fundamental right.

As we see, the lack of a direct application of the rights contained in the Charter provokes that there is no uniform legislation, but at least a harmonization policy for the protection of persons belonging to minorities, which is based on a model of governance that has various actors. First, it is supported by various EU institutions such as the European Commission, the European Parliament, the Fundamental Rights Agency of the EU, the Network of Independent Experts of the EU on human rights and the European Ombudsman. They are the drivers of the legislative measures and the monitoring and advisory bodies on development, security and protection of fundamental rights.

But the Directive also refers to the intervention of a number of other social partners in the development and application of the law contained therein. A governance model in which both public and private actors are involved in the fight against discrimination. In this dialogue with social actors, the role played by religious confessions is essential as holders of the fundamental right of religious freedom, and also as the legitimate representatives of their faithful in those territories in which they are established.

Confessions, thus, become a point of reference in many countries when regulating the religious phenomenon in them. Regardless of the attitude of the country towards this phenomenon. We are speaking of EU countries like France, Greece, Spain, Italy Portugal or Germany that, though within the community framework, regulate their relations with religious groups differently. And this has much to do with the treatment that minorities will have in those countries.

However, the EU has understood the need to move forward in the consolidation of an anti-discrimination law. For this reason, in 2008 the Commission adopted a proposal for a directive implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or

sexual orientation. This project introduced a new set of concepts such as multiple discrimination, it established explicitly religion as an exception to the prohibition of discrimination and called upon Member States to create national bodies that would ensure, protect and promote equal treatment.

This is another example of a governance model in which minorities will have greater protection against discrimination and more active participation. Something that has been re-emphasized in the last Forum on Minority Issues held in Geneva in November 2013, stating its draft recommendations that “national human rights institutions should develop expertise on the religious diversity within the state concerned and actively ensure that challenges faced by religious groups are addressed in their work, including by, when appropriate, establishing a specialized unit and developing guidelines on religious minority issues, for example for employers. They should promote and ensure the representation of such religious diversity within their own secretariat and staff.”⁶⁵

But, as I noted at the beginning of my article, the mechanisms for effective participation of minorities should not end in the mechanisms of institutional representation, and often the creation of consultative mechanisms is needed. “Positive measures to ensure consultation with and participation of all religious minorities at all levels of society are required. The inclusion of religious minorities in consultative and decision-making bodies helps to ensure that their views, issues and concerns are taken into account,”⁶⁶ causing a greater integration of these groups and ultimately a greater social cohesion.

The Advisory Committees on Religious Freedom of Spain, founded in 1981, or in Portugal, created in 2001, are an example. The Spanish Advisory Committee on Religious Freedom has been recently amended,⁶⁷ expanding the number of religious confessions who attend as members of the Commission on equal terms (those deeply rooted and four more representatives) as well as its functions. Clearly, the presence of religious minorities in an advisory body of this nature ensures that their claims are heard by the government and that whenever legislation is enacted, religious specificity will be taken into account.

However, these measures are not enough to speak about effective participation of minorities in decision-making. The other essential pillar sits on the promotion of interreligious dialogue and its institutionalization. This was an idea advocated in the Forum on Minority Issues in 2013, which stat-

65 A/HRC/FMI/2013/3

66 Ibid.

67 Vid. RD 932/2013, November 29th. (BOE, December 16th December 2013).

ed that “States should consider creating or facilitating the establishment of national and regional institutions to promote interfaith dialogue and projects promoting a culture of understanding and a spirit of acceptance. The establishment of formal and informal institutions should be encouraged at both national and local levels, as well as platforms for dialogue where representatives of religious groups regularly meet to discuss issues of common interest,”⁶⁸ being promoted from the community levels. In such initiatives, “the potential of religious and political leaders in helping to build tolerant, inclusive societies and initiate and support such efforts and activities should be harnessed”⁶⁹ but we must not forget the role that young people and women can play.

Two examples of good practices in this regard are “Marseille Espérance” in France and the Stable Working Group of Religions in Spain. The first arises from a community initiative supported by the mayor of the city of Marseille. Is an example of a positive initiative designed to create dialogue and help avert the tensions between faith groups that, once having emerged, can lead to violence. Jewish, Christian, Buddhist and Muslim leaders meet regularly with city authorities to share views and maintain positive relations among communities. Founded in 1989 in response to growing urban violence, it promotes inter-community understanding through activities, including interfaith symposiums. A similar experience has emerged in Barcelona with the Stable Working Group of Religions in Spain (GTER). This is a group formed by the Catholic Church, which is the largest group, and those religious minorities with a presence in the región, Jewish, Christians, Muslims and Buddhist. Its functions include advising the community and local authorities over the management of the religious phenomenon and promoting a culture of peace and tolerance among the different religions which comprise the group. This way of working is intended to be exported to other regions of our territory, allowing these groups to work in a network and coordinated.

These examples bring me back to the beginning of my address, when I spoke of governance as a style of government, a good government through which political inclusion of the groups resulting in social inclusion can be achieved; because through political participation, the individual and the community become participants in a national project.

When the legal framework that will guarantee and protect the right to religious freedom of individuals and groups is defined, its development is nec-

68 A/HRC/FMI/2013/3

69 *Ibid.*

essary for making equality and non-discrimination of these subjects something tangible. In this process, reality shows us we need to count on the different relevant social partners in order to provide legitimacy to the process. It is not about giving voice to every believer or religious group claiming the right to it, but to articulate representation mechanisms and systems that enable the vast majority of them to be represented or at least be heard. Promoting the associative phenomenon within minorities and among them, and making them visible can be one of the ways. For this, the recognition of minorities by the state is necessary. But there are many other ways such as cooperation agreements as in Spain, Italy, Germany or Portugal; the creation of bodies to control and monitor the implementation of fundamental rights, as well as advisory bodies in which the part of civil society to whom the regulation of the religious phenomenon is addressed is also represented; the promotion and development of the work of the NGOs working with these groups, and the promotion of interreligious dialogue as a way to prevent violence and ensure the integration of different minorities. Trying to build a model of governance in the management of the religious phenomenon in which social partners can truly take part in decisions that affect them.

It is through active participation that the inculcation of the meaning of social responsibility and collective ownership will be achieved. Thus, the citizen will not be a simple consumer and vindicator of rights, but will also acquire the awareness of being bound by rights and obligations contained both in the international treaties on human rights and the domestic European legislations. By acting this way, the goal of social cohesion will be achieved.

Multinational Companies’ Corporate Social Responsibility in Light of Contemporary Global Challenges: Opening Pandora’s Box

*Susan Kerr*⁷⁰

Corporate Social Responsibility and Religious Freedom

This paper builds upon the existing literature on Corporate Social Responsibility (CSR) to offer reflections on a current trend advocated by the Business and Religious Freedom Foundation (RFBF), the UN Global Compact (2014) and authors such as Clark and Snyder (2014); that companies should use their CSR⁷¹ to defend and promote Freedom of Religion or Belief (FoRB), in addition to the more traditional areas of social action. Whilst various actors have encouraged multinational companies (MNCs) to consider their human rights impact and to promote human rights in their CSR, few had specifically advocated for CSR on FoRB.

Given the rise of the “due diligence” approach for companies’ human rights practices in international CSR standard-setting,⁷² I argue that it is, indeed, increasingly important for companies to consider the level of minorities’ FoRB in an area when determining how to engage in CSR programmes

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71 For the purposes of this paper, I only refer to non-core-business related CSR and actions taken by MNCs vis-à-vis external stakeholders in local communities.

72 See Taylor (2012) for an interesting discussion of international standards.

with local communities and promote projects that support this freedom. Where companies need to operate in areas with strong religious tensions, their activities may unconsciously perpetuate or support social patterns that exclude or discriminate against religious minorities and companies may be able to positively impact such patterns. Indeed, in conducting CSR, companies have both mitigated and exacerbated developing world problems with some offering emancipating CSR programmes and yet simultaneously (in) directly constraining sustainable development or human rights (Rasche, 2009:194; Goulbourne, 2003; International Alert, 2005; Cannon, 1994:42; Banerjee, 2007:145). Thus, it is important that they can identify transformative, emancipatory structures and behaviors.

Given the lack of time-depth behind initiatives and writings combining FoRB and CSR, an exhaustive analysis of their interaction would be premature and much groundwork remains to be done.⁷³ Thus, in this paper, I synthesize literary resources on the challenges to both CSR and religious minorities to raise points that companies may wish to consider in the design and implementation of CSR programmes on FoRB. These points are, of course, non-exhaustive as praxis will determine which factors are or will become important in different contexts.

What is CSR?

CSR, as a research field, lacks a Kuhnian normal scientific paradigm with a prevailing narrative that resolves conceptual tensions between normative descriptions of companies' social responsibilities, CSR's field of operation and how business functions (Lockett et al., 2006:133; Crane et al., 2008:4-7; Melé, 2008). Thus, it is used somewhat interchangeably with other overlapping cognate concepts, which describe its different facets⁷⁴. As such, companies

73 The purpose of this article is to open new lines of approach to this topic for subsequent treatment by the business community, policy-makers and scholars. I do not purport to have exhaustively or neatly unpacked each of the facets of this complex topic. Indeed, such a treatment would not be possible given the word limits allocated for papers of this journal's special edition on religious minorities. In order to assist those who are new to the topic, I have referenced works that expand upon some of the ideas set out throughout this paper.

74 These include: i) *Corporate Citizenship*, emphasising companies' public sphere involvement (Birch, 2001; Matten & Crane, 2005); ii) *Sustainable Business*, interlinking business, people and the environment so that their flourishing is mutually-dependent (Gladwin et al., 1995; Ramus & Montiel, 2005); iii) *Triple Bottom Line*, referring to companies' shift from a single financial bottom line to encompass social

have some flexibility to construct a version of CSR that suits their interests; however, CSR is constantly (re)defined through their dialectical relationships with stakeholders. Indeed, MNCs' practices negate, reproduce and transform the status quo (Kerr, 2013). Thus, as businesses actualise CSR in new areas, the very nature and norms that characterise this phenomenon change. The fact that the UN Global Compact (2014) has recently published a report on FoRB suggests that it is *becoming* a fully-fledged subcategory of human rights related CSR at the international level.

Why has FoRB specifically emerged as a CSR concern?

FoRB, as a human right enshrined in Article 18 of the UDHR, is a relative newcomer onto the CSR stage. Its emergence can be correlated to the rise of other international trends. I will discuss these briefly as they provide the context in which this new trend of CSR has emerged.

At a macro-level, it would be amiss to neglect the causal effects of an almost omnipresent causal mechanism, globalisation, in CSR's rise.⁷⁵ Globalisation has benefited businesses, whilst the governmental capacities of many developing countries have diminished, leading recent global CSR narratives to argue that businesses should respond to ever wider-ranging issues. (Sklair & Miller, 2010:474)

Moreover, against the backdrop of new intrastate *network wars*,⁷⁶ which are often characterised by ethnocultural violence that centres upon factors such as religious identity (Kymlicka, 1996), globalisation has also been linked to a

and environmental performances (Gray & Milne, 2002); iv) *Corporate Social Responsiveness*, which focuses upon how companies fulfill their responsibilities to stakeholders (Vercic & Grunig, 2000); v) *Corporate Philanthropy*, which emphasises recipients' inability to demand CSR (L'Etang, 1994; Porter & Kramer, 2002); vi) *Stakeholder Theory*, which assumes that values are an intrinsic part of doing business (Freeman et. al, 2004; Donaldson & Preston, 1995); vii) *Corporate Social Performance*, which is the configuration of socially responsible principles, policies, programmes, processes of responsiveness and observable outcomes in companies' social relationships (Wood, 1991; Sethi, 1975); viii) *Corporate Governance*, whereby companies exceed minimum requirements upon them (Schwab, 2008:110); and ix) *Social Entrepreneurship*, which is the transformation of socially and environmentally responsible ideas into products or services (Schwab, 2008:114).

75 *Globalisation* describes a dialectically interconnected set of discourses and real material transformations (Fairclough, 2010:452).

76 These wars are distinguished by absent, weak or predatory state institutions, the emergence of new and overlapping centres of authority, rising poverty and resource competition (See: Duffield, 2005:16; Rubin et al., 2001:6; Themnér & Wallensteen, 2012; Kaldor, 2005).

rise in religious fundamentalism. Indeed, fundamentalist movements tend to reject the multiple identities offered by globalization, trying “to impose their ‘constructed’ identity as the traditional or acceptable one” (Bengoa, 2000: 12), as the Da’ish militants in Iraq or Boko Haram in Nigeria. Such fundamentalism runs counter to a pluralistic society in which people of different faiths can co-exist as equal citizens.

Additionally, as countries that actively discriminate against certain religious communities (e.g. Burma and Vietnam) increasingly open up to trade (Rogers, 2014; CSW, 2014), if MNCs are to justify the gradualist approach of deciding to maintain operations and create wealth in countries that perpetrate such human rights violations, even if the goal is to bring incremental change, they will need to implement due diligence to avoid complicity.

Where could CSR on FoRB lead?

In my view, the aim of CSR that sets out to tackle human rights challenges should have human emancipation as its core aim. In a Bhaskarian sense, emancipation can be seen as the shedding of obstacles that oppress a community to enable the free flourishing of each member of society as a condition for the free flourishing of all (Bhaskar, 1993). This idea of a long-term commitment to help a community towards a “sustainable” model of development has been incorporated into CSR brochures and programmes. Transferring this concept into the language of FoRB, Seiple (2012:98) argues that “*sustainable religious freedom is the legally-protected and culturally-accepted opportunity to choose, change, share, or reject beliefs of any kind, including religious ones, and to bring those beliefs to public discussions.*” This is a vision of full citizenship rights for all, of positive and not negative freedom, of what Fredrik Barth calls a “*structuring of interaction, which allows the persistence of cultural differences*” and, as Longva (2012) argues, the most important indicator of its non-actualisation is the denial of rights enjoyed by the rest of society. Achieving a sustainable model of FoRB would entail the shedding of current patterns of discrimination and inequality and the creation of new structures.

The business case

As a CSR *rite of passage*, advocates for CSR on FoRB have shown their deference to companies’ need to increase profit, profitability and company-public relations, by appealing to the business case that investment on FoRB

can mutually benefit companies and society whilst not endangering their core business. This is a key argument used in the CSR literature for companies to use discretionary spending to help needy stakeholders (Porter & Kramer, 2002:257; Dunfee, 2008:346-347; Martin Curran, 2005; Frynas, 2008:278; Mazurkiewicz, 2004:6-7). The business case arguments for CSR spending on FoRB are compelling.

Hylton et al. (2008) show that the existence of “*laws burdening religion reduce economic growth and are positively associated with inequality.*” Moreover, empirical research by Grim et al. (2014) shows that FoRB contributes to better business outcomes as suggested by religious economies theory (Grim & Finke, 2007). At the macroeconomic level, they identify a positive relationship between global economic competitiveness and FoRB as exemplified by countries with lower government restrictions on religion having lower social hostilities involving religion. They also find a tandem effect, whereby the instability connected with rising religious restrictions is bad for businesses. For example, instability can decrease contract stability, disrupt companies’ activities and lowers investment opportunities.

Points for corporate reflection

I will now briefly discuss five points that MNCs should consider if engaging in CSR with religious minorities in the communities in which they operate.

1. The changing nature of religious minorities complicates their categorization and, thus, their identification

Religious minorities can be defined as a group whose collective religious conduct is different from that of the majority (Bengoa, 2000). However, a minority may have long coexisted with others as nations in a state or have arrived through immigration. It may have homelands or not.⁷⁷ Moreover, a minority’s existence is not static and changes diachronically. It may have previously been (or become) a majority or constitute a majority elsewhere. Its historical emergence and incorporation into a society shape its collective institutions, identities and aspirations (Kymlicka, 1996), so that no two groups

⁷⁷ The label of *indigenous people* has not yet been applied to a religious minority, although this may change if self-determination on religious grounds becomes accepted (Longva, 2012:9).

are exactly the same. The minority's relationship with society also changes in a dialectical relationship vis-à-vis other social groups. In a Buberian "I and thou" sense, the gaze of the other is definitional of a minority's identity and it should evolve so as not to be assimilated. Indeed, minorities can share many cultural values and practices with majorities.

Additionally, whilst religion may be one focus marker of a minority's social categorization, this is not unproblematic as identities are dynamic, changing, overlapping and somewhat porous and individuals may simultaneously belong to other social groups. Religious factors should not be considered in isolation; class, economic power and domestic and regional politics can also influence a minority's social capital and field (Longva, 2012)

2. Acknowledging or benefitting minorities can be politically sensitive and costly; as such, a one-size-fits-all approach to CSR on FoRB is unlikely to be successful

CSR is political in that its existence points to social absences that different levels of government have not met. In this vein, using CSR to promote (underdog) minorities' "fundamental freedoms," whilst morally responsible, implies that (top-dog) states are failing to perform their basic role of defending their citizens' human rights.

On the one hand, governments may actively promote inclusive policies with varying degrees of success and be grateful of MNC support.

On the other hand, some states may have self-interested reasons to actively promote or facilitate the domestic persecution of religious minorities. Religious minorities may be culturally but not politically loyal to a country or their links to diaspora, or overseas co-religionists may fuel suspicion, causing national governments to question their loyalty. As such, transnational networks can shape domestic policies vis-à-vis minorities.' (Longva, 2012:16)

Moreover, governments may prefer to seek a homogeneous citizenry. Indeed, the de facto or de jure recognition of minorities (or their absence) is politically strategic (Kymlicka, 1996). Even where a Constitution imposes a religion, excluding others, it may fail to specify a sectarian affiliation so that certain intra-religious minorities may not legally exist. (Longva, 2012:20)

In addition to non-recognition, a political elite may, for example, pursue ethnic cleansing or genocide, coercive assimilation, economic discrimination,

segregation, deny other political rights, discriminate through targeted social regulation, or cater to established religious groups' interests to raise support through financial subsidies, constitutional guarantees or other privileges. The potential negative long-term social or political consequences may be secondary to their short-term ability to maintain power. However, as Hylton et al. (2008:7) note, once negative church-state relations are established, governmental processes can be much more easily corrupted to favour certain groups over others in the distribution of posts or distortion of laws and law enforcement. Discrimination and marginalisation are tightly linked to minorities' poverty, particularly in the third world, which in turn can further exclude them from the global society and exacerbate ethnic, racial and religious differences and social hostilities (Bengoa, 2000:7-8). Such patterns are difficult to reverse as the dominant religions may feel threatened by rising concerns for minority rights and create a backlash. (Durham, 2011)

Importantly, religious minorities can both suffer and perpetrate structural and physical violence. Literature that depicts minorities simply as victims conveys the erroneous impression that they are not part of their societies, committing the Humean fallacy of saving one's little finger instead of the world of which it is itself a part. Whatever their role in causing any problems they face, communities often respond by mimicking the majority and participating in the hardening of identity boundaries, (re)producing patterns of mutually exclusive practices that can fuel conflict if unchecked (Longva, 2012). This complicates the task for those trying to identify the causes of violence; moreover, not only can the causal mechanisms that enable and/or hinder violence differ, but some causal powers may remain unactuated in one context, whilst triggering serious human rights violations in another.

3. Companies should avoid asymmetric relations

MNCs need to manage communities' expectations of what can be achieved through CSR programmes and avoid assistentialism. These challenges affect all CSR activities and need to be addressed at the initial community consultation processes before CSR activities begin. Indeed, CSR is not a panacea for long-standing structural problems in society. MNCs have struggled to achieve sustainable development projects and, as such, are unlikely to produce sustainable FoRB alone or overnight.

Related to this point, whatever the intention of the individual company, elitist egocentric atomicity⁷⁸ and abstract universalities⁷⁹ may prevail in a given country. The presence of MNCs and the wealth that they generate can help to perpetuate local elite interests or hinder change, thereby furthering asymmetric dependencies.

In this vein, international religious freedom, as CSR (see: Fleming & Jones, 2013), may be viewed (however justly) as being part of a Western imperialistic project. The morphing of public and private spheres where governments leave MNCs to act in their absence may also raise concerns over emergent forms of neo-corporatism and unaccountable power-sharing. (Holmqvist, 2009; Banerjee, 2007)

Practically, in implementing transformative praxis, MNCs cannot expect to change everything overnight, but they should engage with communities in a process of iterative and processual change, avoiding any imposition of alien structures. Societal make-up is inevitably influenced by a conscious scrutiny of some beliefs and an unconscious acceptance of others; thus, praxis is determined by *totems and taboos*. The imposition of modern arrangements may erode, and not build, social capital by failing to recognise accepted social and cultural norms. Thus, companies should reflect upon such norms to avoid programmes that may appear costly and illegitimate (Clever, 2001:34). In this vein, it is important for MNCs to include and gain the support of *obstructionist constituencies*, who otherwise seek to maintain the status quo by circumventing institutional constraints. (Rajan & Zingales, 2006)

4. A positivistic approach is inadequate

Of course, private individuals cannot be left to determine public interest; however, industry managers may not have the necessary knowledge, soft skills, or ability to tackle social issues (Martin Curran, 2005; Frynas, 2009; Lee, 2006). Engineers have traditionally favoured conducting technical initiatives with quantifiable results, which may miss certain intangible factors. This means that whilst business consultations with local communities are primarily qualitative, many result in lists of local requests rather than further discussion of developmental challenges, resulting in costly, but ineffective programmes. (Frynas, 2009; 2005)

78 A self-centeredness that fails to acknowledge man's relationship to other humans.

79 The justification of an action that is tailored so as to enable a hidden agenda to prosper.

5. *Finding the right local partners for CSR initiatives*

Given the potential sensitivities of religious minorities and other groups, care should be taken to understand and identify who represents their views and who to engage in consultations that no group feels disenfranchised. Subcontracting work to local partners should also be sensitively considered. Not only might certain company subcontractors commit unethical actions, but the local community should be able to trust them. (Halme et al., 2009; Haltsonen et al, 2007:48)

Civil society can provide valuable partners (such as NGOs and local associations with community experience) in the design and implementation of CSR programmes, bringing risk management, social legitimacy and reputational benefits.⁸⁰ Indeed, MNCs that solicit its guidance can sometimes avoid negative reprisals (Kourula, 2009:399; Teegan et al, 2004:475). However, NGOs also have their own interests. Indeed, some groups have posed as NGOs to get money and yet others may defend narrow agendas at the expense of the greater community interest. (Kerr, 2013)

In conclusion, thus, FoRB represents an exciting new area of CSR, but one that brings its own set of challenges. Companies should proceed, but should do so sensitively and with well-tailored programmes if they are to make a difference over time.

80 As Kourula (2009:395) notes, civil society influences corporate policies by engaging with companies in: i) strategic partnerships or cooperation agreements; ii) common projects; iii) research cooperation or contracting; iv) certification; v) offering employee volunteering opportunities; vi) sponsorship; vii) survey; viii) roundtables; and ix) dialogue.

Sociological Study of the Causes of Intolerance and Discrimination⁸¹

Iwao Munakata⁸²

I. Preface – Encouragement of Understanding, Tolerance and Respect with regard to religious freedom and belief

There are two basic categories of problems in the promotion of the elimination of all forms of intolerance and discrimination resulting from religion and belief. The first realm concerns the social process within which the originally altruistic and tolerant values proclaimed by the founders of religions or beliefs have, with time, become intolerant and discriminatory. The social phenomenon of these transformations of values has been dealt with in a traditional manner within the framework of social sciences, notably amongst sociologists interested in the conception and socialisation of religious values and various transcendent positions. Many researchers have attempted to clarify models of these value fluctuations.

The second category which poses a problem lies in the area of practical and empirical interests and, above all, of knowing how to currently eliminate the tensions and diverse social crises resulting from intolerance and discriminatory attitudes and actions. As a result, in this study, the approach and proposals are presented at these two levels: analytical and practical.

II. Intolerance and discrimination as unexpected social consequences of “religion or belief:”

1. The key aim of religion or belief lies in saving humanity from the suffering and anguish of daily life. The core universal value emphasised by religious founders and ideologists is altruism. A fundamental paradox in human history is that these religions or beliefs have often

81 Article published in C&L no 30, 1985, p. 59

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contributed to social consequences leading to the penetration of intolerance and discrimination in contradiction to the intentions of the founders.

2. Moral entreaty is not enough to eliminate these paradoxes. The causes of intolerance and social and psychological discrimination must be explained. The study of these unexpected consequences belongs to a large extent to the realm of social science.
3. As a result, the sociologist, through his or her interdisciplinary research, needs to study this extremely complex social process within which these models of altruistic values originally proclaimed by the founders of religion or beliefs are over time transformed into unexpected, contradictory values of intolerance and discrimination.
4. Three examples of social value transformation are presented here as a basis for discussion for the Seminar:

a) Values of religion or beliefs become the values of a social group.

When religious teachings or belief values infiltrate or become part of the daily life of a particular social group – ethical, regional or national – religious or ideological values tend to determine the social function of identification of the solidarity of a group as opposed to an external group.

There is no doubt that while these religious or ideological values should be maintained, they should also be closely associated and ritually practiced in the everyday life of those who believe in these values or protect them. Nevertheless, the essential fact is the following: when tension occurs in intergroup relations, values of religion or belief – by transforming their original quality – become the social value that strengthens the solidarity within the group by demonstrating exclusive cohesion.

In general, when intergroup tension intensifies, the key importance of these values of engaging people focuses on the most immediate concerns of the particular interests of their group. In these circumstances, the altruistic values and attitudes of their religious or ideological system disappear. In addition, when this rivalry between groups reaches an extreme level, each of them begins to amplify their values of religion or belief in order to sanctify the identity of their own group.

By ideologically legitimizing the action of the group, the prevailing militant, aggressive behaviour is manifested in the final stage of intergroup battles like “sacred wars” amongst the groups that in their own eyes have a sacralised group identity. In this way, the values of altruistic religion or belief which are originally tolerant are reversed to become the opposing values of intolerance and discrimination. The “sacred” values become the instruments or the aim of a secular group.

b) The second model of value transformation: values of religion or belief in a political or ideological function.

The second model of value transformation develops under social circumstances in which the functional differentiation at a national level has not yet materialized as a social system. As a result, religious functions tend to be diffused in the realm of political functions. In this social system, political leaders simultaneously take on the role of religious leaders.

In other situations, the religious authority will sanction and legitimate the authority of the political leader. In exchange for his or her recognition, the religious institution will receive protection and special prerogatives from the political authority. In these circumstances, where religion or values of belief become instruments of political office, the critical value of religion and conviction is transformed and becomes ideological “cannon fodder” in the struggles to assume power amongst the political groups.

The functional autonomy of values of religion or belief is lost. Intolerant or discriminatory actions taken by political groups are involuntarily glorified and legitimized by means of values of religion or belief.

The results of these values of religion and belief in a political and ideological function are the “sacralisation” of the reason for being of the political body itself. This is because, in order to preserve the expansion of its power as well as to protect its direct interests, the political group in power uses religious and ideological values for its secular and international objectives.

c) The third value transformation model: the institutionalisation of religious or ideological values.

In the process of development of religious or belief organisations, their original value model is inevitably institutionalised. Religious or ideological teaching and the activities in the initial phases will be an “adventure of the mind”

rather than a “security failsafe.” Nevertheless, the veritable teachings declared by the founders of religion or by similar belief movements have, over time, gradually become formalised; and similarly, the purity of intention of believers begins to change.

These organisations, which were established with universal ideals, become a social establishment. Members begin to seek satisfaction through security by depending on institutional structures rather than by focusing on altruistic activities. The leaders of these organisations seek even further satisfaction in their thirst for power and their pleasure in their respectable social status. The concern with creating a career, together with rigorous bureaucracy and official conservatism tends to overshadow the members’ conscience. A defensive attitude with regard to their direct interests and to their social status becomes characteristic behaviour of their members. As a result they become far too concerned by mundane institutional rules.

In this way, in the process of institutionalisation, the ideals and values of the founders are absorbed and disappear into mundane formalities. Because there is an inherent incompatibility between charismatic supra-empirical teachings and mundane rules, institutionalisation paves the way for weakening the original content of values of religion and belief. These religious and ideological values suffer from institutionalisation.

This over-developed organisation begins to manifest what has been called a necessary “sloughing.” Through the process of establishing a defined religious or ideological message and the development of legal severity and mundane purity, the altruistic and tolerant values declared by the founders in the beginning are transformed into exclusive discriminatory and intolerant values. This process of transformation of value models has been raised in the past by sociologists, including Max Weber, under the term “simplification of charisma.”

III – Programme for the elimination of all forms of intolerance and discrimination

In the pursuit of a programme with the objective of the elimination of intolerance and discrimination based on religion or belief, the following points should be studied on the basis of the elements mentioned in the preceding chapter.

1. A study of central values: the rediscovery of fundamental religious and ideological value models.

As a preliminary “baseline study” in this programme, the true teachings of the founders of religions and beliefs need to be objectively rediscovered and recognised by freeing them from preconceptions and partisan opinions.

Based on their cultural and social backgrounds, the symbolic and religious and ideological ritual models have been expressed in various ways. Nevertheless, it seems quite likely that these religious teachings and belief systems deep down contain shared core values, because they stem from similar value sources such as existing altruistic and ascetic sensitivities existing as a priori values and also as an ultimate desire to free the human spirit from the anguish and suffering of this world. In this way, therefore, the main aim of this study is to find authentic models of value shared by the different religions and beliefs above and beyond their particular mythologies, dogmas, beliefs, ritual symbols and universal points of view.

The main reason driving the preparation and execution of this study of values is the belief that the rediscovery of shared values will provide a fundamental basis on which a programme can be established to encourage the elimination of intolerance and discrimination. It is important that in this study dealing with issues arising from the realm of inter-religious or inter-belief systems, autonomy and the “mutual principle of non-interference” must be strictly adhered to. It is only through consensus and agreement between participants of different religions and beliefs on the aim and method that these basic values can be achieved.

2. Study of the transformations of values: the analysis of the social process that tends to produce unexpected value transformations.

The second theme in the study of this programme focuses on the complex social and historical process through which a veritable core of religions or beliefs proliferate and crystallise into institutions, themselves made up of different values, symbols and particular rites.

It is important to recognize that an inevitable contradiction exists between “creative spontaneity and mundane formality,” and “authentic altruism and collective egotism.” These paradoxes arising in the process of institutionalisation are well-established social facts. Negative social syndromes such as intolerance and discrimination are, as a result, largely considered to

be the result of the intrinsic social paradox of “institutionalisation” and intergroup tension or conflicts. In this way, precise clarifications are indispensable in breaking down these barriers that are found in the paradoxical socio-cultural condition.

3. Case study of intolerance or discrimination: analysis of social and cultural conditions that incited unconscious attitudes and actions of intolerance or discrimination based on religions or beliefs.

It is difficult to start the study with specific cases. Nevertheless, an objective study of past social processes which give rise to intolerant and discriminatory reactions through intergroup interactions, clearly incorporates an important value in clarifying latent and invisible social causes of intolerance and discrimination. Nevertheless, even if the project to study cases encounters various barriers, it should nevertheless be vehemently pursued.

It goes without saying that this case study must be conducted with strict objectiveness. The intervention of biased opinions or prejudices must be avoided in this research. Participants in a research group of this nature must be selected in such a way as to present objective analysis and impartial interpretation.

If these studies of specific cases are successfully completed, we may ultimately find the general direction and possible approach to take in eliminating intolerance and discrimination as a social phenomenon in other areas.

4. Study of models of peaceful coexistence and cooperation between different religious and ideological organisations.

Religious or ideological organisations that proclaim the absolute value of their creeds tend to incite self-righteous, exclusive attitudes. The excessively rigid belief in the value of their approaches ultimately results in a dichotomy which tends to split the other religions and beliefs into two groups: the faithful, trustworthy, “chosen,” while in the opposite groups one is unfaithful, should be treated with caution, “pagan.”

Such self-righteous values within religious or ideological groups lead to aggressive militant actions against others and frequently result in grave intergroup tensions and confrontations.

In addition, their influence may take the form of a unilateral or centralizing expansion model. If this exclusive focus is held by religious and

ideological organizations, it may lead, as a side-effect of their beliefs and actions, to intolerance and discrimination.

As a result, in order to eliminate intolerance and discrimination, a fundamental change in the meaning and approach to the “dissemination of faith” must be taken into consideration. The dissemination model should be changed from “unilateral affirmation” to “receptiveness and blessing.” Instead of unilaterally affirming one’s belief with regard to others, altruistic actions should be undertaken to encourage the communication of reciprocal beliefs.

A study should be conducted on the possibility of finding new standards with regard to the dissemination of faith, which can take place in a social atmosphere of peace and cooperation between different religions or beliefs.

5. Development of a seminar as a baseline study of the program and other cathartic roles with the aim of eliminating intolerance and discrimination.

The points outlined in the preceding four sections suggest the need to establish a workgroup consisting of international specialists in the relevant areas along with representatives of religious and ideological organisations. In order to achieve the program decided upon, this seminar should be sponsored by a United Nations organisation and held within the framework of principles and rules accepted by all participants. The success of this seminar depends on democratic functioning.

In addition to the organisation of different study programs, the seminar should take on the role of supplying objective information about existing religions and beliefs through the publication and production of suitable material. In the past, the lack of true awareness of religions and beliefs has led to a large number of partial and category-based images. Intolerance and discrimination have often been provoked by these distorted images. With the aim of rectifying this type of negative reaction, it is indispensable that a concerted effort is made to produce printed or audio-visual material in order to further develop mutual understanding within these different religions and beliefs. Despite the fact that such material presents the origin and historical development of different religions and beliefs, the editorial content should particularly focus on the rediscovery and recognition of the veritable shared values originally declared by the founders of these various religions and beliefs.



CHAPTER

4

**Religions & Religious Liberty
as Agents for Peace and Security**

Religions: Arsonists of Hatred or Fire-Fighters of Peace?⁸³

Günther Gebhardt⁸⁴

For the past few years, the phrase “preacher of hatred” has become a common expression. It designates whoever uses his/her leading religious position to generate hatred and violence against the members of other religions, against other cultures or against whoever has different political opinions. Religious motives have a part to play in many terrorist actions indeed but violence motivated by religion didn’t start with the recent terrorists attacks from these past few years and it can also appear in various shapes.

For a while, we have been questioning the relationship between religion and politics, religion and violence (particularly in the case of Islam) and we end up wondering if religions can actually coexist peacefully. Fear and new threats appear. Yet, this is not at all a purely Islamic problem (such an opinion would already bear the germ of hatred and violence!) since nearly all religions are concerned by outbreaks of violence. In India, Hindu extremists kill Muslims and Christians. In Sri Lanka, Buddhism too, even though reputed as being very peaceful, slipped into fanaticism because of nationalist Sinhalese’s doing. In that country, Hindu and Christian Tamils engage in appalling acts of violence. Also, let’s not forget that Christianity was also stained with blood during certain periods of history and that it can still resort to violence even today. Thus, the war in Iraq and its consequences are often presented as a manifestation of the “clash of civilisations”; all the more so as the Bush Administration gave it a Christian fundamentalist connotation: as if God had literally made the United States responsible for dividing the world into Good and Evil and for fighting against so-called Evil until its eradication.

83 Article published in C&L no 68, 2007, p. 12.

84 Special advisor to the Global Ethic Foundation and vice-president of “Religions for Peace (RfP) / Europe,” Tübingen, Germany.

How can we explain that religion is still one of the causes of violence and believers can contribute to peace in a more efficient way? Would the idea of global ethics, i.e. of a moral consensus based upon a few common moral values, norms and behaviours have a part to play?

We hear talks about the exploiting of religion for political purposes. At all times, religions can stir up the fire of conflicts whose causes are completely different: political, social, economic etc. The wars in the former Yugoslavia in the 1990s are a good illustration of the strange and oh so efficient ways religious differences have been used in ethnic and political conflict of interests. But before rushing into this thesis of exploitation, we should ask ourselves whether religions really are peace-loving or not and if politicians without scruples and blinded fanatics are not exploiting them for personal purposes. If such is the case, then this means that they let themselves be exploited! Therefore, they bear the first elements of disposition to violence and they are not “innocent” as such. In his book *Die Gewalt der Frommen*,⁸⁵ Indian psychoanalyst Sudhir Kakar approaches the psychology of ethnic and religious conflicts. He analyses the conflict between radical Hindus and Muslims in India in particular. He comes to the following observation: “To be honest, the conceptions religions have of paradise have always been reflecting man’s dream: be rid of violence. But this representation is always opposed by reality, according to which it is undeniable that in all religions violence is necessary to impose religious objectives.”⁸⁶ This never-ending contradiction has turned the history of religions and mankind into a tragedy.

I. Religions, “arsonists” of hatred

1. *Depth and fanaticism*

Why is it possible to exploit religion in such a terrible way? Because religious convictions can easily blend any objective and give it a particular depth and a holy dimension. Faith is a landmark in the life of many people: it provides answers and, as a consequence, a feeling of security. Sometimes, it is possible to manipulate people so that they no longer see a political or social conflict as such but rather as a fight in which fundamental values of life and God Himself are

85 N.D.T.: or “Colours of violence” (not translated into French).

86 Sudhir Kakar, *Die Gewalt der Frommen. Zur Psychologie religiöser und ethnischer Konflikte*, Beck, Munich, 1997, p. 297.

at stake; therefore, a purely material problem takes on a spiritual dimension; it is “fanaticised.” If “God is with us,” He logically cannot be with the others. So, those who are against us are part of the “Kingdom of Evil” or the “Axis of Evil.” As a consequence, God demands our war and all means are good to destroy Evil. Adding a religious and moral dimension to purely political conflicts, thus contributing to the spread a simplistic vision of a world in which everything is either black or white, without any grey, without nuances, is actually a real threat to peace. Therefore, it is no surprise that the worst atrocities are in the name of religion or that the least religious political leaders and demagogues use religion to reach their political objectives.

We could also mention the cult of martyrs and suicide attacks here; these have almost become a mass phenomenon, particularly in Iraq. Sacrificing your life for an idea, religious or not, can also represent a form of fanaticism in an isolated case but this action becomes noble if it only touches the perpetrator. Such martyrs as Protestant theologian Dietrich Bonhoeffer in Nazi Germany or Catholic bishop Oscar Romero in El Salvador are rightly considered admirable examples because unlike others, they died for the people although non-violent themselves. But the purpose of sacrifice can deviate in some people: it is no longer a mere question of losing one’s life but also of causing other deaths, if possible, as part of a big plan in the name of God along with all the religious terminology and symbolism. Martyrs then become the perpetrators of suicide attacks or “kamikaze.” Incidentally, the etymology of this word is interesting because it is linked to religion: indeed, “kami” represents the concept of divinity in Japanese Shinto and “kamikaze” means “divine wind.” But it should be stressed that all perpetrators of suicide attacks do not base themselves on Japanese culture or on an extremist and perverse interpretation of Islam. In Sri Lanka, in their fight against central government which is mostly Sinhalese, Tamil Tigers called upon thousands of young perpetrators of suicide attacks, among whom were many women. These actions too were motivated and adorned with religion, Hindu as well as Catholic. Therefore, it is obvious how easy it is to exploit religion to create violence against others, not only at a collective level but also at an individual level.

2. Religions as an element of cultural violence

For over thirty years, in his research on strategies for peace, Johan Galtung has been drawing a distinction between direct violence and structural violence. “Direct” or “personal” violence is being practised by identifiable individuals

against other individuals. “Structural violence” is generated by circumstances; its causes are structural. For instance, the injustice of world economy can constitute a form of structural violence. Religions have always resorted to both these types of violence. Still today, some forms of structural violence are not uncommon in some religious communities, e.g. against women.

In the early 1990s, Johan Galtung introduced the idea of a third dimension of violence: cultural violence. According to him, this has to do with “aspects of culture and the symbolic sphere of our existence – expressed by religion and ideology, language and art, empirical and formal science (logic, mathematics) – which can be used to legitimize structural violence.”⁸⁷ Today, we have more than enough examples to illustrate that idea: Churches or religious leaders fall in with dictatorships and regimes who despise human beings – as such was the case in South Africa with apartheid, myths are borrowed from history or religion and are revisited in order to justify violence in certain parts of Europe or armed conflicts in Palestinian territories, the war in Iraq is being legitimized by invoking a specific mission the fundamentalist Christian movement supposedly has etc.

3. “Hard” and “soft” aspects of religions

Of course, no religion can spontaneously be considered a religion of peace but, on the other hand, it is unfair to denigrate religions by systematically calling them violent. Indeed, they are not unalterable monolithic blocks but living movements, likely to evolve throughout history and to present various facets; and there can also be several flows in a same movement. Once again, Johan Galtung came close to the truth when he closely studied the link between religion and violence. He observed “hard” and “soft” elements in each religion and he called the former “perverted religion” and the latter “true religion.”⁸⁸ He reckons that a religion’s hard elements are all the doctrines, attitudes and structures generating rejection and the exclusion of others. The “soft” elements are all those aspects encouraging generosity, openness and the welcoming of other people.

Johan Galtung thinks this mechanism is closely linked to the idea that each faith has about God. It can either be transcendent (God is completely

87 Johan Galtung, “Cultural Violence” in *Journal of Peace Research*, vol. 27, no. 3, 1990, p. 291- 305, cit. p. 291.

88 Vgl. Johan Galtung, “Religions, Hard and Soft” in *Cross Currents*, vol. 47, no. 4, New York, winter 1997-98.

other compared with man) or immanent (God is within us all). Naturally, certain types of religions tend to represent one or the other more. In fact, it is sometimes said that, due to their conception of a single God excluding any other, monotheisms are more prone to violence than those who have various divinities. But let's not stop at such schematic categories. Rather, we should understand that all religions encompass notions of transcendence and immanence, just like there are hard and soft movements and elements in each.

For example, in prophetic monotheistic religions represented by Jews, Christians, Muslims and Sikhs, one of the fundamental principles demands that God be the God of all creation, all men and all peoples. They all believe in the immanence of God. Otherwise, how could Islam say: "God is closer to us than our own jugular vein?" But in all religions we also find mystical movements for which the divine is the truth located in mankind's deepest core and therefore have the certainty that all human beings are deeply united. Lastly, in mystical religions like Buddhism (which does not have any representations of God) and Hinduism, we can find hard elements excluding others when some of them identify themselves as systems of an ethnic group opposed to another group, as such is the case in Sri Lanka and India.

4. Holding or searching the truth?

Religion claims the quest for "truth" about the ultimate reality, God, the meaning of life, and the universe. The three great prophetic faiths – Judaism, Christianity and Islam – registered those truths precisely in their Scriptures. But problems arise when a religion pretends it is the sole holder of all truths – exclusivism – and, for this reason, forces its believers to convert others, resorting to coercion and violence in the worst cases – universalisation. Embarking on the mission to bring others to adhere to that religion (which is what traditionally is called "proselytism") can also create difficulties, especially if one is aggressive whilst seeking to convince. Such conceptions of the truth lie in a serious misunderstanding. Indeed, all religions – rightly – claim that only God holds the truth and that we, humans, can only grasp minor fragments of it. Therefore, we can deduce that all allow people to come close to the truth yet knowing that it lies beyond each of them. None holds the Truth. Quite the opposite: regardless of their faith, all believers ought to see themselves as a group of pilgrims on a quest for the truth. This would have significant repercussions on people's behaviour towards one another. Belgian pacifist Paul Lévy wrote that "truth bearers" can be recognised by the aggressive attitude they have towards

others whereas believers, as truth-seekers, are more inclined to acknowledge the paths others take to reach the truth, to respect them and to be inspired by them while following their own paths, to which they feel bound. We get closer to peace when a static understanding of truth progressively gives way to a more dynamic conception. A religion's aggressive manifestations do not depend on certain contents full of violence only but mainly on the way its believers believe. Fundamentalists are not dangerous because they are spreading fundamental messages – there are pacifist fundamentalists who would rather sacrifice themselves than harm anyone – but because they are rigid and convinced they are the sole holders of the truth.

Group collective memory

The memory of non-integrated historical tragic events may increase a tendency to violence in a contentious situation.

For instance, the Crusades, European colonisation and the continuous domination of Western economic politics are undeniably historical traumas and, in many Arabic societies, these have turned into a fertile ground for hatred, which extremist groups seize to channel into violent actions. The Balkan Wars are the typical example of the way in which religious tensions deeply rooted in history can spring back in times of political conflicts, incite to refuse dialogue and finally lead to the most brutal forms of violence. Six hundred years later, we still mention the battle of Kosovo (in Polje, “Blackbird’s Field”), which Christian Serbs lost in 1389 to Muslim Turks, to justify today’s fears and separation between Orthodox Serbs and Muslim Bosnians. Another example is even more concrete: isn’t the current idea many Europeans have of Turks consciously or unconsciously generated by 16th and 17th conflicts? Admittedly or not, is not the ghost of Turks at the 1683 battle of Vienna a reason to explain that three centuries later, Muslim Turks have difficulties practising their religion in our western European countries because the fear of a new “Islamic conquest” of our society is so great? Is not this old memory the partial and underlying motive for the European Union’s fear of seeing Turks start the “battle of Brussels” and why Turkey is faced with so many obstacles in its wish to join the EU?

Therefore, in order to achieve peace between the various religions, each of them should start with “healing its memories”; in other words, each one should integrate its traumas from the past: this is an essential prior condition on the way to enabling an end to violence.

Fearing to lose one's identity

In the religious field, the tendency to violence, both individual and collective, can also be explained by the fear of seeing one's own identity threatened. Migratory movements and the multiplication of travel brought about a great diversity of religions present in our countries. This pluralism is often seen as a threat and a danger by believers, faithful to their doctrine, because it questions their own convictions. Therefore, is not my religion the only possible one? Could I choose a different one? So, which is the right path? Such uncertainty could cause a feeling of panic. The only way to secure one's identity then is to reject the cause of such tension: other religions. Nevertheless, each one's identity should reinforce itself to start with by defining and confronting itself with other identities. But feeling that one's identity is under threat notably increases the tendency to violence; this is why Lebanese writer Amin Maalouf rightly mentions "murderous identities" in his eponymous book.⁸⁹

Throughout centuries, Christian churches, just like other religious movements, theologically reinforced the limits separating them from other religions. They believed they could only secure their identity by opposing themselves. Not acting like so-called pagans was the essential definition of Christianity.

Nowadays, we must change our conception of identity: be it an individual or a group, a people, a nation or a religious community; identity can only be envisaged as a **plural identity**. On the one hand, this implies understanding that each person lives with various simultaneous identities, one of which takes turns prevailing over the others. On the other hand, this also implies that one cannot tackle one's own identity without the perspective of its link with – not against – that of others. It is human identity that forges itself within such pluralism today. Therefore, we must switch from an **identity defined by limits** to an identity **in one's relationship to others**.

The Catholic bishop of Oran, in Algeria, Pierre Claverie, assassinated by terrorists on 1st August 1996, remarkably phrased his vision of the relationship and dynamics between identity and truth, as he experienced and suffered from Christian and Muslim tensions. These are the words he used to describe his experience:

89 Cf Amin Maalouf, *In The Name of Identity*. Grasset, Paris, 1998.

“Discover the other, let yourself be shaped by the other; which does not mean losing your own identity, rejecting his values; it means conceive a plural and non-exclusive mankind.

I am acquiring the personal conviction that mankind is plural and that as soon as we claim we possess the truth or we speak in the name of mankind, we fall into the trap of totalitarianism and exclusion.”

No one holds the truth, although all of us are seeking it. There are probably some objective truths that are beyond us and which we can only access through a long process and by progressively putting them together, gleaning in other cultures, other types of mankind, what others have acquired and looked for in their own processes toward the truth. I am a believer; I believe there is a God but I am not pretentious enough to own that God, neither through the Jesus who reveals Him to me nor my faith's dogmas. We do not own God. We do not own the truth and I need truths coming from others.”⁹⁰

Nevertheless, it would be really sectarian and unfair to forget or even minimise its “benevolent” aspect in our research on the “violent” aspect of religion and the clues that explain its role. Religions are not arsonists of hatred only; they are also “fire-fighters of peace.”

90 Pierre Claverie, “Humanité plurielle”, in *Le Monde*, 4-5 août 1996, p.10.

Religious Rights, Ethnical Identity and Religious Freedom From an International Ecumenical Perspective⁹¹

James E. Wood Jr ⁹²

Part I

Even though nowhere has it turned into a complete reality, religious freedom is a relatively newly emerged phenomenon. Yet, the concept of it has a long and distorted genesis. It is one of the great world religions' teachings even though many say that it is not very representative of the history of those religions, the mark of which has not been tolerance but, quite the opposite, the contemptuous ignorance of the very idea of religious freedom. Indeed, tolerance once again is not the dominant trait in the history of religions as a whole (and each faith's claim to authenticity in particular)! At the heart of each religion lies the claim for uniqueness or specific superiority, even when the one making such a claim is exclusive and syncretic in its declaration of faith.

In spite of everything, right since Antiquity, voices were heard against intolerance and in favour of religious freedom. Thus, in the very first teachings of Hinduism, religious fanaticism towards the followers of other religions and its corollary – persecution – were explicitly condemned. One of the basic statements of Hinduism is that “There is only one faith but wise men give it different names.” Siddhartha Gautama, the founder of Buddhism, encouraged his disciples not to feel any resentment against those denigrating him because “By acting that way you will only harm yourselves,” he said.

Let's now take a look at Islam. Its holy book, the Koran is categorical in terms of freedom of thought; it states: “No religious constraint.” Besides,

91 Article published in C&L no 45, 1993, p. 12.

This paper was presented in Budapest, in Hungary, on 17 May 1992, during the International Symposium on religious rights, ethnical identity and religious freedom.

92 President of the International Academy for Freedom of Religion and Belief, professor at Baylor University; director of the newspaper *Church and State*, United States.

it invites all its believers to “not insult the deities unbelievers adore and worship.”

Moreover, in Judaism, Talmudic writings very clearly and explicitly recommend respect towards other religions. The missed Rabbi Abraham Heschel, equally revered both by Jews and Christians, liked to repeat: “The voice of God expresses Himself in various languages.”

In spite of history, which illustrated itself by intolerance and persecution towards Jews and dissidents (hastily labelled “heretics”) for over a thousand years, Christian voices calling for religious freedom were certainly heard from within. Some voices undoubtedly spoke out against religious discrimination and persecution but they also frequently expressed the opinion of those for whom religious freedom was the very essence of genuine religion. Thus, in the 2nd century A.D., one of the Church Fathers, Justin Martyr, concisely summed up that idea: “Nothing is more contrary to religion than constraint.” Later, in times of harsher persecutions, Tertullian, another Church Father, declared: “It is not proper for religion to compel men to religion, which should be accepted of one’s own accord, not by force.” Unfortunately, that man later became a fierce defender of the strictest Christian orthodoxy and then ceased defending that point of view. One century later, Lactantius, a Latin rhetorician and an authority on Christianity, also stated that: “Nothing more than religion is a question of free will and it cannot be demanded of anyone to worship whatever he does not want to worship. Under such circumstances, a person can pretend to believe, but he cannot force his will to actually believe.” Naturally, there were dissident groups like the Donatists who, because they did not manage to get support from civilian authorities to overcome their adversaries, turned into the defenders of religious freedom when they themselves had to face persecution.

During the Middle Ages, when the slightest trace of religious freedom could have been searched for in vain throughout Europe, Marsilius of Padua (14th century) eloquently pleaded against the coercion in terms of faith, declaring that process utterly alien to the nature of genuine religion, specifying that the convictions resulting from faith are essentially spontaneous. He wrote that: “Nothing spiritual can contribute to eternal salvation [...] if it is obtained by force.” Like others before him, Marsilius had joined the cause of religious freedom because it was a matter of principle for him and he considered it an essential element of the genuine religion. In that same context, special tribute

must be paid to Anabaptists; they were the champions of free will in terms of religion and its corollary, the separation of church and state. The Anabaptist message in favour of religious freedom was delivered after free adherence to the Gospel. Those believers professed that: "Such an attitude was the sine qua non of the true existence of the Church." So, they opposed religious constraint. In that respect, one of their authors, Balthasar Hubmaier, declared: "A Turk or a heretic is not convinced by the sword or with fire, but only with patience and prayer; and so we should await with patience the judgement of God." Through their courageous and determined stance, Anabaptists greatly contributed to make freedom of thought the very foundation of religious freedom.

Historically, calls for that liberty and its inherent rights firstly came from religious dissidents, those who were being rejected or persecuted because of their faith. Although religious freedom has been defended for a long time by individuals and dissident groups who at the very least wanted it for themselves, it was never recognised before the Early Modern Period and still today it is far from being a reality in most countries throughout the world. Only since World War II has it been recognised as an official premise of international legislation. Even though the greatest projects connected to religious freedom that have been achieved throughout the modern world were not caused by declarations of faith, religious councils or synods but by constitutions, legislative bodies and justice courts, a wide consensus came into being from constitutional and international legislation and religious traditions themselves to support the rights and freedom connected to religion. More generally today, we acknowledge that at least religious freedom means the following: "the right for any individual to – publicly or privately – adhere to religious confession dictated by his/her conscience; to worship God or not in accordance with his/her level of comprehension or his/her preferences; to publicly display his/her faith, including to practice proselytism and change religion, without having to fear retaliation or religious discrimination or a restriction of his/her full rights of citizenship because of the faith he/she practises." Gradually, religious freedom came to be considered a universal axiomatic commitment to which nations and declarations of faith subscribe.

II

This increasing recognition of the right to religious freedom (partially favoured by the direct assaults of political ideologies hostile to religion and by the worldwide spreading of Christianity, which started in many places where

Christians previously were a mere minority) resulted in a wide ecumenical acceptance of religious freedom by the different churches. More than a decade before the United Nations Declaration of Human Rights, a historically significant ecumenical conference took place in the University of Oxford in 1938 on the topic: "Church, Society and State." Eight conditions thought to be essential for religious freedom to be achieved were listed; they were declared "vital [...] to achieve the essential duty of the Church." Six months later, under the auspices of the World Missionary Council, another conference took place in Madras, India. Four hundred seventy-one delegates from sixty-nine countries or territories gathered there. These participants' attention was drawn again to "the minimum right to religious freedom, which the Church ought to obstinately seek to obtain." One of the seven minutes volumes written down immediately after this conference was entirely about the Church-State relationship.

In Amsterdam, in 1947, during the first assembly of the World Council of Churches, religious freedom was very concretely brought up to the agenda as a document entitled: "Declaration on religious liberty." The assembly invited churches to "support all initiatives tending to obtain the guaranty that religious freedom and freedom of thought would be adequately secured, as part of an international Human Rights chart," and said security including "The right of all human beings to remain committed to a faith or to change it, to manifest it in worship and practices, to teach it to their fellow men and to persuade them to subscribe to it; and finally, to decide the kind of religious education that would or would not benefit their children." The Declaration further stated that "An essential element in a good international order is freedom of religion" and subsequently Christians consider that issue a world problem and solving it is of utmost importance to them. "In pleading for this freedom, they do not ask for any privilege to be granted to Christians that is denied to others."

In terms of religious freedom, the World Council of Churches (WCC) Declaration on Religious Liberty defines four fundamental rights which should be "recognised and observed for all persons without distinctions as to race, colour, sex, language or religion" in the following manner: "1. Every person has the right to determine his own faith and creed. 2. Every person has the right to express his religious beliefs in worship, teaching and practice, and to proclaim the implications of his beliefs for relationships in a social or political community. 3. Every person has the right to associate with other individuals and to organise themselves in order to practice their religion. 4. Every religious

organisation, formed or maintained by action in accordance with the rights of individual persons, has the right to determine its policies and practices for the accomplishment of its chosen purposes.”

Unanimously adopted, the Amsterdam Declaration is a significant landmark in the history of religious freedom. It substantially facilitated the final adoption of the “Universal Declaration of Human Rights” by the United Nations, several months after it was proclaimed.

Later WCC assemblies not only strengthened the Amsterdam Declaration but also reaffirmed the support this organisation bears to the cause of religious freedom. In 1961, in New Delhi, during the third assembly that very freedom was declared a “fundamental right” of every human being everywhere. The assembly specified that: “The liberty to publicly or privately express his religious beliefs in worship, alone or jointly, is crucial to expressing his inner freedom.” It carries on saying that: “Religious liberty also encompasses the right to publicly or privately worship, to teach and preach, to practise one’s religion or convictions in words and actions, to publicly or privately worship and observe rites and finally to change one’s religion or conviction according to one’s wish, without having to undergo any social, economic and political prejudices.” The New Delhi assembly also highlighted the fact that religious freedom was not only a fundamental human right but was also in close connection to all other individual rights. The New Delhi declaration was unanimously adopted, as in the previous case of the Amsterdam declaration.

The WCC pursued its active interest in the theoretical and practical fields not only regarding religious freedom but also ethnic identity and Human Rights issues. According to its very words, “Human dignity is [...] inherent to each individual. Human rights are not an end per se but they are the conditions to meet to reach human dignity.” In 1974, the Saint Pölten report listed those rights as six items: “1. the right to basic guarantees of life, 2. the rights to self-determination and to cultural identity and the rights of minorities, 3. the right to participate in decision-making within the community, 4. the right to dissent, 5. the right to personal dignity, 6. the right to religious freedom.” The WCC texts and declarations, plainly stating the principles of religious freedom, are the most direct international documents and those having the greatest influence in connection with human rights, ethnic identity and freedom of thought; so they are of the Christian ecumenical movement’s contributions to progress achieved in those three fields.

The recognition of religious freedom by the Roman Catholic Church on the occasion of the Second Vatican Council is a significant chapter of the history of the long struggle between liberty and religion in the Western world. Made public on 7 December 1965, the “Declaration on Religious Freedom” (*Dignitatis Humanae Personae*) was the first papal encyclical specifically written in favour of that freedom. Therefore, it marks a significant step taken in that sense by the Roman Catholic Church. This document confirms the holy and natural right of each person to religious freedom: “Vatican synod [...] declares that the foundation for the right to religious freedom is the very dignity of the human person as God’s revealed word and reason make it known to us.” The encyclical, subtitled “On the right of the person and of communities to social and civil freedom in matters religious” further specifies that no one is “to be forced to act in a manner contrary to his conscience. Nor, on the other hand, is he to be restrained from acting in accordance with his conscience.”

With this document, the Roman Catholic Church recognises both the natural right to collective religious freedom and to individual religious freedom. The Vatican II text states that “Religious communities also have the right not to be hindered in their public teaching and witness to their faith, whether by the spoken or by the written word [...] and should not be prohibited from freely undertaking to show the special value of their doctrine in what concerns the organisation of society and the inspiration of the whole of human activity.” The pleas in favour of religious freedom coming from a large variety of religious traditions substantially contributed to the recognition of said freedom by national and international law. Indeed, to put it in the missed O. Frederick Nolde’s words, later confirmed by documents coming from the US government, it can be said that: “An international Christian influence played a determining part in achieving the more extensive provisions for human rights and fundamental freedoms which ultimately found their way into the [United Nations] Charter.” As clearly demonstrated in the recent and well-documented book *Faith in Human Rights* by Robert Traer, the growing support given to those rights by world traditional religions as well as by secular humanists allows for a happy end in the still on-going fight aiming at insuring legal support for religious rights as well as for ethnic identity and religious freedom.

Declaration on the Role of Religion in the Promotion of a Culture of Peace⁹³

UNESCO

«We, participants in the meeting ‘The Contribution by Religions to the Culture of Peace’, organized by UNESCO and the Centre UNESCO de Catalunya, which took place in Barcelona from 12 to 18 December, 1994;

Deeply concerned with the present situation of the world, such as increasing armed conflicts and violence, poverty, social injustice, and structures of oppression;

Recognizing that religion is important in human life;

Declare:

Our World

1. We live in a world in which isolation is no longer possible. We live in a time of unprecedented mobility of peoples and intermingling of cultures. We are all interdependent and share an inescapable responsibility for the well-being of the entire world.
2. We face a crisis which could bring about the suicide of the human species or bring us a new awakening and a new hope. We believe that peace is possible. We know that religion is not the sole remedy for all the ills of humanity, but it has an indispensable role to play in this most critical time.
3. We are aware of the world’s cultural and religious diversity. Each culture represents a universe in itself and yet it is not closed. Cultures give religions their language, and religions offer ultimate meaning to each

93 Article published in C&L no 50, 1995, p. 85.

culture. Unless we recognize pluralism and respect diversity, no peace is possible. We strive for the harmony which is at the very core of peace.

4. We understand that culture is a way of seeing the world and living in it. It also means the cultivation of those values and forms of life which reflect the world-views of each culture. Therefore neither the meaning of peace nor of religion can be reduced to a single and rigid concept, just as the range of human experience cannot be conveyed by a single language.
5. For some cultures, religion is a way of life, permeating every human activity. For others, it represents the highest aspirations of human existence. In still others, religions are institutions that claim to carry a message of salvation.
6. Religions have contributed to the peace of the world, but they have also led to division, hatred, and war. Religious people have too often betrayed the high ideals they themselves have preached. We feel obligated to call for sincere acts of repentance and mutual forgiveness, both personally and collectively, to one another, to humanity in general, and to Earth and all living beings.

Peace

7. Peace implies that love, compassion, human dignity, and justice are fully preserved.
8. Peace entails that we understand that we are all interdependent and related to one another. We are all individually and collectively responsible for the common good, including the well-being of future generations.
9. Peace demands that we respect Earth and all forms of life, especially human life. Our ethical awareness requires setting limits to technology. We should direct our efforts towards eliminating consumerism and improving the quality of life.
10. Peace is a journey – a never ending process.

Commitment

11. We must be at peace with ourselves; we strive to achieve inner peace through personal reflection and spiritual growth, and to cultivate a spirituality which manifests itself in action.
12. We commit ourselves to support and strengthen the home and family as the nursery of peace.
13. In homes and families, communities, nations, and the world:
14. We commit ourselves to resolve or transform conflicts without using violence, and to prevent them through education and the pursuit of justice.
15. We commit ourselves to work towards a reduction in the scandalous economic differences between human groups and other forms of violence and threats to peace, such as waste of resources, extreme poverty, racism, all types of terrorism, lack of caring, corruption, and crime.
16. We commit ourselves to overcome all forms of discrimination, colonialism, exploitation, and domination and to promote institutions based on shared responsibility and participation. Human rights, including religious freedom and the rights of minorities, must be respected.
17. We commit ourselves to assure a truly humane education for all. We emphasize education for peace, freedom, and human rights, and religious education to promote openness and tolerance.
18. We commit ourselves to a civil society which respects environmental and social justice. This process begins locally and continues to national and trans-national levels.
19. We commit ourselves to work towards a world without weapons and to dismantle the industry of war.

Religious responsibility

20. Our communities of faith have a responsibility to encourage conduct imbued with wisdom, compassion, sharing, charity, solidarity, and love; inspiring one and all to choose the path of freedom and responsibility. Religions must be a source of helpful energy.
21. We will remain mindful that our religions must not identify themselves with political, economic, or social powers, so as to remain free to work for justice and peace. We will not forget that confessional political regimes may do serious harm to religious values as well as to society. We should distinguish fanaticism from religious zeal.
22. We will favor peace by countering the tendencies of individuals and communities to assume or even to teach that they are inherently superior to others. We recognize and praise the non-violent peacemakers. We disown killing in the name of religion.
23. We will promote dialogue and harmony between and within religions, recognizing and respecting the search for truth and wisdom that is outside our religion. We will establish dialogue with all, striving for a sincere fellowship on our earthly pilgrimage.

Appeal

24. Grounded in our faith, we will build a culture of peace based on non-violence, tolerance, dialogue, mutual understanding, and justice. We call upon the institutions of our civil society, the United Nations System, governments, governmental and non-governmental organizations, corporations, and the mass media, to strengthen their commitments to peace and to listen to the cries of the victims and the dispossessed. We call upon the different religious and cultural traditions to join hands together in this effort, and to cooperate with us in spreading the message of peace.

Signed by the chairpersons of the session

Joaquim Xicoy, President of the Parliament of Catalonia

Federico Mayor, Director-General of UNESCO

The Specificity of Religious Freedom Compared to Other Freedoms of the Mind⁹⁴.

Mgr Roland Minnerath⁹⁵

One of the conditions required to efficiently guarantee the right to religious freedom within national and international juridical authorities is to consider the specificity of the phenomenon of religion as compared to the other approaches of the mind. Concerning this, one must recognize that the prescriptive texts⁹⁶ still bear the mark of the simplistic definitions of religion that go back to the attempts to reduce the latter to other forms of activities of the mind and to assign it, at best, a place in the private domain, or a subordinate role for the purposes of society. Unless it is simply considered as an epiphenomenon destined to disappear under the blows of anti-religious propaganda, itself defined as a requirement of the freedom of conscience.⁹⁷

It is thus that the texts currently place on an equal footing the freedom of conscience, thought, religion and conviction. Religion is likened to “any conviction” in the Preamble of the Declaration of 1981. As for the first Article of the Convention project approved in 1967, then discarded, it goes so far as to state that the “expression ‘religion or conviction’ encompasses theist, non-theist, and atheist beliefs.” The inadequacy of this assimilation appears when you read, for example, that these “beliefs” – therefore non-religious or even atheist – are also expressed in the act of worship.⁹⁸

94 Article published in the C&L magazine no 40, 1990, p. 16.

95 Professor at the Strasbourg University, France.

96 Universal Declaration of Human Rights (1948) article 18; European Convention for the Safeguard of Human Rights and Fundamental Freedoms (1950) article 9; International Pact relating to Civil and Political Rights (1960) article 18; Final Act of Helsinki (1975) principle vii; Declaration on the Elimination of all forms of Intolerance and Discrimination on the basis of Religion or Conviction (1981) Preamble; First Article.

97 Successive Constitutions of the USSR 5 December 1936, article 24, and 7 October 1977, article 52.

98 Universal Declaration (1948) First Article; Declaration (1981) First Article.

Admittedly, conscience, thought, religion and non-religious convictions refer everything back to the heart of the subject, but the relevant approaches to each of these activities are quite specific. In particular, religion is never a purely internal, individual and subjective activity. It would therefore seem necessary, within the texts that aim to guarantee the freedom of these four approaches, to dedicate a separate development of each subject as demands their respective nature.

Instead of remaining locked within a philosophical approach, a priori scaled down approach of religion, the legislator should question the phenomenology of religion that studies them comparatively, taking an interest in what they say about themselves. The phenomenology of religions show that the religious approach is not identical to say, for example, philosophy or to ethical thought, or even to theology. It is no more a pre activity than it is an anti rational activity. Religion cannot be understood from a starting point of non-religion.

Religion assumes the adherence of the whole person (conscience, thought, feelings) to a reality that is beyond himself, that can be referred to as the "All-Being," the "Sacred," the "Transcendence," and who is the God who reveals Himself through monotheistic religions.⁹⁹ It always involves a person's connection to a "Super Being" of sentient experience to whom he relates by placing himself in a position of dependency. Existentially, religious man draws the absolute foundation of all the dimensions of the personal and social being from his relationship with the final frontier of sense, and he invests his whole person in this relationship.

Religion provides the conscience with the supreme authority outside of itself, while being present in it, the authority which is the supreme guarantee of conscience itself, because it is beyond the power of man. The religious man adheres to the contents of faith and the rules of conduct that are prescribed for him and that are not his to modify.

The religious act is both personal and social. To adhere to a religion is to join the religious community where are passed on the traditions of its founder.

⁹⁹ Refer to the classical works of R.Otto, *Das Heilige*, 1917, Munich 1958 (30); G.Van Der Leeuw, *Der Primitieve Mensch in Der religie*, Groningue 1937; M. Eliade, *Traite d'Histoires des Religions*, Paris, 1949; *Histoire des Croyances et des idées religieuses*, 4 volumes, Paris, 1986; M. Scheler, *Das Ewige im Messhem*, 1922.

Every religious community has a public life that is visible, with its rites, its worship service, its temples, its ministers, its organization and its social commitments. Religious liberty is the freedom to belong to a religious community. Thus, each community has the right to be recognized by law, with its own organizational structure, whether this be local, national or supranational.

Global religions are not to be confused with one particular culture or with the history of one particular people. They transcend the different cultures and enrich them. To reduce the concept of religion to the category of subjective and private opinion would bring about its elimination from the field of culture and the dynamism of public life. Religious communities are equal partners of social life. By their very nature, religions offer an integral vision of the origins, of the sense and final destiny of mankind, and of history and consequently they provide the frame of reference and the ultimate foundations to the values assimilated by the culture and experiences of societies.

Without contradicting itself, the State cannot proclaim religious liberty and at the same time identify itself with atheist ideology, nor can it impose a legislation with religious characteristics upon citizens who have other creeds and other beliefs....the appropriate responsibility of the State in matters of religion is to see that the rights of individuals and religious communities are respected and that any abuse, committed in the name of religious freedom, be suppressed. We can observe such abuse in the practices of certain sects, particularly in the forms of proselytism that involve the spreading of doctrines and the recruitment of new converts by methods that do not respect the person's freedom of conscience or the person's dignity or those who disregard laws that protect minors. It's obvious that the State must set an example by avoiding practicing all forms of legal proselytism.

Taking into account the phenomenon of religion and its rights in society does not take anything away from other liberties – that of conscience, thought, non religious convictions – that the State has the duty to guarantee and the citizens to respect. On the contrary, the freedom of the religious approach that proceeds from the most intimate part of the conscience thus affirming the existence of transcendent norms is the best guarantee of other freedoms of the mind. In attempting to reduce religion to the other forms of functions of the mind that, in other respects, proclaims the rights of man, would deprive itself of the absolute foundation that corresponds to the same rights in the conscience of the believers.

The structure of Human Rights is fragile so long as it remains in the power of man – or for that matter in the power of the State. These rights will only be assured fully if, in the minds of the citizens and in the minds of those in power, they are inalienable, preceding the State that cannot dispose of them as it pleases, and if they are founded on an anthropology of transcendence. Only religion can give a foundation that cannot be obtained by any other power to the values that come from the recognition of human dignity. Most certainly there is no question of asking the State for the right to adopt the specifically religious beliefs that are the basis of a transcendence anthropology, but to acknowledge that religious communities exist in society, and that they draw from their religious faith all the ultimate justifications of the founding values of Human Rights. Without religious conviction, it is impossible to establish Human Rights on a foundation other than tautological. To recognize the religious communities for what they are, is to recognize the spiritual strengths capable of defending the inviolability of the values upon which are built the rights of the State and the genuinely free society.



CHAPTER

5

**Tolerance in Favour of Diversity,
a Path to Religious Liberty
- Winning the War of Ideas -**

Winning the War of Ideas in the Arab World:

A View From the United Arab Emirates

*H.E. Ambassador Omar Saif Ghobash*¹⁰⁰

Ambassador Ghobash is the United Arab Emirates Ambassador to Russia. This essay is based on his September 17, 2014 lecture to the SEI Center for Advanced Studies in Management at the University of Pennsylvania's Wharton School of Business.

World Foreign Ministers have just met in Paris to decide how to defeat ISIS. But military action is only a small part of the strategy that they need because ISIS is above all an ideological movement, which gains its strength by winning recruits and sympathizers across the Arab world and beyond. So how can ISIS be defeated ideologically?

Although I am the UAE Ambassador to Moscow, I also see myself first, as a liberal, in the positive and broad sense of the word; second, as an Arab who insists on thinking as deeply as possible about the Arab world; and third, as an individual. That's how I would like you to hear me: as a liberal, a conscientious thinker and an individual, not as a government official.

Why am I speaking about this topic today and why do I intend to speak on this subject in other places? Because I, and many others like me, are horrified by the violence shown by ISIS in the name of Islam and in the name of the Arabs.

100 We are publishing this article because Conscience & Liberty appreciates the permission received from H.E. M. Ambassador Omar Saif Ghobash to print the essay in our journal.

Important notes:

1. This essay was originally published by the Foreign Policy Research Institute of Philadelphia.
2. Ambassador Ghobash is the United Arab Emirates Ambassador to Russia. This essay is based on his September 17 lecture to the SEI Center for Advanced Studies in Management at the University of Pennsylvania's Wharton School of Business.
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ISIS has slaughtered its critics, including many among the Sunni Arab community, which it claims to defend. It strangely and arrogantly claims a right to rule over all Muslims everywhere in the world. It has persecuted minorities which every decent Muslim individual should cherish and protect. It's not unique in that respect, because other Islamist movements have done much the same. And indeed one of the points that I shall make in this lecture is that other Islamist movements, including the Muslim Brotherhood, also need to be confronted.

Most coverage of the reaction to ISIS has been of the West and its Arab allies marshalling a coalition to defeat ISIS militarily and eradicate it from the territories it claims. But ISIS is much more dangerous as a model in the minds of my fellow Muslims. It is the shell into which any substance can be inserted. And it is this aspect of ISIS that must be fought above all. I have five proposals for how to do so.

They aren't exhaustive by any means. I am not focusing on the measures that need to be taken to stop individuals from funding ISIS; and I am not going to set out economic or political measures, such as concessions to Iraq's Sunni Arab minority or policies to reduce unemployment. That's not because I think these are unimportant; but there are others who can discuss them better than I can. I want to talk about the ideological debate within the Arab world, and how it can be turned against ISIS and other Islamists.

This is a debate primarily to be had between Arabs. And it should be done in terms that Arabs understand. Worrying whether Western society or media will like what we say distracts us from speaking to each other. When we talk of moderate Islamists, or Islamic democracy, it is often clear that we are not talking to each other, we are talking to an imagined Washington. These are not coherent concepts – at least not yet, and they are not high up the real list of priorities.

So as a Sunni Muslim, as distinct from a Sunni Islamist, what are my concerns? I, and many of my compatriots, am deeply concerned about:

1. Our moral state
2. The violence within our Arab Muslim society
3. Our theological leadership
4. The role of laymen and people of goodwill in redirecting the path of the Arab and Muslim worlds

5. Jobs and the economy

These five themes – morality, tolerance, religious moderation, inclusivity and good government, or what I will call technology – are critical ones for undermining the appeal of militant Islamist movements like ISIS and the Muslim Brotherhood.

We should:

- First, point out that although they say they will make Muslims more virtuous, they do not. Their prospectus of forced morality and imposed religious norms is not just illogical; it is also bound to fail.
- Second, we should highlight that their program of violence and intolerance is in contrast to the historical Caliphate. It is a reductive sketch of Islamic history.
- Third, we should tackle the issues of the Muslim clergy who either back the extremists and license their violence, or do not interest themselves in their pastoral duties to Muslims in, and of, the 21st century.
- Fourth, we must tackle the question of how our societies should be guided – what the right path is to a better future, with inclusive government and security for all citizens.
- Last, we must show that Islamists govern badly. They govern badly not just because of inexperience but because their ideology prevents them from governing well.

“Islam is the answer”: what is the question?

Islamists are fond of saying that “Islam is the Answer.” This was a motto promulgated by the Muslim Brotherhood, and also by Shi’a militant movements in Iraq. Many of the rest of us have asked: what was the Question? Islam is our religion, and it is a deep and powerful influence over our lives. And for many of us it is the answer to our spiritual and existential needs. However, when it is reified by Islamists and used as a promotional tool for their lust for power, then we need to push back.

One way of pushing back is by asking why Islam is the Answer to specific questions, and why specifically in their hands. The Islamists’ explanation never moves beyond vague assurances that all will be good when we implement Islam. But that still does not answer the question why a purely technical or administrative or biological, or societal problem will be solved through piety. In fact, it seems that

utilizing our religion in this way is a disservice to it. The focus of our religion is ethical, moral and spiritual in its essence. Deciding pension fund politics is not the realm of religion. Nor is economic development directly the realm of religion. There will be ethical matters to take into account – principles of fairness, equity, justice – but it is too much to say that there is an Islamic answer to these matters. The truth is that there are many answers to these questions.

I often find it interesting that corruption is cited as one of the vices that will be stopped by implementing Islam under the Islamists. We are told that pious people will hold positions of responsibility and that this will bring corruption to a halt. This is wishful thinking at best. Why not try some tried and tested administrative procedures that will ensure enough transparency to make corruption much more difficult to hide?

My worry is that we are asking too little of our great religion. When our holy text and our moral principles can be directed towards personal regeneration, we instead demand of it to convert the publicly pious into the morally infallible. We can more easily and quickly build administrative systems that will perform this function without regard to the moral worth of the administrator and be of greater service to our fellow citizens.

What is also worrying is to see religion's noble goals being used to justify evil and cowardly means. It is used, for example, to glorify violence, which is something that ISIS's religious propaganda does all the time. And it can be used to cover up another kind of violence – the violence of bribery, corruption and exploitation. It is also a kind of psychological violence that we do to each other when we enforce religious standards on each other to the point where we monitor each other's mental states searching eagerly for moral weakness.

Tolerance vs. violence

ISIS and other movements are reading history incorrectly and selectively when they claim to be the modern successors of the early Muslims. There is no doubting the power of the claim that they make. Let me focus on ISIS for a moment. Although both ISIS and the Muslim Brotherhood are Islamist movements, and fundamentally hostile to the kind of Arab society that I want to see, ISIS is more worrying for me than the Muslim Brotherhood. Why? The Muslim Brotherhood is a more cult-like organization, a fraternity of sorts with all sorts of tests and demonstrations of absolute loyalty to a

religious-administrative leadership. It is a closed system that is mired in its own mythmaking and worldview. The Muslim Brotherhood is a modern hierarchy that is not reflected in the early history of Islam.

ISIS, on the other hand, is an open system. It is violent and makes an appeal to the basic elements of Islamic history. ISIS intends to replicate the spread of Islam by the sword throughout the region – in a kind of replay of 7th century history. It is a seductive approach that makes use of many commonly held references. It claims the forms of ancient Islamic history for itself in a way that many Muslims recognize, including me.

ISIS recalls the Caliphs and the battles where so many early Muslims proved themselves or sacrificed themselves to defeat the enemies of Islam. ISIS appeals to this sense of re-enactment and this is where its true danger lies. They have articulated and referenced a misleading and one-dimensional narrative that, unfortunately, has wide purchase in our region. Why? Because of institutional pressure that refuses to examine and re-examine the implications of poorly understood beliefs about our religion, our history, our present societies and the ways in which we can improve our lives.

Here, we Sunni Muslims need to ask ourselves some critical questions: Why would the form of an Islamic State and the declaration of a Caliphate so excite certain populations on social media? Do they know what they are excited about? Do they understand the difference between the form of an announced Caliphate and the substance of daily murder in the name of our dear religion? Do they realize that ISIS would likely behead them if they were under its rule?

Do they know enough history to realize that in the time of the actual Caliphate, the Caliph Yazid was said to spend his evenings in long and friendly discussions with his Christian Minister, who later became a Christian saint? Or that the Caliph al-Mansur sought advice from Hindu astronomers before choosing the time to lay the foundation stone of Baghdad?

ISIS's so-called Islamic State is a perversion of history – but it is not a completely alien proposition. The set of actions ISIS has taken, and the set of references they make, are very well known in the Arab world – at the very least. And that makes it particularly dangerous. This is where our religious authorities need to step up and devise narratives that attract a new generation of young Arab Muslims. Let me turn now to the question of those religious authorities, how they behave and how they are constituted.

The need for new religious leadership

I believe in free speech: indeed, I am exercising it here. Yet there are limits to it. Religious leaders, who claim in effect to speak for God, have great power to sway people's minds, especially the minds of those who have not been taught to think for themselves. It is unconscionable in my opinion that a cleric with such authority as Yusuf al-Qaradawi, who lives in Qatar and has great influence with the Muslim Brotherhood, can be allowed to say as he did in 2009 that Hitler "put [the Jews] in their place" and that "the next time will be at the hands of the believers." In the context of Syria, though obviously the Assad regime has done many terrible things to the Syrian people, those clerics who have encouraged viciously violent Islamist groups like ISIS have done a great disservice to the Arab world and to humanity.

But perhaps militant clerics give license to these groups because of their own insecurity. Perhaps, in turn, this insecurity is a result of their apparent inability to engage with the questions thrown up by modernity, telecommunications and globalization.

One of the key problems of the Muslim Brotherhood and ISIS narratives is that they are one-dimensional, disconnected, reductive sketches of Islam's history and that of the modern world. However, this is precisely why they appeal to existentially disenfranchised young Muslims. If our traditional religious authorities are unable to recognize that their grasp of Islam's narrative in the minds of our youth is slipping, then it is for laymen and people of goodwill to take up the baton.

Today we need to think in terms of Islamic structures and institutions that are more responsive to people's existential needs; and of how they can be of service to the people, rather than how the people can be of service to their visions of glory. We need religious leaders who show a concern for the well-being of each and every individual in their community. We need a religious leadership that thinks about the modern world, that understands political science and economics, that is well-read in the social sciences, that speaks multiple languages and that looks at young Muslims, Arab or not, as individuals to be educated and cared for, not as cannon fodder in an Islamist onslaught against modernity.

Democracy or inclusiveness?

I don't see democracy as the answer to the Islamists – and would rather focus on inclusion instead. Here's why.

When I saw the protests in Tahrir Square in 2011, and protests against Ben Ali in Tunisia, and uprisings against Gaddafi in Libya, I and many of my friends wanted to believe. I wanted to believe, as the Western press did, that these protests were an expression of the noble aspirations of the Arab people, a flowering of the demand for freedom by the oppressed of the region, and the end of the Arab exclusion from history.

Now in 2014, we see that Tunisia is unsettled and that the question of Islamist control of government is still undecided. Libya is in great trouble with the proliferation of arms and militias threatening the unity of the state. Egypt experienced its non-coup and is at the heart of the battle between an ideological Islamist worldview and a worldview that is more inclusive in scope. Yemen does not make the headlines these days, but the economy is suffering tremendously and various low level conflicts continue to tear at the fabric of the country. Syria is the shame of the Arab world with over 200,000 dead and a merciless and brutal civil war that has morphed into the specter of radical and violent religious extremists dominating more and more territory.

What has gone wrong?

First, despite the virtues of democracy, it can be divisive – much more so when it is coupled with Islamism. It can be a puzzle to people new to democracy to understand that winning the election does not mean that the minority has no further role to play and no rights that remain. Many Islamists will welcome democratic elections on the basis that we are all Muslim societies and that therefore the most Muslim of parties will win. And win again, and again and again. The point of designing political systems that are genuinely just and stable involves the expression of wider and deeper principles such as the protection of all, winners and losers, majorities and minorities, men and women – so that the chance of renewal always remains a possibility, and so that people can still live in peace and security irrespective of their personal religious beliefs.

Islamist election winners in Egypt and Iraq were not willing to make any such concession. Yet in our society, which is still divided along regional, tribal, ethnic and religious lines, there are many minorities. Faced with the threat of

suffering from arbitrary power, many are willing to fight when confronted with the prospect of democracy, as they would fight any change that may threaten their freedom. It is no coincidence that ISIS was born in Iraq, which is an electoral democracy of just this kind – one which is run by Shi'a Islamists. Those who benefit from dividing the country on religious lines, and can then appeal to their home base for votes, have no interest in treating citizens on an equal basis regardless of their religion. It is partly because of Islamist movements that democracy in the Arab world will be so difficult to implement.

It is also because of the lack of institutions that can rise above partisan politics. When every Minister who is elected, in a country like Iraq, evicts the existing staff and replaces them with his or her own partisans, the stakes in an election are raised very high. Given the social, cultural and educational realities of our part of the world, many of us recognize that an introduction of electoral democracy that precedes the development of effective, impartial institutions may exacerbate tribal and sectarian divisions. Even the voting in something as apparently innocuous as a regional poetry competition in the UAE often takes place along tribal lines. This does not mean that Western style democratic processes will never happen; simply that overnight changes in civil relationships are fraught with dangers.

On the other hand, the Islamists demand that we all obey the utterances of a shadowy Spiritual Guide and his business-savvy henchman. Islam is the Answer to all questions, and I emphasize this ALL Questions – and the conveyor of those Answers is a person whose infallibility is never in doubt. What happens when such a movement is elected? How can it ever be expected to yield up power peacefully? When is the last time that any movement which saw itself as having a God-given right to rule, stood down in favour of an allegedly “godless” opposition?

So the challenge is to find a way to include all citizens and give them a voice, without risking the ripping apart of the social fabric.

Good government, technology, and unfettered inquiry

I'd like to address the issue of good government: how to deliver jobs and security. Let me address this first through the lens of technology.

The Arab and Islamic world has an illustrious history with technology. The Muslim world produced some remarkable technological achievements in the areas of mathematics, astronomy, geography and medicine.

Modern-day Islamist movements are not as open-minded. They want to accept the technological product but refuse the premises upon which the technology came into existence. We are always in search of a pure and idealized past where ethics, morality and the path to the Good Life were clearly set out and where the right choices were always clear.

Introducing an environment that would allow for us to flourish technologically means that we would have to open the doors to inquiry. And the best inquiry is free inquiry. Given that our current theological masters are not ready yet to face the puzzling questions of science and modernity, they prefer to dictate against the inquiry, but to accept the product of the inquiry. And thus we have the injunction against innovation, invention, importation of foreign and alien ideas. What is the area of application of this injunction? Who decides its limits? The reality is that this injunction may be of limited scope in theory. The way it is taken up by various groups in the Muslim world is less selective.

This is a point I would like to emphasize, as it is critical for the future of the Arab world. Technology is the product of inquiry and is premised on the creation of a free space of inquiry. Without the freedom to inquire, to question, and to challenge, we have no ability to create. However, inquiry cannot be limited to those areas permitted by religious authority. Inquiry quickly escapes its master's grip – just as radicalism does. This inquiry is limited more by religious injunction and ideologists of religion than political censorship.

Does this attempt to limit our interaction with the “immoral” world of inquiry mean that we will be saved from evil? No. In fact, we are doubly disadvantaged.

Firstly, it puts us in a place where we will find our lives produced and manipulated by other people's design of technology.

And secondly, we lack the ability to create it ourselves. We want the product but reject the principles that led to the creation of the product.

The spiritual guide of the Muslim Brotherhood said recently that God had produced the West to provide Muslims with technology. And thus there was no need for us to create our own. At the very least, this is an incoherent approach.

It seems that when it is a Western invention, we do not have the moral burden of the consequences of the product. We are merely its weak and weakened object.

What does make sense is that this approach will increase the tension in the Arab and Muslim worlds between those who insist on going backwards in time, and those who are in the present time. This tension is reflected in the battle between radicalism and progressive thinking; and between those who want time to stand still, and those who recognize that life is about mastering change. This is not a moral issue; it is simply the logic of contrasting existences.

As well as physical technology, let me speak briefly about political technology.

You will be pleased to know that the time I have spent in Russia has been put to good use. As I am out of the way of home politics, I enjoy the privilege of letting my mind wander.

The Russians often refer to political technologies in their public discourse. This is interpreted in the West as a euphemism for political manipulation. This may or may not be the case, but it did prompt me to think of political systems as intentional systems – by which I mean systems that are intended to produce certain outcomes.

So rather than dividing the world up into those that are democratic and those that are authoritarian, I began to see political systems more in terms of the outcomes they were likely, or, in some cases, guaranteed to produce.

So one interpretation of the demonstrations in Tahrir Square is that the protesters were demanding political change – the fall of Mubarak, democratic elections, the victory of youth over age.

Another view of the events says that people were demanding firstly, social justice, secondly, an end to corruption and thirdly, jobs.

What they got was the Muslim Brotherhood

I was puzzled by the enthusiasm that the Egyptian Muslim Brotherhood demonstrated in the pursuit of political power in the 2012 Presidential elections. I simply could not understand what they wanted to do with political power in case they won. They already had tremendous social and cultural power through their compelling though reductive and vague narrative that Islam is the Answer to any problem facing individuals or the nation.

In order to better understand this matter, I looked at the election platform of Morsi and compared his platform to those of other parties. My reading of the Muslim Brotherhood's agenda was the following:

1. They wanted to correct the moral state of the Egyptian people first, and then that of others later.
2. They wanted to enforce Sharia law.
3. They wanted to root out corruption.
4. They wanted to ensure social justice – however vaguely defined.

How did they propose to achieve all of these aims? The moral state was to be corrected with personal piety, Sharia law was to be enforced by a pious Parliament, corruption was to be eradicated by the piety of government administrators, and social justice was to be the outcome of overall and generalized piety.

This is not a caricature of their approach. It is the legacy of years of insisting that Islam is the Answer, without delving into how and why piety, Sharia law, prayer, devotion and the range of religious exercises that are central to our lives as Muslims, was going to translate into administrative and economic excellence. Moral excellence, perhaps, but in a state of failed economics and disastrous public services.

In conclusion, piety and holiness are key to our lives as Muslims, but they are not systems or technologies of governance.

The United Arab Emirates model

Having spoken about five themes that must be emphasized in the fight against radical Islamism, I would like to say something about my own country and its political system.

With the events of the Arab Spring and the loud calls for immediate democratization or Islamization, many of us in the UAE asked ourselves the following question: did it make sense to risk or sacrifice what we have achieved up until now, for an idealized democratic polity, or for an Islamist state, either of which could unleash destructive forces that we know are within us?

Why do I say this? For two reasons:

1. In establishing the Emirates, our leadership overcame divisions and antagonisms that were deeply rooted in tribal, nomadic culture. These features of our society are never too far from the surface. This is a feature common to all Arab societies. The fact that we overcame these obstacles

of distrust and competition for limited resources and built an economic success in our region is to be commended.

Once upon a time, we in the Emirates could have been like Libya today – a war zone of militias and Islamists and smugglers and terrorists. But we in the UAE are the product of a judicious understanding of what we have within our historical tribal selves and what we could become.

Changing our system by a radical reordering of existing relationships is highly likely to lead to people falling back on traditional allegiances of family, tribe and blood to the detriment of the social cohesion we have today.

2. We also know what happened in country after country in the Arab world. Extremists are better at grabbing power than moderates who take an accommodating system for granted.

Rather than being radical and revolutionary, our approach has been to uncover our own potential, and to reveal to ourselves what is already present.

I will go further, and propose that key features of the UAE system can form the basis of positive development in other parts of the Arab world. Why? Let me return to the five themes with which I began this talk: morality, tolerance, moderation, inclusivity and technology.

Firstly, I would say that in contrast to the Islamists' relentless and often hypocritical focus on moral virtue, we recognize human weakness. Though we set high standards for ourselves, we recognize that perfection is an attribute of Allah and not people. There is a remarkable readiness to forgive errors and move on. This translates into the rise of the entrepreneurial class amongst Emirati youth, as well as a lenient approach to other people's moral conduct. We believe these matters are a choice for the individual. We do not engage in moral witch-hunts.

Secondly, I would say that the UAE's rulers are decidedly tolerant Muslims and definitely not Islamists. The Islamist assumes that he is right and that you are wrong. The President and founder of the UAE, HH Sheikh Zayed, God rest his soul, made clear his opposition to movements like IS:

"In these times, we see around us violent men who claim to talk on behalf of Islam. These people have nothing whatsoever that connects them

to Islam. They are apostates and criminals.” He also rejected the Muslim Brotherhood’s agenda. He met with the Brotherhood’s leaders in the 1970s and refused their proposal to set up an office in the capital Abu Dhabi. When asked why he responded: “If you are the Muslim Brothers, then who are we?” In our approach, all are included – as long as they include others. This key feature translates into the allied notion of tolerance. If we are prone to error, and we do not exclude those who are different, this expresses itself as a deep tolerance and acceptance of other ethnicities and other faiths. We have over 190 nationalities in the UAE and over seventy churches. Mosques are full and churches are full.

Thirdly, the UAE takes action to suppress religious hatred and extremism by maintaining rigorous controls on the content of clergy’s sermons. It also hosts the International Centre of Excellence against Violent Extremism (“Hedayah”) in Abu Dhabi. The Centre is engaged in capacity-building and best-practice exchanges in countering all forms of violent extremism. In order to further promote peace in Muslim communities, the UAE announced on 19 July 2014 the establishment of the “Muslim Council of Elders,” an independent, international body of scholars from Muslim countries, promoting the core tolerant values and practices of our faith.

Fourthly, our system is both consensus and leadership driven. The UAE does have some explicitly democratic mechanisms allowing for formal voting and voicing of opinion. However, more significantly, the UAE has social mechanisms and platforms for debate, analysis, polling, idea-testing and consensus-building. These are not immediately visible to the outsider, but they are there and they exist. Going forward, there will inevitably be a need to further develop and refine these indigenous systems of signaling. And that will be done, and done by us. Consensus is allied with leadership. Historically, the leaders of the tribes of the region were men who had proven themselves with natural leadership abilities. It is the combination of communal consensus and strong, decisive leadership that we move as a society. And as a society, we face the uncertainty of the future, not as a source of anxiety and an excuse for autocracy, but rather as a challenge and with determination.

Fifthly, we are not afraid of technology. We focus on getting things done, in a manner that can be measured in the welfare of our people. This means that we focus on technological innovations like:

1. Rule of law.
2. Efficient judicial systems.
3. Administrative effectiveness, measured encouraged and rewarded by the state.
4. Schools and a broad education.
5. A functioning and adequate health system.
6. Airlines that connect us with the world.
7. Government as a platform provider.
8. An economy that is open to outside investment, and is freeing itself from dependence on oil.

These are some of the key features that explain the success of the UAE over the last forty odd years. The first step involves leadership with a vision for what is possible, and the second step is the vital work of building and reinforcing trust between key members of society. This work of trust building cannot be underestimated. We want our fellow Arabs to engage in the same step-by-step approach that we have followed always reaffirming and demonstrating goodwill to each other.

Toward a new Arab world

In my analysis, I tentatively put forward the idea that we in the Arab world are pursued by a variety of fundamentalisms, by rigid ideas and preconceived notions of what people are like, and of what the outcomes should be. And it is these dogmas that distract us from building our societies today, as well as tempt us with instantaneous Utopias that we may want but need to work towards.

ISIS is the proof that we all needed in Sunni Islam to recognize that there are, and must be, different interpretations and that laymen of goodwill are obliged to enter the fray. Laymen need to wrestle back Islam from the embrace of violence. ISIS makes a mockery of all the values that we believe and know Islam to embrace.

There are three thoughts I want you to take away today:

1. We in the United Arab Emirates believe wholeheartedly that the Arab world has the capacity, and the knowledge to create a path of intellectual and economic productivity. And that violence is the least effective means

of achieving what the silent majority wants – an Arab world that is at peace with itself and confident in its position in the community of nations.

2. Most young Arabs prefer our model to that of the Islamists. The 2014 Arab Youth Survey showed – not for the first time – that when asked what country their countries should emulate, Arab youth name the UAE above all other countries – above the US and UK, above Turkey and Iran.
3. We Muslims, and the Muslim communities of the Arab world in particular, have within us the capacity to reformulate our approach to ourselves and to the rest of the world, and thereby to share the beauty of our great religion with all.

Thank you.

Religious Freedom at the Time of Globalisation and Postmodernism: the Question of Proselytism¹⁰¹

Silvio Ferrari¹⁰²

PART I

The problem

Proselytism is becoming increasingly unpopular amongst theologians and legal experts.¹⁰³ From a theological point of view, the intrinsic incompatibility between ecumenism and proselytism among Christian denominations (SABRA, 29-31) has been highlighted and the correction of proselytism towards non-Christian religions has been discussed (ROBECK, 6); from a legal point of view, doubts on the inclusion of proselytism under the umbrella of religious freedom have been voiced. (ECC document; *La sfida del proselitismo*, 1995, nn.15-17; LAPIDOTH, 460)

Traditionally, proselytism was viewed as an expression of the right to manifest one's religion or belief in teaching, practice, worship and observance. (Universal Declaration of Human Rights, art. 18; ICCPR, art. 18). Nowadays, it is even seen as a violation of the right to privacy and to religious identity (ICCPR, art. 17 and 19) or the right "to be left alone." Besides, a certain distrust towards proselytism derives from the increasing tendency to exclude all open references to the right to change one's religion from international norms on religious freedom: indeed, that tendency also is motivated by the wish to avoid an indirect or tacit approval of proselytism. (HIRSCH, 411-415; EVANS, 191,192,196; GARAY, 9-11)

101 Article published in C&L no 60, 2000, p. 9.

102 Professor at the University of Milan, Italy.

103 In this article, the word "proselytism" is used without the negative connotation it recently acquired; otherwise, the phrase "improper proselytism" is used. On the changing meaning of the word "proselytism" (which confirms the theological and legal trends mentioned in the text, cf. LERNER, p. 490 and NICHOLS, p. 566).

Of course, resorting to illegal activities, which has always been condemned, is out of the question. But today the debate is drifting to illegitimate forms of proselytism to proselytism as such: we can wonder if proselytism, even if correctly applied, should be forbidden or at least limited (HIRSCH, 415ss, who considers religious domain “semi-private” domain and bans the intrusion of proselyte activities there; LERNER, 559, who states that the protection of community or collective identities is a legitimate limitation to proselytism; this message 59 excludes intra-Christian proselytism; ROBECK, 2, upon requests to set geographical or cultural boundaries to proselytism).

That process certainly is nothing new but has intensified over the past few years. A few reflections will enable one to better understand this recent change.

Fundamental elements: membership, change of religion and proselytism in Judaism, Christianity and Islam.¹⁰⁴

The examination of the problem concerning proselytism must start with the way Judaism, Christianity and Islam conceive the entry and exit of believers into and from the community. These three religions have a different conception of religious membership and therefore they see proselytism in different ways.

A few scholars have already explored this topic (for instance, MORRIS, 238-245, who makes a distinction between communities of assent – the Christian model – on the one hand and communities of descendants – the Hebraic model – on the other). Concerning proselytism, the most important difference lies among the religions who mainly understand faith as a personal relationship with God and those who stress community as providing the vital spiritual and social background in which individual faith feeds (KERR, 19). From that point of view, it is possible to draw a curve ranging from Protestant churches all the way to the Muslim community, passing through the Roman Catholic Church, the Orthodox churches and the Orthodox Jewish community.

This classification (and the fundamental distinction on which it rests) has its limits because it should be placed in a context paying more attention to the historical and cultural *habitat* in which religion developed. Yet, it deserves

104 I do not have sufficient knowledge to deal with this topic in reference to other religions but it is well known that the rights to change religion and to proselytize are hot topics in regard to Buddhism and Hinduism. For instance, see the limits to the change of religion stated in the Constitution of Nepal, a country with Buddhist prevalence (art. 19.1).

to be tested – analysing the way by which a person becomes a member of a religious community before anything else. All religions accept conversion but some are based on the transmission of the faith by birth (Islam and Judaism: cf. PEARL, 121ss; *Encyclopaedia Judaica*, “Jew”, 24, 25), whilst others (Christianity) require baptism, i.e. a “voluntary” act of assent to the faith. Amongst Christian faiths, there are still significant differences. Concerning the baptism of newly born babies (which is the usual habit of the Catholic and Orthodox Churches), the word “voluntary” certainly has a weaker meaning than in the case of the baptism of adults (which Seventh Day Adventists and Baptists, amongst others, request). Besides, whereas the Catholic and Orthodox churches link affiliation to the Church directly to baptism, Evangelical communities and others Protestant communities put more stress on the personal commitment to follow the command of Jesus Christ (NICHOLS, 597; *Oxford Dictionary*, “Infant Baptism,” 832).¹⁰⁵

An examination of the way a person is allowed to leave a religious community can provide us with an instrument for a double check. According to Islamic law, the penalty for apostasy is death (MAYER, 149ss; SACHEDINA, 53ss; RAHMAN, 134). Strictly speaking, according to Jewish law, apostasy is technically impossible: a Jew born from a Jewish mother or someone duly converted to Judaism cannot change religion (*Encyclopaedia Judaica*, “Apostasy,” 212). The same applies to Roman Catholic Christians: apostasy does not free one from the obligations entered into with baptism (NAZ, 649) even if the new code of canon law seems less strict on the issue (VALDRINI et al, 207). On the contrary, in the Seventh Day Adventist Church, the free churches and in other Protestant groups, the withdrawal of a member frees him or her from any obligation towards the church he or she left. (*Encyclopedia of Christianity*, “Church Membership,” 549, 550.)

In short, religions favouring the individual aspect of the relationship between a person and God tend to consider entering into a religious community and leaving it a question of individual choice, whereas those religions focusing on the community aspect of that relationship tend more to see membership in a religious community as something which is beyond individual decision.

105 These differences in the conception of affiliation to a religious community are reflected in the notion of Christian “by name” and therefore they are of interest to proselytism, which certain religious groups consider legitimate when it is practised by Christians upon other Christians only affiliated “by name” to a different faith: cf. ROBECK, 7.

In general, religions of the first type have had fewer problems than religions of the second type in coming to terms with modernity.¹⁰⁶ In particular, they have been able to accept the notion of religious liberty which has taken shape in the West in the last two hundred years – a notion based on the supremacy of the individual conscience, a notion that includes the right to change religious affiliation, a notion that does not entail a negative consideration of proselytism correctly practised. (On individual choice as a characteristic of modernity, cf. BERGER, 1-31.)

These observations help in understanding why specific anti-proselytism laws are not common in countries which are predominantly Protestant and Catholic (even if some limits are sometimes put to the activities of “sects”: but this is a different phenomenon from that of a general limitation to proselytism). On the contrary, Greece¹⁰⁷ and Ukraine (BIDDULPH), Israel¹⁰⁸ and many Muslim countries¹⁰⁹ have laws against proselytism, i.e. where community elements of religion are stronger even if declined in different ways: in Islam through the concept of *ummah*, which is the political, social and religious community all in one (AL-AHSAN), in Judaism through the concept of “chosen people” and in Orthodox Christianity through the notion of local church. (HABIB, 22).

These last remarks demonstrate a second distinction between the two identified types of religion: the relationship between religious and secular society is conceived by “communitarian” religions in much tighter terms than by “individual” religions.

A few references to Jewish law, Muslim law and Catholic canon laws (which, along with Orthodox canon law, is one of the most extended and pervasive in the Christian world) tend to substantiate this affirmation. By opening a Jewish or Islamic law book is enough to realise that the field covered

106 In this context, the word “modernity” is used as applied to the principles and values which have imposed themselves in the West from the Illuminism.

107 Art. 13.2 of the Constitution and law 1672/1939. For their interpretation, see MARINOS.

108 The Penal Law Amendment (Enticement to Change of Religion) Law, 5738-1977, does not forbid all forms of proselytism (as art. 13.2 of the Greek Constitution does) but only the enticement to change one’s religion through offering money or material advantages. Cf. LERNER, p. 20, 21.

109 According to Islamic canon, the *dhimmi* is not allowed to proselytize (ARTZ [1996], p. 414); yet, we should remember that for a long time, a similar rule also applied to non-Christians in Christian countries. More on the restrictions placed on proselytism in Muslim countries, see STAHNKE, p. 267, 276, 283-284, 307-310.

by those two legal systems is much wider than that covered by canon law. It extends to topics (contracts, property, civil liability, etc.) which are scarcely considered by canon law. Only Jewish and Islamic laws constitute a detailed theocratic law *corpus* ruling all aspects of religious and civil life 98-1.1 (ROMNEY WEGNER, 29; ENGLARD, [1987]; DORFE, 1333; FALK, 84; SCHACHT, HASSAN, 94). Canon law confines itself much more to the first of these aspect (the religious life) and to the profiles which interest the organisation of the church (DAVID, 473). The same conclusion is reached by examining divine law too, i.e. the inner core of the three legal systems.

A consequence of this inclusive approach of Jewish and Islamic laws to secular matters is the difficulties they experience in separating state and religion.¹¹⁰ Tackling an aspect concerning both Judaism and Islam (cf. HASSAN, 93; ANDERSON [1987], 487, 488), Moshe SILBERG making a point which applies to Judaism as well as to Islam, writes that “the well-known conciliatory advice ‘give back to Caesar what is Caesar’s and to God what is God’s’ is a novelty created in the school of Christianity. Judaism does not recognise ‘what is Caesar’s’ at all” (SILBERG, 321). Therefore, Englard concludes, the religious law of Judaism (*halakah*) “makes no functional distinction between worldly matters, given over almost exclusively to the political authority, and matters related to the welfare of the soul, coming within the jurisdiction of religious organs [...]. Human affairs are an integral concern of the *halakah* in precisely the same manner as matters between man and Divinity” (ENGLARD [1975], 24). As ENGLARD himself recognises (along with many others: for instance, MAOZ, 242; FALK [1980] 84; FALK [1981], 19, 24), we are quite far from canon law and the doctrine of the Catholic Church – based on the distinction between religion and politics, church and state – but not so far from the Orthodox Church doctrine, even if, in that case, the proximity of church and state is grounded on a different theological approach from the Jewish and Islamic approaches, as we are about to see in the following paragraph.

The attitudes concerning religious membership, change of religion and church-state relations are part of centuries-old traditions. They have always

110 This last statement also applies to some countries with Christian traditions, like Britain and Scandinavian nations. But in that case, the weak separation between religion and state does not depend on a weak separation between religion and society (cf. BAUBEROT, p. 29,30), as is the case in Israel and in many Muslim countries. On the contrary, Britain and Scandinavian countries have been going through a deep secularisation process.

affected interreligious relations and the relations between church and state but their importance has recently been highlighted by a number of different factors. Leaving apart those factors which, though important, are more general – the “de-privatisation” of religion (CASANOVA), the revival of its significance in the geopolitical scene (JOHNSTON et SAMPSON), the links between religion and nationalism (JURGENSMEYER, FERRARI, *Nationalism*) on the one hand, and religions and cultural blocks (HUNTINGTON) on the other etc. – we must focus on two elements which had a direct consequence on proselytism. These are: A) the re-emerging of the Orthodox churches after the fall of Communism and the strengthening of the concept of national religion (and the relevant dichotomy between national churches and foreign organisations) which used to be limited to Greece¹¹¹; B) the spreading of Islamic “fundamentalism” with the consequent tightening of anti-missionary and anti-apostasy provisions. We can also mention one last element of conflict taking shape and which will soon have to be taken into account: the clash between religious freedom (and proselytism) on the one hand and the protection of indigenous communities on the other.”¹¹²

Globalisation and Orthodox Christianity

One of the reasons for the reinforcement of the negative image of proselytism is the shifting of the equilibrium among the “individual” and “communitarian” religious groups resulting from the transformations occurring within the Islamic and the Orthodox worlds mentioned at the end of the above paragraph.

Focusing on the second case, recent studies on globalisation¹¹³ provide a good framework to analyse developments concerning the Orthodox Church.

111 Inside “free Europe” in any case. As previously mentioned, Scandinavian countries and Britain have national churches but they do not penetrate society and culture with the same intensity as the Orthodox Church in Greece (BAUBEROT, p. 29, 30).

112 Cf. *infra*.

113 The word “globalisation” designates the quick growth of communication technology and the simultaneous growth of the transmission of knowledge and information, allowing to easy reach to even the most remote regions of the world, virtually ending the isolated community (ASLAN, p. 98; AHMED and DONNAN, p. 1). At a different but equally important level, population movements (workers migrants, refugees etc.) also favour the relationships between people from different cultures (AHMED and DONNAN, p. 4-7; DURHAM, p. 11). On that topic, also see the studies published in issue no. 1/1999 of the magazine *Il Mulino*.

By increasing contacts among particular cultures and identities, globalisation has the effect off relativizing them all, highlighting the fact that various lifestyles are human constructions for the most part (FEATHERSTONE, 8; BEYER, 2). Simultaneously, specific cultures and identities do not confront one another on equal footing: in fact, through globalisation, the strongest cultures and identities have more opportunities to spread their values throughout the rest of the world (Ahmed and Donnan, 3). From that point of view, some students consider globalisation (even at the cost of a certain simplification)¹¹⁴ as an attempt to extend Western “modern” institutions and values to the “pre-modern” rest of the world (BEYER, 8; AHMED, 98ss). That process may undermine the weakest cultures and identities but it can also contribute to revitalise those able to resist the process of globalization by appealing to a set of specific values. (ASLAN, 98)

All throughout Central and Eastern Europe, the fall of Communism left a void of values and ideals quickly filled by ideals, values and the “lifestyle” prevailing in the West, particularly in the United States. The disruption that inevitably followed has triggered a reaction aimed to rediscover alternative values based on “local” traditions.

In providing these values, religions can play a relevant role, especially those that are very closely tied to the particular cultures and identities where they developed and which contributed to shape. This is the case with the Orthodox religion. The Orthodox churches in Russia and in the Balkans had a prominent position in safeguarding the cultural identity of those populations during the Mongol and Ottoman dominations (ARTZ, 427; PERENDITIS, 231-246). Orthodox theology developed a particularly strong conception of the local church, according to which the identification of the faith with a people and a culture is a logical outcome of the incarnation (HABIB, 22). The autonomy of churches allowed the latter to easily transpose this concept on to the legal and structural field too (NICHOLS, 622). The principle of “one church in one territory” is well known in the Orthodox canon of law. The idea of the national church is based on that principle and, to more directly get to the point of this article, so does the request according to which the proselytism of other Christian churches is not directed against the Orthodox Church but, quite the opposite, is channelled through it to help it recover its “own” lost sheep, in the

114 Indeed, we should stress that even a dominating culture is influenced by globalisation (BEYER, p. 9) but it is impossible to adequately synthesize such a complex argument.

spirit of Christ's common testimony (VOLF, 26, quoting Patriarch Alexy II of Moscow; NICHOLS, 629,636,646). Therefore, it is not surprising that no sooner had the Berlin Wall fallen, a link was set up between certain political groups opposing all foreign cultural and economic influence and an important part of the Orthodox Church in Russia and the Balkans, all of them being persuaded that "local" defence also means defending "local" culture and identity (BERMAN, 301, highlighting the ethnical character of the Orthodox Church; BIDDULPH, 377, referring to the situation in Ukraine; KOKOSALAKIS, 22ss). The message of Metropolitan Kirill of Smolensk and Kaliningrad at the conference "Mission to the world and evangelisation" (November 1996) at the World Council of Churches is a clear example of that connection: "Proselytism is not some narrow religious activity generated by a wrong understanding of missionary task. Proselytism is the fact of invasion by another culture, even if Christian, but developing according to its own laws and having its own history and tradition." (NICHOLS, 645; on the adoption of similar arguments by the Catholic hierarchy in South America, cf. ROBECK, 4, 5.)

From that point of view, proselytism is not only threatening religious faith but also the "spiritual health of the nation, the future of the fatherland, and the preservation of its unique form" (ARTZ, 422, quoting a 1997 declaration of the Patriarch of Moscow); (cf. NICHOLS, 648, 650 too); from there, the problem no longer is a religious one only but also moral or cultural. This entitles the church to appeal to the state, in full compliance with the Orthodox "symphonic" conception of church-state relations, according to which the church provides the state with moral values and the state grants material support to the church. Central and Eastern Europe governments, who are well aware of the fact that the Orthodox Church (or in certain countries, the Catholic Church)¹¹⁵ is one of the few institutions in a position to fill the ideological void left by the fall of Communism, have been willing to provide such support. In those cases, opposition against "foreign" proselytism has easily become one of the strongest links joining religion and culture in the struggle against globalisation.

These remarks do not apply only to the Orthodox Church. Interestingly, Arz's study of proselytism and the Muslim community in Russia reaches the conclusion that "Islam and Russian Orthodoxy... have more in common

115 The concordats recently signed between the Holy See and certain Eastern European countries (Croatia, Hungary, Poland; others still are being negotiated) can be considered a sign of those governments' will to support the Catholic Church (FERRARI/ I concordati, p. 176-178).

with each other than either does with the individualistic Western form of Christianity.” (ARTZ, 474.) This conclusion seems to be confirmed by the text of the earlier drafts of Russia’s 1997 law on freedom of conscience and religious associations which mentioned Islam, Buddhism, and Judaism, but not Christianity (i.e. non-Orthodox Christianity), which was apparently confined among the anonymous group of “other religions traditionally existing in the Russian Federation.” (ARTZ, 423.)

A Vocation for Accepting Differentiation¹¹⁶

*Jacques Doukhan*¹¹⁷

The principle of “knowing yourself” established by ancient philosophers as the fundamental approach for thinking men already reveals this eternal preoccupation of man confronted by himself: Who am I? Psychological and sociological criteria, the mechanisms revealed by the study of psychology etc. have not succeeded in solving the mystery. Man is still asking himself the same question. He has had many answers, moulded as always by his personal experience drawn from his own observations and insights.

From its very first lines, the Bible hastens to offer its own definition: curtailing all “speculation,” it provides its reader with the formula for himself through a revelation of the external as the ultimate in objective information; and leads him to a conception of man in which the powerful lesson of tolerance is implicit because it regards him as the subject of a vocation whose essence is above all to accept differentiation.

Initially, we address the technical aspect of the question by analysing the biblical wording as it stands in its written form, in itself. Following this, during a second stage, we will attempt to understand the impacts with regard to existence.

I. The paradox of “*man in God’s image*”

In answer to the question “What is man?” the Bible responds with a concise (Genesis 1.26) expression that defines him as *beçalmo kidmouto* in relation to God, which is generally translated by the expression “in his image and likeness,” but which more literally means “in his shadow, as in his form.”

¹¹⁶ Article published in C&L no 8, 1974, p. 35.

¹¹⁷ PhD in Hebrew studies

The expression “as in his form” following on from “in his shadow” does not however imply a succession of events. If this were the case, it would certainly be preceded by *vav*, the compulsory coordinating conjunction. This would rather tend to mark a sort of stamping, as if to highlight the simultaneity of the two operations: Adam was in the “shadow” of God, he was as in his form.

Further on, we find the same strange wording. This is in chapter five, a genealogy in fact or passage which falls into the same literary category.¹¹⁸ The literary genre is announced by way of introduction and it is a *toldoth* (genealogy). In other words, in Adam’s *toldoth* which we should remember while drawing on the expressions in the first chapter, he was created in “God’s image.”

The extract in chapter five appears as a sort of repetition of the first chapter according to the process of parallelism, which is classic in Hebrew literature.

This is in fact about man’s sequel, his continuation. The author immediately feels the need to provide the formula for this new “creation” which this time focuses on man himself according to the process of procreation: man “creates” *bidmouto keçalmo*¹¹⁹ in his form as in his shadow, in other words by an operation that is the contrary of that of God’s creation, thus emphasising the fundamental difference that exists between the two means of creation: *beçalmo kidmouto* (in his shadow as in his shape) as opposed to *bidmouto keçalmo* (in his form as in his shadow).

The two hemistiches of this chiasmic parallelism respond to each other for mutual clarification, their role being to bring to light the division of these two relationships: God/man and Man/man.

The God/man relationship is defined as follows:

Man is created *in the shadow* of God, and thereby in his form. It is in fact obvious that every “object” shaped in the shadow must re-emerge sculpted within the boundaries traced by these shadows in order to evoke through its shape the subject of the shadow. Because he was formed in the shadow of God, Adam presented the same “outline.”

118 For a number of stylistic reasons which go beyond the framework of our subject, the first chapter has generally been classified under the same heading (P) as chapter 5 and in effect presents all the literary elements of a genealogy.

119 Cf. Genesis 5.3

Man draws the essence of his character not from God but from that which turns out not to be God, namely his shadow. Thus created facing God outside of Him... he resembles him. Israelites could understand this paradox because it was specifically suggested to him by the "parabola" of the shadow.

This verse places us in front of another difficulty. If God created man as in his form, how did he create his form? One may understand by that that God had to create his shape with the sole aim of creating man. God thus to some degree limited himself when he allowed the other, man, to exist.

To create his form, God has to limit himself. Thus, to create man, God has to limit himself. Which means that God creates man according to the same process as that of the creation of the shadow, namely by limitation, the *Tsimtsoum* as the *Cabbala* would say. *Bidmouto* (in his shape) falls perfectly within the confines of that which was implied in the first element of parallelism, *belçamo* (in his shadow), in the sense that it also emphasises the importance of the "otherness" factor in the creation of man.

The Man/man relationship is defined as follows:

The child is begotten in the form of his procreator and thereby like his shadow. If we give the preposition "in" the same meaning as that of the hemistich of the God/man relationship, in other words a locative role, then we have to acknowledge that our verse alludes to that which constitutes the human "form" par excellence, namely the body in which the said begetting must take place. But the process of this human creation is described to us by referencing the phenomenon of the shadow, thus indicating that man begets his son in the same manner as his shadow, in other words with the help of an element "outside" of himself that transcends him. Was it not thus that Eve, the first mother, achieved her first procreation: "I formed a man with the help of the Eternal."¹²⁰ Is not the shadow the result of the combination of the sun and the object?

Thus, if the child is of the same nature as his procreator because it is begotten from his flesh, in his form, his conception is about a higher manifestation. The child is not however the shadow. The comparison is simply part of the process of procreation and at the level of the procreated.

120 Cf. Genesis 4.1

In short:

1. God creates from that which is not himself – in his shadow, *belçamo*. Man begets from that which is himself – in his form, *bidmouto*.
2. In order to create God has to limit himself, as (with) his form, *kidmouto*. As with his shadow, *keçalmo*, in order to procreate man must transcend himself by focusing on the infinite.

Just as the begetting stems from the essence of human nature, so creation brings into existence that which is not the Creator.

It is probably in order to emphasise the fundamental contradiction of these two methods of conception that the Bible has chosen the literary process of chiasmic parallelism, thus using contrasts to better expose the vast extent to which man is created by God, outside of himself, separate from himself and consequently, different.

II. Existential implications

God could have created man “*ex-divino*,” like a sort of emanation of himself. But God took the risk and created man “*ex-nihilo*” – in other words, outside of himself. As a consequence, religion exists, definitely an experience that confronts two beings for whom the presence of one could only negate that of the other, given the extent of their opposition. Accepting this difference implies a whole manner of being and thinking that needs to be revealed in order to sense the reasons behind such daring on the part of God.

In the first place, this presupposes freedom; freedom through respecting others as well as through respect for oneself by fulfilling one’s destiny.

Respecting others means recognising the existence of a whole field that does not belong to us, which escapes our grasp: it requires abandoning our right of scrutiny and judgement. The horizontal gaze excludes the vertical and it would be dangerous to confuse these two directions. It is probably these self-same ideas that the Maharal of Prague¹²¹ referred to when he reflected on the “immanence of things.” According to André Neher,¹²² “the Maharal explores the world as if the absolute were a kind of dead in. That which is horizontal opens up

121 Sixteenth century Jewish theologian.

122 André Neher, *Le puits de l'exil*, p.43

before him with its own resources, its riches that owe no tribute to any kind of vertical dimension." Thus, everything related to that which is good, loving one's neighbour, for example, should not in any way refer to God. One cannot love man because of God, for fear of such an attitude leading to the moral scandal of the Crusades. The fact that I love my neighbour has nothing to do with anyone else and certainly has nothing to do with divinity. This is what Simone Weil has in mind when she declares that: "God is not present, even though he is invoked, in situations where the wretched are simply an opportunity to do good, even if they are loved in the light of this... This is why expressions such as to love thy neighbour in God, for God, are misleading and confusing expressions... There are moments when thinking about God separates us from him."¹²³ On the other hand, the relative vertical is incompatible with the horizontal: When God speaks to me, it would be inappropriate or even pernicious to introduce a horizontal approach. My relationship with God does not have anything to do with my neighbour. To allow a situation like this is to provide justification for the murders of the Inquisition.

Respecting another also means raising a question mark and not enclosing him in a dogmatic or psychological form; it means allowing him to be himself in his most mysterious and even most shocking ways. Failing this, another person becomes a kind of reassuring "alter-ego" whose slightest reactions I could hope to foresee. This is why, comments psychiatrist Henri Baruk, the special law referred to as Kilaim pertaining to "gender attributes," immediately follows the injunction "Love thy neighbour as thyself" (Leviticus 19:18, 19) as if to qualify this in terms of a warning against that which he calls a "spiritual imperialism," which precisely consists of imposing resemblance and uniformity as a criteria for love and respect.¹²⁴ Whereas in order to be free, the other needs our "faith," the kind that dares to not understand, the kind that "hopes."

Freedom is also self-respect in having the courage to accept one's differences. It is this above all that gives rise to conflict because it will engender resistance. Each of the opposing parties will assert themselves when confronted by the other, given their difference and will fight accordingly. Because simply giving in to everything is a certain mental laziness or cowardice. It is easier to be another, an echo, than to truly be oneself. Revolt is a token of this difference and is therefore legitimate.

123 Simone Weil, *Attente de Dieu* p. 137 and 138.

124 Henri Baruk, *Civilisation hébraïque et Science de l'homme*, p. 94 and 95.

Finally, difference ensures dialogue; without it, the latter would be but a monologue or repetition, an echo. Dialogue in fact extends to the opposition. It is a prerequisite of their being able to dialogue that partners are antagonists, one against the other. Hebrew has fully grasped this because it is from *negued*, against, that it derives the terms which fundamentally express the notion of *haguid* dialogue, which means to say, speak, answer. The more they fulfil this condition of “against” the more they will have opportunities to meet, given the absolute truth that parallel lines never cross paths.

In the end, respect for difference will ensure successful dialogue given that, by implying freedom, it will give such dialogue its true nature without which it would end up becoming a “confession” or at least “demagoguery.” Only this freedom will preserve this vacuum, this silence¹²⁵ that will enable true discourse which, by not being an echo, is free and responsible because it is itself: because the word can only be spoken in the desert.¹²⁶

Accepting difference equates with demanding freedom for you, for others, and thus paving the way for dialogue. It is also about confronting that which negates you and is therefore about risk: a difficult vocation but the only one for which you were in fact created.

125 Max Picard, *Le monde du silence*, p. 8 ss.

126 Was the Hebrew language interpreted in this way when it appears to etymologically connect the words for word (*davar*) and the desert (*midbar*)?

Distinct Roles of Church and State¹²⁷

W. Cole Durham Jr¹²⁸

I. Introduction

I am extremely grateful to the organisers for letting me take part in this symposium. Many of us also attended a similar conference in Kiev last September and I would like to pay my respects to Mr Ivan Platthy and his associates, as well as to the International Association for the Defence of Religious Liberty (AIDLR), for having acted in a way which, I hope, will turn into tradition.

My only regret is the scale of the topic on which I am going to debate: “The distinct roles of Church and State.” I am sure you may be relieved to know that I have no intention of covering that topic exhaustively. Rather, I would like to start with a few general remarks on the real differences and similarities of those roles and on the principles that may guide their sometime delicate interaction. In such a context, I shall then comment further on what I consider to be concrete problems appearing all throughout Central and Eastern Europe. [...]

II – Perspectives on the distinct roles of Church and State

1. Jurisdictional approach of separation between Church and State

This is the expression of a democratic spirit as the way to celebrate common wisdom. But it is also possible to consider it as a metaphor of the various interpretations of Jesus’s famous remark on the obligation to pay taxes to the Romans: “Give back to Caesar what is Caesar’s and to God what is

127 Article published in C&L no 53, 1997, p. 35.

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God's."¹²⁹ Throughout centuries, it was generally admitted that the nature of that response was jurisdictional. The line marked on the ground represents a boundary between the Church's and the State's respective competences. Other metaphors have been used to describe that line. For instance, it is possible to think of the famous "two swords" doctrine, first formulated by Pope Gelasius I at the end of the 5th century, which mentioned that there were two swords "by which this world is chiefly ruled, namely, the sacred authority of the priests and the royal power."¹³⁰ In our modern times, we still remember Thomas Jefferson's renowned image about a "separation wall" between Church and State.¹³¹ Nevertheless, as the Supreme Court of the United States observed, whether said wall is a straight one or resembles those serpentine ones Jefferson had conceived for some of the buildings he built is not very clear.

In his *Letter Concerning Toleration*, philosopher John Locke also expressed his thoughts in jurisdictional terms in his now classical formula of the distinct roles of Church and State. Locke argued it was crucial to "distinguish exactly the business of civil government from that of religion."¹³² According to him, "the whole jurisdiction of the magistrate reaches only to these civil concerns (i.e. life, freedom, external possessions such as money, land, houses, goods etc.), and that all civil power, right and dominion, is bound and confined simply to the care of promoting these things; and that it neither can nor ought in any manner to be extended to the salvation of souls." The vague and relatively modern notion of "separation of Church and State" is also a metaphor suggesting such a jurisdictional approach.

2. Protection of the spheres of autonomy where the interests of the State and religious interests become merged

With the advent of the welfare State and its increasing influence on all aspects of life, we have grown accustomed to see the relationships between Church and State institutions a bit like the second Cajun, the one who wanted to draw a circle on the road. Religious freedom is understood as "circles or

129 Matthew 22.20,21.

130 See Harold J. Berman, *Law and Revolution: The formation of the Western Legal Tradition*, 92, 1983.

131 Joel Hanson Comment, *Jefferson and the Church-State Wall: A Historical Examination of the Man and the Metaphor*, 1978, BYUI. Rev. 645.

132 John Locke, *A Letter on Toleration*, first publication in 1689, Library of the Liberal Arts, Macmillan Publishing Co, New York, 1950.

spheres of autonomy” upon which no one is to interfere except in cases when major interests of the State cannot be defended in a less binding manner.¹³³ This means that current reference texts at international levels, such as the European Convention recognising rights to religious freedom, may be limited in cases globally corresponding to the role of civil power as understood by Locke. As stated in the European Convention, these restrictions must be based on legitimate interests of the State and aim at protecting public order and security, health, moral and people’s rights.¹³⁴ Nevertheless, enforced international law acknowledges that in that context of modern nations, these interests are too omnipresent for it to be enough, in order to protect religious freedom to limit the action of the State to civil interests, which have been perceived as a justification for its intervention since Locke until the European Convention. On the contrary, we should remain vigilant for the restrictions the State puts to religious freedom to be possible only if “they are prescribed by law and necessary within a democratic society” because the protection of civil interests can easily lead to interference into the religious sphere of autonomy. The Strasbourg Court interpreted that notion as the infringement of a right having to be motivated by “a pressing social need” and in proportion to the sought objective. In modern judicial systems, the criterion of “proportionality” is essential when trying to determine whether State action is legitimate when it infringes on religious freedom or not. We should note that despite the fact that the sphere of freedom defined by this approach is narrower, guaranteed protections are much stronger when the State decides to step in against acts dictated by religious motives.

Let’s see a few examples: any restriction on religious freedom – be they dispositions on the initial granting of a legal entity status to a Church, tax regulations authorising the believers of a religious tradition to transfer funds to another tradition, the enforcement of health regulations, resorting to authorisation criteria for private schools, regulations on evangelisation etc. – is acceptable only if it has been “prescribed by law” and “necessary within a

133 See *Shebert versus Verner*, 374 US (1963); *Wisconsin versus Yoder*, 406 US (1972). The criterion of “major interest of the State” was somewhat weakened by a decision from the Supreme Court of the United States in the case *Employment Division versus Smith*, 494 US 872 (1990), but it regained a large part of its strength in the *Religious Freedom Restoration Act*, 42 USC, par. 2000 bb à 2000 bb-4 (Supp. V, 1993).

134 Article 9 of the European Convention on Human Rights from 4 November 1950 UNTS 213:222, enforced on 3 September 1953, amended by Protocol no. 3 enforced on 21 September 1970 and by Protocol no. 5, enforced on 21 December 1971.

democratic society.” All these types of regulations concern civil interests which Locke would have seen as topics for State regulation. Since then, history has shown us that it takes more than this to protect religious freedom. It is vital to introduce certain restrictions to a law made for majorities and for bureaucratic measures, in order to vouchsafe the protection of religious minorities and for the rights of the latter only to be limited if the measure taken by the State corresponds to the criterion of proportionality.

With the concept of the sphere of autonomy, we have to admit that no satisfying answer can be given regarding what is Caesar’s and what is God’s through a list of the distinct roles of Church and State institutions. Church and State have overlapping interests and religion would find itself marginalised if it had only a field of action on topics disregarded by the State. Furthermore, as it is to be understood in modern democratic societies, State action can only be justified if it is the least restrictive or binding method to promote said public interest. If the desired result of the State can also be pursued by accepting certain religious practices and convictions, the least binding approach must then be chosen.

There are many situations in which Churches can benefit from appropriate exemptions or in which the field of application of the regulation concerned is restricted.

The practical importance of a regulation will be taken into account. In modern societies, the problems religious groups are faced with seldom result from deliberate persecution but from a legislative or administrative measure suitable for the general public, which causes specific problems to small religious groups only because these have specific convictions. For instance, they may have a different day of rest or they may have to wear different clothes. It is rarely “necessary within a democratic society” to refuse to take such convictions into account. To really get equal treatment in such contexts, all of them do not have to act in that way but all existing differences must be respected between the members of various confessions.

3. The risks of secular blindness: unjustified preference given to secular perspectives.

The third approach, a note thrown up into the air to see if God will catch it, matches with the ambient secularism of our times. In such a secularised world as ours, it is easy to superficially agree to religious freedom

and to the importance of religion in society but also to skip providing efficient protections should those turn out to be a nuisance. Besides, the problem often is that the people in charge of applying reasonable secular regulations as such fail to understand how religious communities work or what is vital to their functioning. A recent example in the United States sees the Salvation Army carrying out one of the most efficient programmes against alcoholism in the whole country. After detoxification, alcoholics are placed in a life context where they are monitored 24 hours a day and where they are kept busy doing a series of non-specialised tasks such as collecting old clothes for charity. Recently, an overzealous health and safety inspector accused the Salvation Army of breaking the law on minimum wage. Needless to say that the whole programme would disappear if these recovering alcoholics had to be paid, as they are not the best workers according to their working hours and overtime; whereas, this programme is about therapeutic action. Fortunately, in this specific case, reason prevailed and a compromise was found. But this is not what always happens every time. Too often, secular blindness, together with the insensitivity of bureaucracy, can indeed paralyse the capacity of religious communities to bring their contributions where contemporary society could do with their help. The solution to that problem is to take on that criterion, not to manipulate it to grant State secular interests an unjustified importance. In the end, I think the second Cajun was the wisest, not the third.

III – Practical considerations on the distinct roles of Church and State

Keeping in mind the theoretical arguments developed so far, I would like to add a few remarks on the problems the proposed final declaration raises, which we will discuss during this conference. [...]

1. Non-intervention in terms of convictions

One of the axioms of religious freedom is that the State should not interfere on religious conviction issues. It should not exert any influence upon worship service or doctrine. But it is fairly customary to see organisational issues within the Church have repercussions on doctrine issues. This is one of the reasons for which it is vital that the State should not interfere with a Church's internal matters, including determining who should be employed at Church clergy and staff levels.

Another significant thing is that these considerations also apply to various questions of ecumenism. The State has a legitimate interest in seeing dialogue and cooperation between Churches develop but it is not its right to decide whether the latter ought to try to form a unique organisation or not. Many Churches think that this would be a good thing and that's all very well for them. On the other hand, others are deliberately opposed to such unification and such separatist religious convictions must be respected.

Moreover, as the State is entitled to have a legitimate interest in putting limits to excessive politicisation of religion, it is essential not to forget that religious institutions have the right to express themselves on questions linked with conscience issues. Neither individuals nor institutions must be deprived of the right to freedom of speech merely due to their religious dimension. In any case, combined rights of religious liberty and freedom of expression should ensure religious opinions a protection that is greater than a purely political speech.

Likewise, the right to share convictions through evangelism has to be respected. In many religious traditions, the obligation to share one's religious convictions is an actual profound religious priority. Telling such believers they can enjoy religious freedom as long as they do not practise evangelism is like telling a Catholic she can practise her beliefs as much as she wants provided she does not take communion.

2. Adaptation to religions

Considering the afore-mentioned proportionality principle, it is necessary to make all efforts to authorise practices resulting from sincere religious convictions. Religious holy days and days of rest should be observed. Compromise related to religious needs should be favoured even if, for that purpose, it is necessary to authorise exceptions to ordinary laws, unless these laws reflect the major interests that are "necessary within a democratic society."

It is important to note that this principle extends to laws giving a legal status to churches. In our modern legal world, religious liberty is clearly limited when you do not have a legal status of any sort. In compliance with the principles recognised by the Declaration of Helsinki, countries ought to let religious organisations get legal entity or recognition status, thus enabling them to acquire goods and estates, to sign contracts and build up places of

worship without trouble or delay. Being more cautious in terms of granting a church significant advantages or support by means of tax exemptions or subsidies can be justified, as long as such control bears no discriminating shapes. Granting legal entity status must not cause exclusion or discrimination towards more restricted religious communities either. Indeed, it is not “necessary in a democratic society” to apply the law granting that status in a restrictive manner.

Conclusion

Religious liberty is one of our modern democratic society’s cultural gems. Its enforcement helps reducing the countless sources of suffering generated by religious intolerance and persecution since time immemorial. Furthermore, if Tocqueville is right, protecting religious liberty is one the State’s essential roles in order to indirectly promote the blossoming of civil society. The spreading of religious liberty is one of the greatest achievements in Central and Eastern Europe over the past few years; yet, it remains a crucial value under threat for a series of reasons. May the work we are all doing here together continue to strengthen, that is my hope.

Socialism and Christianity¹³⁵

*Nicolas Berdyaev*¹³⁶

Collectivism

[...] The Old Russian collectivism has always been the enemy of culture, opposed to personal principle; it has always pulled us down, prevented a departure towards the light and global prospects. It has crippled our sense of responsibility and rendered personal initiative impossible. Collectivism, however, was not a new occurrence – it came from our old way of life, a relic of primitive naturalism. It was often confused with spiritual “collegiality,” the superior example of brotherhood. Thus we have idealized our “community” with other similar expressions of Russian life. This collectivism also represents a negative attitude towards a right that it confuses with morality.

Atheism

[...] The ambition to create abstract social perfection is an atheistic sham. The experiences of a paradise on earth have always resulted in a hell, hatred, mutual extermination, violence and debauchery. It was so at the time of the Reformation when the Anabaptists had founded the New Jerusalem. Man has no right to be naive and a dreamer in social matters; he should not give free rein to his sentimentality.

[...] You want to submit universal suffrage to the grandeur of yesteryear and stand in front of the court of human well-being, intelligible to everyone during one’s ephemeral earthly life. But equally, you are ignorant of the love of your fellow being, of the living being with his flesh and blood, a solid being. For

135 Article published in C&L no 20, 1980, p. 61. Extracts from the book «De l’Inégalité» Editions l’Age d’Homme, Lausanne – Paris

136 Nicolas Berdyaev (1874-1948) – Russian Orthodox Christian Philosopher. Favorable towards the socialist revolution, he nevertheless spent time twice in prison. In 1920 he was appointed professor at Moscow University. In 1922 he was expelled from the USSR as an “ideological opponent of Communism.” At the crossroads between Orthodoxy and Western Christianity, of atheistic humanism and spiritual experience, Berdyaev attempted to promote freedom of mind and a renewed Christianity. He focused on the person, on freedom and the religious character of every genuine creation.

you, man is not a fellow being but a conceptualization. Only Christianity knows the love of a neighbor, which connects him to the love of God.

[...] Christ himself taught to render unto Caesar that which belonged to Caesar, but forbade him to render that which was of God. Christ recognized the autonomous sphere of the kingdom of Caesar and its importance to the kingdom of God. And you, would you impoverish the kingdom of God by removing once and for all a vast domain through an independent life, and by your maximalism reducing it to its smallest dimensions.

[...] The ancient world, the one before Christianity knew no state boundaries. It was incapable of distinctions; the divine dissolved itself within it through nature and natural necessity and was not limited by divine truth. There was a natural necessity that confined the bestial chaos, but the problem of limiting the State itself could still not arise in the consciousness of the ancient world. All its peoples aspired to create a powerful force, able to master the chaotic elements to overcome the animalistic. This power was illuminated by the religious consciousness of the time. In the great monarchies of the East, they attributed royal powers with divine meaning. They were accorded the honors due to the gods.

Caesar and God

[...] In the Christian world, the State cannot claim to possess the whole man – its power does not extend to man's depths, to the spiritual life of him who belongs to the Church alone. The State's concern is only with the shell of the man, it only rules his external relations. Certainly, in the Christian world it often exceeds its limits and intervenes in an area that it does not own by exerting pressure on the soul. But there lies its sin – when it deviates from the right track. Spiritually, the State is never limited and infinite rights of the human soul are recognized. This is also true for autocratic monarchies, which are not held back by society or by social groups, but by the Church and by the rights of the soul. But when autocracy is released from the national and historical framework of a monarchy enlightened by religion, but not deified, yet aims at deifying Caesar, it translates the truth of Christ and is committed down the path of worship of the man-god.

Deification of Caesar was stronger in the East, Byzantium and Russia than in the West. There, in the cradle of Catholicism, the limit of power and of

the kingdom of Caesar was recognized and established in a very clear manner. From Rome, the worship of Caesar returned to its cradle in the West. The West itself had a stronger sense of human rights. And all of you renegades from Christianity who have forgotten your spiritual home, you demand that man should be released and that the power exercised over him by the State should be limited, without knowing what justifies it to be so. You have discarded the religious knowledge of your fathers, and you have given a twisted, powerless and secularized expression to a very ancient Christian truth. The Christian Church and the revelation of the divine descent of man are the source of any limitation to the claims of the state and any assertion of human rights.

[...] Your all-encompassing faith in the future is ungodly, false and monstrous. This futurism then is your fundamental sin – it tears and it pulverizes the historical and cosmic being entirely.

Rights of Man

[...] Having forgotten the rights of God, you have also omitted that the Declaration of Human Rights should be linked to that of its obligations. The path that leads to the detachment of human rights and its duties has not led you toward the good. Your liberalism is misguided and has degenerated.

Rights, just as obligations, originate from the likeness of human nature with that of God. If man is only the likeness of the natural and social environment, merely a reflection of external conditions born of necessity, it has neither right nor sacred obligation but only self-interest and pretensions.

Human rights presuppose those of God. And these are primarily the rights of God in man, those of the divine in him, his divine image and lineage. If man has infinite rights, it is only because he is an infinite spirit and penetrates deep into the divine reality. The person of the man is not sufficient by itself. It assumes the reality of God and divine values. Would it be possible to proclaim the sacred rights of man if he were merely a sophisticated and disciplined animal, a speck of dust upon which a life was illuminated for a brief moment? Human rights must have an ontological foundation; their premise is the being of the human soul for eternity and also of the one who goes far beyond the soul, the being of God. There will always be a conflict between the endless desire of liberty and that of equality. The thirst for equality will always be the most terrible risk to human liberty – it will rise up against human rights and against those of God.

Freedom

[...] You others, liberal and socialist positivists, you can hardly grasp all the tragic aspects of this problem. Freedom and equality are incompatible. Freedom is first and foremost the right to inequality. Equality is first and foremost a violation and a limitation of freedom. The freedom of a living being, and not from a mathematical standpoint, is realized by a qualitative distinction, by an increase, and by the right to augment the dimensions and value of his life. Freedom is a function of the qualitative content thereof. Equality itself, opposed to any distinction and all qualitative content of life, has every right to arise.

Nowadays, the socialist enters the world with religious ambitions – he would be “all in all”; he demands of himself an attitude which is religious in nature. The religion of revolutionary socialism accepts the three temptations that Christ rejected in the desert and it is upon them that this socialism wants to create his kingdom. It wants to turn stones into bread, ensuring salvation by a social miracle, affirming the kingdom of this world. It consists of organizing humanity on earth without God and against God. This is what Dostoevsky had prophetically understood. Socialism is the construction of the Tower of Babel. It completes the work begun by democracy, namely: the definitive rationalization of human life, excluding all superhuman and divine forces of the unknown; it wants to seize human life more broadly and deeply than democracy. It claims to create a new life in all its fullness and integrity. But it is the sword and not peace that Christ brought to the world. He divided the men in the spirit. Socialism also brings the sword, but it divides people according to their economic situation; it does not recognize the existence of the spirit. It does not accept the existence of the man, replacing him instead with economic categories. The religion of socialism is homicide. It begins by denying the divine lineage of man. Its basis is the experience not of a son but a rebellious slave, full of resentment and underlying humiliation. He who was created out of clay now wants to become a god.

Brotherhood

[...] You disastrously confuse brotherhood with grouping by economic interests. In your kingdom, never ever, will man become a brother to man. He will be merely a comrade. What could this term have in common with that of “brother?” The difference between Socialism and Christianity is the same as that between comrade and brother. In his brother, brother worships man as the

image and likeness of God; it unites him as it would to the child of the same father. The fraternity implies a common paternity. Those who are unaware of the father and who refuse him cannot be brothers. A comrade respects in his comrade not the man but the class, the economic grouping.

[...] In this world, there can be nothing more frightening than obligatory virtue. In the name of dignity, freedom and the higher nature of man, it is necessary to give him some freedom to sin – the choice between good and evil. You start by socializing the human mind, that which will kill the person.

The socialist religion is based on a denial of immortality and a rebellion against the divine order of the world. Dostoevsky deeply understood that it was a consequence of this denial. Also socialism contains such rapacity on the part of mortals, such thirst for this earthly life. How vulgar and despicable are all your utopian dreams! They represent the extreme of the “petty bourgeois” attitude. A spiritual lie is the basis of your fantasies. For your toxic dreams, you would stifle within yourselves the horror of death; and you achieve an artificial immortality. Social utopianism has slain any religious feeling inside you. It has bled your consciousness of the meaning of life, closed you off from eternity.

The State

... The socialist state is not a secular state, unlike the democratic state: it is a sacral state. By its very principle, it cannot be tolerant or recognize any freedom; it acknowledges the rights of those who confess Orthodoxy, the socialist faith; it resembles an authoritarian theocratic state. Socialism professes a messianic faith: the proletariat is the messiah-class. The Communist Party, a specific hierarchy centralized to the extreme and possessing a dictatorial power, is the guardian of the messianic “idea” of the proletariat.



CHAPTER

6

**Human Rights, Religious Liberty &
Freedom of Expression:**

DOCUMENTS – STATEMENTS – MEETINGS

Official Statement¹³⁷ at the UN HRC 28th session

H.E. Ms. Federica Mogherini

*High Representative for Foreign Affairs
and Security Policy & Vice-President
of the European Commission*

Mr. President, Mr. High Commissioner, Ladies and Gentlemen,

It is an honour for me to address this Council, in my first year as High Representative of the European Union.

My presence here is to recall that the EU has been a staunch supporter of this Council from its inception, because it embodies the principles underlying the very foundation of the EU – human rights, fundamental freedoms, solidarity and justice.

Based on our own painful history, we believe that truth, reconciliation, justice and accountability and a deeply anchored human rights culture are the ingredients of peaceful societies.

This is why we are committed to keeping human rights at the heart of our foreign policy, particularly in view of the multiple crises facing the world today.

We owe it to the victims – the voiceless, the oppressed, and the brutalised – to bring these abuses and violations under the scrutiny of the international community.

Here in Geneva we must try to prevent and respond to such violations and abuses. We must fight persistent discrimination and violence and we must do it together.

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Many crises are on the Council's agenda. I won't list them all, but allow me to mention a few: Ukraine – The human toll of this conflict is frightening: almost 6,000 people have been killed and more than twice that number were injured. We must work towards a sustainable political solution which addresses also the human consequences of the conflict. We must address the systematic violations and abuses which have been well documented by the High Commissioner's Office, including the persecution and intimidation of the Crimean Tatar community and persistent attempts to limit freedom of expression and media. International human rights actors should be provided with full and unrestricted access to the whole territory of Ukraine, including Crimea and Sevastopol.

Respect for human rights and international humanitarian law are key factors for peace and stability and a guiding principle for the EU. This is why we encourage both parties to the Israeli-Palestinian conflict to abide by these principles and to refrain from decisions, which could undermine the prospects of peace and the viability of a two-state solution. In this context I would like to reiterate my concern over the continued expansion of settlements, which are illegal under international law, and call on all sides to cooperate fully with UN Human rights mechanisms. In Iraq/Syria and in North Africa, the atrocities perpetrated by ISIL/Da'esh and other terrorist organizations cannot go unpunished. At the same time, the grave violations committed against the civilian population by the Assad regime demand accountability and an end to impunity. We should keep this in mind when looking for political solutions to the situations in Syria and Iraq. We support the work done by the different UN accountability mechanisms as an important contribution to attaining a lasting political solution.

We need to eliminate the spaces where impunity prevails, for they are quickly filled by disaffection and alienation. And those are the sentiments which are exploited by extremists, with their brutality and their complete denial of the universal rights we are here to protect. At the same time, we must redouble our efforts in reaching out to those who might be vulnerable to the radical discourse of violent extremism.

If we want to stop the vicious cycle of violence and human rights abuse we must also address the root causes and work for the realization of all human rights.

We must fight marginalisation, discrimination and intolerance, and advocate equality.

The HRC is not just a place to report violations and abuses. It should first and foremost be a world forum for dialogue and cooperation. The Universal Periodic Review is an example of a cooperative mechanism to which the EU is very committed. It is important that all countries cooperate with the UN on human rights issues since we all stand to gain from the interaction with this Council, in all its forms. This is why we encourage all our partners to work with the Council.

Many are the cases in which the EU, through the Office of the High Commissioner, works hand in hand with specific countries in order to help them address the challenges they face in developing truly democratic societies.

Our Special Representative for Human Rights, Stavros Lambrinidis, plays a key role in this respect.

Mr. President, Mr. High Commissioner, Ladies and Gentlemen,

There are other important actors that we should not forget – these include civil society organisations and the human rights defenders. We have seen widespread attempts to limit their capacity to act and to hold governments accountable. This is a serious step backwards and a direct threat to freedom of opinion and expression.

Recent tragic cases of intimidation, persecution, and inhuman punishment against journalists, bloggers, and other media actors, should alert all of us to take action in order to guarantee their safety and freedom.

Our response to intimidation and threats must be firm and resolute, but it must also be accompanied by our readiness for dialogue, education, promotion of pluralism and respect for freedom of religion and belief.

We believe that long term stability and security can go hand in hand with respect for human rights and freedoms. Stability cannot exist without a fair trial system, a serious commitment towards good governance, the rule of law and the fight against corruption.

Allow me also to say that we stand firm on the abolition of the death penalty, and in our view resuming the executions in the face of resurgence in criminality or terrorist activities is not the appropriate answer, nor an effective one.

Europe faces many challenges and we are committed to addressing them in a human rights compliant way. One of the major challenges is migration and I have repeatedly stated that the loss of lives in the Mediterranean must end.

Along with my colleagues responsible for internal affairs and migration, we are promoting deeper cooperation amongst EU Member States to find political and operational solutions to prevent any further tragedies with so many innocent victims.

The migrants who risk their lives to travel to Europe are usually driven by total despair due to dire poverty, conflicts and human rights abuses in their countries of origin.

We are stepping up efforts to support the work of the UNHCR and face collectively our duty to provide for the needs of refugees and asylum seekers and ensure they are welcome in our societies, and to protect the human rights of all migrants.

This is a test of the solidarity and shared responsibility upon which the EU was built.

Mr. President, Mr. High Commissioner, Ladies and Gentlemen,

Understanding all these interdependencies should make us even more committed to agreeing to the efforts of the UN Secretary General on a truly transformational and comprehensive approach to poverty eradication and sustainable development this year. We believe that a rights-based approach to development and gender equality are key for the post-2015 agenda.

2015 is also the 20th anniversary of the Beijing Declaration and the 15th anniversary of the adoption of the UN Security Council Resolution 1325. It is a unique opportunity for us all to support the UN in their work for the advancement of gender equality and the empowerment of women and girls. In this respect I look forward to attending the 59th session of the UN Commission on the Status of Women in New York next week.

Observance of international law, including human rights, is part of the solution not an obstacle to it, and the approach we take to resolving crises and threats must stand up to the scrutiny of this Council. Stability versus democracy, or security versus human rights, are false dilemmas.

In closing, let me once again underline the strong commitment of the European Union to the human rights bodies and mechanisms of the United Nations and pay tribute to the UN High Commissioner for Human Rights and his staff for their tireless work.

Thank you.

Official Statement¹³⁸ summitted at the UN HRC 28th session

*H.E. Mr. Martin Lidegaard
Minister for Foreign Affairs of Denmark*

Mr. President, High Commissioner, Excellences, Ladies and Gentlemen,

When the meaningless brutality of terrorism strikes, our values are tested. We feel outraged, bewildered, heartbroken and our first inclination is often to seek revenge, to find someone to direct our anger against. A fundamental difference between us and the terrorists, however, is that we do not let ourselves be guided by our most primitive instincts.

For a moment in January, we were all Charlie in solidarity with the victims of a horrific crime in Paris. A month later the world showed solidarity with the victims of a similar attack in Copenhagen.

In the same spirit, the many hours of hectic work that lie before this Council in the coming weeks must be done in solidarity with – and with a constant focus on – the victims of human rights violations all around the world.

Therefore, today, as I have the honour to address the Council as it starts its 28th session, I am not only Charlie. I am every individual being denied his or her human rights. I am the torture victim in a Syrian detention. I am the girl abducted and abused by Boko Haram. I am the Christian woman who has lost her family to the killing frenzy of Daesh in Iraq. I am the child in Gaza internally displaced by conflict. I am the Crimean Tatar persecuted by Russian authorities.

I am the civilian taking shelter from incoming artillery in Debaltseve in Ukraine. I am the arbitrarily detained political activist in a Bahraini prison. I am

138 <http://fngeneve.um.dk/en/aboutus/statements/newsdisplaypage/?newsid=f5d05171-a3ba-47a8-a678-405d5595b5b4>

the migrant worker in Qatar risking my life in hazardous working conditions. I am the LGBTI person waiting to be hung to death in Iran. I am the South Sudanese boy, abducted and forced to fight in a very brutal civil war. I am the Somali girl, who has fled my home in search for peace only to be abused by men of war.

I am the stateless Rohingya being persecuted in Myanmar. I am the slave in the hellish political prison camps in North Korea. I am the civil war victim seeking truth and justice in Sri Lanka. I am the man on the death row in Belarus. I am the Jewish victim of extremist actions. I am the human rights activist who is beaten up for criticising my government. I am the young girl being denied the right to decide over my own body. I am the child who has no access to education. I am the immigrant who is not treated with human dignity.

And I look to the Human Rights Council to raise awareness of my case and request that my perpetrators are held accountable. It is disheartening that I could have continued the list of victims on whom we need to focus our attention. To complete the list, I would have had to deny everyone else their right to speak. I believe many of us these days wake up with the feeling that the world – as eloquently put by the High Commissioner for Human Rights – is cart-wheeling into a future more uncertain and unpredictable than ever before.

The United Nations represents – for good or worse – our best chance to steer the unruly future into a better place for the world's growing population. And the UN Human Rights Council plays an increasingly vital role.

The Council is doing its job in a changing world where our usual understanding of a human rights violator is challenged as non-state actors become more and more dominant. For the victim, violation and abuse feels the same, whether the perpetrator is part of brutal regime or a murderous gang of terrorists.

The special session last year on Iraq in light of the abuses committed by the so-called Islamic State sent a strong and united message from the international community: No one involved in this conflict are beyond the rule of law and can run away from justice.

Boko Haram is another brutal and unscrupulous non-state actor that without explanation or clear goals murders and kidnaps innocent people. They too should not go unchecked. These gross violations of international humanitarian law, human rights and human dignity must be stopped. And

the perpetrators must be held responsible. The government of Nigeria must resume the full responsibility of protecting its citizens and, if needed, ask for international support to combat these terrorists.

Mr. President,

The Human Rights Council is often criticised for internal disagreements between members, but in my opinion, that criticism is based on the misunderstanding of the very concept of the Human Rights Council.

The strength of this council is that its composition reflects the global political landscape and, hence, also global disagreements. It is from its composition that the Human Rights Council draws its credibility. It is the scene where the world come together to discuss the issues that are difficult for all of us. And it is the place where we find solutions together.

The 10-year Convention against Torture Initiative – the CTI – which my Government launched last year together with the Governments of Chile, Ghana, Indonesia and Morocco is designed precisely in this spirit of finding solutions together. Solutions, to promote universal ratification and a better implementation of the UN Convention against Torture. Solutions, to ensure the respect for the absolute prohibition of torture – one of the most fundamental rights of persons. Solutions, in fact, to ensure that government authorities do not misuse their power over individuals, in situations where the individual cannot just walk away.

Mr President,

We seek strength and guidance in the values which unite us as human beings across the globe and which lie as a foundation of this Council. Instead of anarchy, intolerance and barbarism we insist – even in our darkest hour – on rule of law, mutual understanding and human compassion. We remind ourselves that the effect of terrorism solely depends on our reaction to it.

Our steadfast insistence on our fundamental values is our strongest weapon against terrorism. If we react with security measures infringing on the rule of law and the fundamental freedom of our citizens. Or with rhetorics generalizing and demonizing a minority among us. Or by curbing our freedom of expression in fear. Then the terrorists will have prevailed. It is our collective obligation to ensure that his will never happen.

Thank you Mr. President.

Defended universality of human rights and advocated for civil society space¹³⁹

*The European Union & H.E.
Ambassador Peter Sørensen,
Head of the EU Delegation to the UN in Geneva*

Summary: 27 March 2015, Geneva – During the 28th session of the Human Rights Council (HRC), the European Union together with its 28 member states pro-actively engaged with countries from all regions as well as civil society representatives in order to promote and uphold the universality and indivisibility of human rights.

*„Human rights remains at the heart of the EU’s foreign policy, even more so in view of the multiple crises that the world faces today. These crises come with tremendous human suffering and gross violations of basic human rights. We in Geneva have a responsibility to address these violations and abuses,” says **Peter Sørensen, Head of the EU Delegation to the UN in Geneva.** “Be it Syria, Ukraine, DPRK or South Sudan – the international community must ensure that those who commit systematic violations and abuses – in some cases even crimes against humanity – are held accountable,” he adds.*

„We must also remain vigilant on acts of intolerance and violence against individuals based on religion or belief in all parts of the world. This is why the EU has been leading on resolutions promoting the freedom of religion or belief, while highlighting the importance of fostering dialogue, understanding and tolerance,” Ambassador Sørensen emphasises.

Expressing the EU’s longstanding **support for the work of human rights defenders**, the campaign #idefend, organised by the EU Delegation in

139 http://eu-un.europa.eu/articles/en/article_16265_en.htm

cooperation with OHCHR and the Permanent Missions of Brazil, the Republic of Korea and Tunisia, promoted the importance of civil society engagement and took a firm public stance against attempts to limit civil society space.

The EU's strong commitment to the multilateral human rights fora was underlined by the participation in the Council of the EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, the EU Special Representative for Human Rights, Stavros Lambrinidis, and a delegation of the European Parliament's Subcommittee for Human Rights led by its Chair, Elena Valenciano.

The EU focussed, among others, on the following human rights situations and issues – Extracts:

Myanmar/Burma: The EU presented a balanced resolution that acknowledged the political, economic and democratic reforms that the country has undergone, while at the same time also pointing to remaining challenges, including democratic space for civil society, the rights of persons belonging to minorities, and the situation in conflict-affected areas.

Democratic People's Republic of Korea: A resolution initiated by Japan and the EU addressing the dire human rights situation in the DPRK was adopted by an overwhelming majority of the HRC. The resolution addresses persisting human rights issues, reaffirms the call on the UN Security Council to consider a referral of the situation to the International Criminal Court.

Syria: The appalling abuses and human rights violations in Syria must be brought to an end. The EU has therefore supported a resolution condemning the continuing grave deterioration of the human rights and humanitarian situation within the Syrian Arab Republic, (...) and reaffirming the need for accountability and ending impunity.

Ukraine: The human rights situation in Eastern Ukraine and Crimea remains very concerning. A cross-regional statement, which calls on all parties to implement the Minsk agreements, has found wide support.

South Sudan: The EU is deeply concerned by the continuing reports of serious human rights violations and by the continued threats to civil society and political space in South Sudan.

Freedom of religion or belief: The EU attaches a high priority to freedom of religion or belief. This year's EU-led resolution stresses the role that freedom of religion or belief and freedom of expression play in the fight against all forms of intolerance and discrimination based on religion or belief. By adopting this resolution, **the Human Rights Council strongly encourages government representatives and leaders in all sectors of society to speak out when this right is violated.**

Rights of the child: The annual resolution led by the EU and the Group of Latin American and Caribbean States (GRULAC), which focussed on investing in children, saw wide support. The resolution requires States to consider children's rights when developing and implementing national policies on health, education, or social protection. It also calls for international cooperation to support national efforts.

**Conclusions of the Report on:
Combating intolerance,
negative stereotyping, stigmatization
and discrimination, incitement to
violence and violence against persons
based on religion or belief¹⁴⁰**

H.E. Prince Ra'ad Zeid al-Hussein

United Nations High Commissioner for Human Rights

The Office of the United Nations High Commissioner for Human Rights received 15 replies to the note verbale sent pursuant to paragraph 12 of Human Rights Council resolution 25/34, in which the Council invited submissions from Member States. Responding States reported broadly on their efforts in relation to the provisions contained in paragraphs 7 and 8 of the resolution. The High Commissioner invites States to consider requesting more focused submissions on a limited number or specific provisions of the resolution.

The information provided by States on their efforts and measures for the implementation of the action plan outlined in paragraphs 7 and 8 of the above-mentioned resolution indicates that the steps taken by States are largely policy oriented or legal in nature, with many enshrining protection against discrimination on the basis of religion or belief in national constitutions,

140 See all this document of High Commissioner of United Nations on Human Rights with the number: A/HRC/28/47 (English and French):at: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Pages/ListReports.aspx> Combating intolerance, negative stereotyping, stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief – Report of the United Nations High Commissioner for Human Rights, parr.101-109.

criminal codes and civil laws and regulations.

A number of States are working to address hate crimes at the domestic level. Advocacy of incitement to hatred is for the most part criminalized and often prohibited on several grounds, including religion or belief. It was also noted that protecting freedom of expression and opinion was important to ensuring equality and countering religious intolerance.

Extremism and radicalization, often leading to hate crimes and violence, were being addressed through social cohesion and integration programmes and police and security responses, often coupled with regular engagement and interaction with grass-roots communities and young people, and data gathering and monitoring. A number of States have governmental strategies or plans in place to address issues of extremism and radicalization.

Almost all of the States that contributed information provide for a channel or some form of communication and consultation between religious groups and communities and government authorities. Numerous practical examples were cited of established networks, communication bodies and/or forums between State institutions and religious groups or communities, with some focused on policing and security matters and others serving as general forums of exchange.

Intolerance, stigmatization, negative stereotyping and discrimination, in particular, are addressed also through public awareness-raising campaigns and educational measures. States also fund local and national projects aimed at promoting capacity-building, social cohesion and interfaith dialogue and increasing the participation of religious groups and communities.

Most States reported that there was religious freedom and pluralism domestically and that members of religious groups and communities were able to manifest their religion and contribute openly and on an equal footing in society. Religious freedom is often guaranteed at the constitutional level, and in accordance with domestic law. Several responses referred to the domestic legal frameworks, and subsequent amendments improving them, that allowed the practice of one's religion and provided for the functioning and management of religious communities and associations.

Training on human rights, tolerance, anti-discrimination and the prevention of stereotypes is provided for government officials and public functionaries, especially in law enforcement, police and security services, in

some countries. Some respondents noted that no issues of religious profiling had been identified domestically.

Some States undertake national and international initiatives to combat incitement to hatred, xenophobia and related intolerance on the Internet, and to address the role of the media in combating hate speech, xenophobia and related intolerance, including on the Internet. The Internet was generally identified as a medium for hate speech. However, it is also used as a means to tackle issues associated with discrimination on the basis of religion or belief, as it presents a forum for exchange, expression, dialogue, education, knowledge-management and information-sharing between and among networks, security officials and communities.

Extracts of Report of the Special Rapporteur on Freedom of Religion or Belief and Violence Committed in the name of Religion.

United Nations

A/HRC/28/66



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Promotion and protection of all human rights, civil,

Political, economic, social and cultural rights,

Including the right to development


Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt

Summary

Violence committed “in the name of religion”, that is, on the basis of or arrogated to religious tenets of the perpetrator, can lead to massive violations of human rights, including freedom of religion or belief.

In the present report, the Special Rapporteur first provides a typological description of various forms of violence carried out in the name of religion. He subsequently explores root causes and relevant factors that underlie such violence. The main message is that violence in the name of religion should not be misperceived as a “natural” outbreak of collective acts of aggression that supposedly reflect sectarian hostilities existing since time immemorial. Rather, it typically originates from contemporary factors and actors, including political circumstances.

The Special Rapporteur also recommends concerted actions by all relevant stakeholders, including States, religious communities, interreligious dialogue initiatives, civil society organizations and media representatives, in order to contain and eventually eliminate the scourge of violence committed in the name of religion.

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A complex phenomenon

3. Violence committed “in the name of religion”, that is, on the basis of or arrogated to religious tenets of the perpetrator,¹⁴¹ is a complex phenomenon in different parts of the world. The brutality displayed in manifestations of such violence often renders observers speechless. While in some countries violence in the name of religion remains a local or regional phenomenon, acts of terrorism carried out intentionally to send global messages have been increasingly prominent in recent years. In that context, *prima facie* “archaic” acts of cruelty seem to be cynically “staged” in order to cater to modern media voyeurism, which adds yet another dimension of humiliation to the suffering of victims and their families.
4. Violence in the name of religion can be in the form of targeted attacks on individuals or communities, communal violence, suicide attacks, terrorism, State repression, discriminative policies or legislation and other types of violent behaviour. It can also be embedded and perpetuated in the status quo in various forms of structural violence justified in the name of religion. Perpetrators comprise different types of non-State actors, but also State agencies or — quite often — a combination of both. In some countries, armed groups invoke religion to justify atrocities such as targeted mass killings, extrajudicial and summary executions, enforced disappearances, torture, sexual violence, indiscriminate attacks against civilians, mass expulsions, enslavement or systematic destruction of certain communities. In other countries, vigilante groups harass religious minorities by vandalizing cemeteries and places of worship, grabbing lands or properties and threatening their security.
5. The main problem in a number of countries stems from the State’s failure in combating terrorism or violence of non-State actors, while certain State agencies in other countries support such violence directly or indirectly, for example, by promoting hatred against religious minorities or by turning a blind eye to violence, hence indulging a culture of impunity. Human rights violations can even originate directly from the State apparatus itself, for example, when a Government resorts to violent repression in order to “defend” a State religion or existing religious hegemonies against perceived threats by religious competitors or internal dissidents. The State’s involvement with

141 By contrast, violence “on the grounds of religion or belief” is based on the religious affiliation of the victim (see A/HRC/13/40, para. 33).

violence in the name of religion thus shows a broad variety of patterns, ranging from lack of capacity to indirect or direct forms of complicity or deliberate policies of religious discrimination, sometimes even culminating in formal endorsement or systematic orchestration of such violence by the State.

6. Violence in the name of religion disproportionately targets religious dissidents, members of religious minorities or converts.¹⁴² People suspected of undermining national cohesion are also frequent targets of intolerant violence. Attacks will also likely increase where there is a recognized “official” or State religion or when a religion is used as a medium to define national identity. Moreover, vigilante groups, sometimes with the support of law enforcement agencies, attack people, in particular women, whose ways of life are deemed “immoral” from the standpoint of certain narrowly defined religious codes of conduct.
7. However, violence in the name of religion also affects followers of the very same religion, possibly also from a majority religion, in whose name such acts are perpetrated. Voices of moderation or critics who actively oppose the abuse of their religion for the justification of violence bear an increased risk of being accused of “betrayal” or “blasphemy” and having retaliatory penalties inflicted upon themselves.
8. The relevance of the issue with respect to freedom of religion or belief is obvious since violence in the name of religion is a source of many of the most extreme violations of this human right, usually in conjunction with other human rights violations as well. Freedom of religion or belief, due to its nature as a human right, protects human beings rather than religions. The starting point for any assessment of religious or belief pluralism must therefore be the self-understandings of human beings in this area, which may be quite diverse.

Conclusions and recommendations

83. **Violence in the name of religion does not “erupt” in analogy to natural catastrophes and it should not be misconstrued as the inevitable result of sectarian hostilities that supposedly originated centuries or millennia ago, thus seemingly lying outside of the scope of the responsibility**

¹⁴² See A/67/303, para. 15.

that different actors have today. It is important to overcome fatalistic attitudes that often stem from simplistic descriptions of the phenomena. Rather than being rooted in seemingly “perpetual” religious antagonisms, violence in the name of religion is typically caused by contemporary factors and actors, including political circumstances, which provide the fertile ground for the seeds of hatred.

84. While it would be wrong to focus on religion in isolation when analysing the problem, it would be equally simplistic to reduce religious motives to mere “excuses” for violent crimes perpetrated in their name. What is needed is a holistic understanding of the various factors involved in violence committed in the name of religion. Typical factors are the lack of trust in the rule of law and fair functioning of public institutions; narrow-minded and polarizing interpretations of religious traditions that may bring about societal fragmentation processes with far-reaching negative repercussions on social relations; and policies of deliberate exclusion, often in conjunction with narrowly defined national identity politics and other factors; denial and impunity for serious violations of international human rights and humanitarian law.
85. Only a full account of the various root causes of the problems can build an awareness of the joint responsibility, which a broad range of actors have in fighting violence committed in the name of religion. Against this background, the Special Rapporteur formulates the recommendations below addressed to the various stakeholders.

A. Recommendations to all relevant stakeholders

86. Government representatives, religious communities, civil society organizations, the media and other relevant stakeholders should reject and speak out promptly, clearly and loudly against any acts of violence committed in the name of religion as well as related incitement to violence and discrimination in law and practice, thus overcoming the culture of silence that exists in some countries. They should act swiftly and in concert to deter and stop such violence.
87. Public condemnations against violence committed in the name of religion should be made on the basis of an adequately complex analysis of the problem, including its underlying systemic root causes.
88. The different stakeholders should jointly contribute to the containment

and eventual elimination of violence committed in the name of religion by making creative use of their space and specific potential. They should also cooperate in neutralizing any possible radicalization efforts that target foreign fighters who returned to their country of origin.

B. Recommendations to different State institutions

89. States have the responsibility to protect their populations, whether nationals or not, from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement.
90. States have the obligation to act swiftly to stop acts of violence committed in the name of religion, against individuals, groups and places of worship. Overcoming a culture of impunity, wherever it exists, must be a priority. Those who commit or are complicit in acts of violence must be brought to justice.
91. States should safeguard the memory of all population groups, and of religious communities in particular, including by developing and protecting national archives, memorial museums and monuments.
92. States must respect freedom of religion or belief and all other human rights when undertaking actions to contain and combat against violence in the name of religion.
93. Legislation that renders the existence of certain religious communities “illegal” in the country should be revoked.
94. States should repeal anti-blasphemy laws, anti-conversion laws and any other discriminatory criminal law provisions, including those based on religious laws.
95. States should provide disaggregated data on acts of violence committed in its jurisdiction, including on possible religious motivations.
96. In order to operate as a credible guarantor of freedom of religion or belief for everyone, the State should not identify itself exclusively with one particular religion or belief at the expense of equal treatment of the followers of other faiths. Any exclusivist settings should be replaced by an inclusive institutional framework in which religious diversity can unfold without discrimination and without fear.
97. Anti-discrimination legislation should protect the equality of all in their enjoyment of human rights, across religious or denominational

divides, thus preventing or overcoming divisiveness within society. States should in particular take steps to assure that the rights of all will be protected so that all can feel safe in their religions or beliefs.

98. In close consultation with all relevant stakeholders, States should develop national action plans on how to prevent violence committed in the name of religion, but also other forms of religious persecution carried out by State agencies or non-State actors.
99. Textbooks used for school education should not contain negative stereotypes and prejudices, which may stoke discrimination or hostile sentiments against any groups, including the followers of certain religions or beliefs.
100. States should use all available means, including education and community outreach, in order to promote a culture of respect, non-discrimination and appreciation of diversity within the larger society.
101. National human rights institutions are encouraged to take an active ownership of the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, for the development of strategies towards eliminating the root causes of violence committed in the name of religion.
102. States should refrain from stoking violent religious extremism in other countries.

C. Recommendations to religious communities

103. When religious communities and their leaders address any violence committed in the name of their religion, they should take seriously the relevance, *inter alia*, of religious motives often stemming from narrow-minded, polarizing and patriarchal interpretations of religious traditions.
104. In situations in which speaking out against violence may be dangerous, fellow believers living in safer political environments should lend their voices and clearly condemn violence committed in the name of their religion.
105. Religious communities and their leaders should promote empathy, respect, non-discrimination and an appreciation of diversity. They

should challenge the authenticity claims of religious extremists by exposing their views as being ignorant of the charitable core messages contained in religious traditions. Additionally, they should share with others their beliefs in the importance of respecting the rights of others, thereby contributing to a sense that the rights of all will be respected.

106. Religious communities should feel encouraged to start initiatives of interreligious communication and cooperation, including the establishment of interreligious councils. A broad representation, including gender balance and participation of different generations, can ensure that larger populations can take active ownership of such initiatives.

D. Recommendations to civil society organizations

107. Civil society organizations should continue to collect information about the situation of human rights and support people living under conditions of intimidation by following up on their cases.
108. The findings of civil society organizations should be more systematically used in their early warning function, notably in volatile situations.
109. Civil society should continue to play a role in overcoming a culture of silence in the face of violence committed in the name of religion, thereby sending a signal of solidarity to targeted individuals and groups.
110. Faith-based and secular civil society organizations should work together, including by creating common platforms, thereby demonstrating that a commitment to human rights can create solidarity across all religious, cultural and philosophical divides.
111. Human rights defenders operating in dangerous situations deserve particular attention and support by networks designed to defend the defenders.

E. Recommendations to the media

112. In close collaboration with civil society organizations, representatives of the media should defend their independence, professionalism and integrity and address incidents of violence, their various root causes and the political circumstances in which they take place.
113. The media should help to bring about a culture of public discourse that

is a prerequisite to checking hostile rumours and fearful narratives, which should be exposed to public scrutiny or counter-narratives in order to prevent them from escalating to fully-fledged conspiracy projections.

114. Careful fact-finding is the most important antidote to negative media campaigns that target religious minorities or other groups. Such fact-finding may also include a public analysis of collective historical traumas.
115. The media can help restore the faculty of empathy by making people aware that the members of groups facing systematic discrimination, far from being “aliens”, have quite similar fears, hopes and feelings.

F. Recommendations to the international community

116. The international community is reminded of its duty to assist and build the capacity of States in fulfilling their commitments to the responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as concluded in the 2005 World Summit.
117. Human rights mechanisms, including the special procedures, treaty bodies and universal periodic review, are encouraged to address the issue of violence in the name of religion and State involvement in such violence.
118. The international community should hold States and non-State armed groups to account and make them aware of their existing obligations under international law, including human rights, humanitarian, criminal and refugee law.

Recommendation 1202 (1993) on religious tolerance in a democratic society¹⁴³

*Council of Europe
Parliamentary Assembly*

1. The Assembly has already adopted a number of texts on related subjects and recalls in particular Recommendation 963 (1983) on cultural and educational means of reducing violence, Resolution 885 (1987) on the Jewish contribution to European culture, Recommendation 1086 (1988) on the situation of the Church and freedom of religion in Eastern Europe, Recommendation 1162 (1991) on the contribution of the Islamic civilisation to European culture, and Recommendation 1178 (1992) on sects and new religious movements.
2. Attention should also be drawn to the hearing on religious tolerance held by the Committee on Culture and Education in Jerusalem on 17 and 18 March 1992, and to the colloquy marking the 500th anniversary of the arrival of Jewish refugees in Turkey held on 17 September 1992 in Istanbul.
3. Religion provides an enriching relationship for the individual with himself and his god, as well as with the outside world and the society in which he lives.
4. Mobility within Europe and migratory movements to Europe have always resulted in the meeting of differing world views, religious beliefs as well as notions of human existence.
5. This meeting of differing religious beliefs can lead to greater mutual understanding and enrichment, although it could also result in

143 Article published in C&L no 46, 1993, p. 117 – Text adopted by the Assembly on 2 February 1993.

a strengthening of trends towards separatism and encourage fundamentalism.

6. Western Europe has developed the model of secular democracy within which a variety of religious beliefs are in theory tolerated. History has shown, however, that such tolerance is also possible under a religious government (for example, the Arabs in Spain and the Ottoman Empire).
7. It is a matter of concern that in numerous countries there has been a renewed occurrence of xenophobia, racism and religious intolerance.
8. Religion often reinforces, or is used to reinforce, international, social and national minority conflicts.
9. There is a recognisable crisis of values (or rather the lack of them) in present-day Europe. The pure market society is revealed as inadequate as was communism for individual well-being and social responsibility. The recourse to religion as an alternative has, however, to be reconciled with the principles of democracy and human rights.
10. In the context of current and future social trends and the growing pressures of multicultural communities, inadequate attention has so far been given to the promotion of religious tolerance.
11. In each of the three main monotheistic religions a basis can be found for tolerance and mutual respect towards people with differing beliefs or towards non-believers. Every human being is viewed as the creation of the one God and, as such, is due the same dignity and the same rights regardless of his convictions.
12. The question of tolerance between religions has to be further developed. The three monotheistic religions should be encouraged to give greater emphasis to those basic moral values that are essentially similar and tolerant.
13. European history shows that the co-existence of Jewish, Christian and Islamic cultures when based on mutual respect and tolerance have contributed to the prosperity of nations.
14. The universal importance of religious freedom, as enshrined in Article 18 of the Universal Declaration of Human Rights and guaranteed in Article 9 of the European Convention on Human Rights, has to be reaffirmed.

This freedom is rooted in the dignity of man and its realisation implies the realisation of a free, democratic society.

15. The secular state should not impose any religious obligations on its citizens. It should also encourage respect for all recognised religious communities and ease their relations with society as a whole.
16. The Assembly recommends that the Committee of Ministers call upon the governments of the member states, the European Community as well as the responsible authorities and organisations:

Legal guarantees and their observance

- ♦ to guarantee religious freedom, freedom of conscience and freedom of worship with specific reference to the rights indicated in Assembly Recommendation 1086 (1988), paragraph 10;
- ♦ to allow for flexibility in the accommodation of different religious practices (for example in dress, eating and observance of holy days);

Education and exchanges

- ♦ to ensure that studies of religions and ethics are part of the general school curriculum and to work towards a differentiated and careful depiction of religions in school books (including history books) and in classroom teaching with a view to achieving a better and deeper understanding of the various religions;
- ♦ to emphasize that a knowledge of one's own religion or ethical principles is a prerequisite for true tolerance and that it might also act as a safeguard against indifference or prejudice;
- ♦ to establish a "religious history school book conference," consisting of a representative selection of theologians, historians and philosophers for the purpose of compiling basic texts, documents and commentaries for teaching in school;
- ♦ to make it possible to present to young people, the ideas and deeds of living individuals of different religious beliefs as examples of religious tolerance in practice;

- ✦ to facilitate, in the framework of existing exchange programmes for secondary school students, university students and other young people, meetings and discussions with informed persons of differing beliefs;
- ✦ to promote inter-religious encounters and organisations that serve the purpose of furthering mutual understanding between religions and thereby peace and respect for human rights;
- ✦ to consider the provision of similar facilities for the religious schools of all recognised religions;

Information and “sensibilisation”

- ✦ to ensure that fundamental religious texts and related literature are translated and made available in public libraries;
- ✦ to organise cultural projects on religious issues in the context of cultural promotion programmes;

Research

- ✦ to facilitate the development of a network of research institutes in Europe which would:
 - ✦ collect, analyse and evaluate literature on religious tolerance;
 - ✦ provide an information service with a good selection of this literature;
 - ✦ organise workshops and research conferences on religious tolerance;
 - ✦ serve as a competent and authoritative source of public information;
- ✦ to stimulate academic work (seminars, degree courses, doctoral dissertations) in European universities on questions concerning religious tolerance.

UN HRC 28th Session – The AIDLR Written Statement

United Nations

A/HRC/28/NGO/164



General Assembly

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Human Rights Council

Twenty-eighth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement^{*} submitted by the International Association for the Defense of Religious Liberty – Association Internationale Pour La Défense de la Liberté, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle



United for liberty, peace & security and against violence & terrorism in the name of religion-World Liberty Forum/Congress

I. Congratulation & Introduction

Mister President,

First of all we want to congratulate you Mr. Joachim Rucker, for this important position as the new President of the Human Rights Council (HRC), Ninth Cycle (2015) as you said “fully aware, to serve the Council in fulfilling its obligation to help to promote and protect our universal, indivisible, interrelated, interdependent and mutually reinforcing human rights and fundamental freedoms.”¹⁴⁴ HRC has made great contributions together with the Office of High Commissioner for Human Rights (OHCHR) in favor of worldwide peace.

At the same time, we want to express our great consideration for the work of High Commissioner of Human Rights Prince Zeid Ra'ad Zeid al-Hussein for “preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights.”¹⁴⁵

As Mr. Rucker said, also we – the AIDLR – strongly believe that “it is vital to join forces with the High Commissioner on Human Rights” and also with other organizations: European Union, Council of Europe, OSCE, OIC for global peace, development, human dignity and security.

At this time when according to Mr Zeid: “the world faces a growing number of simultaneous crises” we strongly believe “this work of cooperation between international, regional and national human rights actors is clearly necessary, so that all of us can generate more impact...”¹⁴⁶ What we consider fundamental, according to Professor Heiner Bielefeldt Special Rapporteur on freedom of religion or belief, is that we “need coordination of all these stakeholders”.

I'm convinced the energy, determination and wisdom of Mr. Rucker and Mr Zeid will gather together all expertise and the good will of every stakeholder

144 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15423&LangID=E#sthash.MLm3BamY.dpuf>

145 <http://www.un.org/apps/news/story.asp?NewsID=48064#.V0QcGsZDbUQ>

146 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15563&LangID=E#sthash.mcTKFmBn.dpuf>

– including the civil society and international NGOs in favor of human rights and for all people of the world.

Excellences,

I'm Liviu Olteanu the Secretary General of the **International Association for the Defense of Religious Liberty**. I thank all your Excellences, worldwide Permanent Representatives to the United Nations, for your on-going efforts on behalf of human rights, peace-making, security and trying to stop the terrorism, discrimination and persecution in the name of religion or related to religious liberty or related to the right of expression, at the international and regional level.

The AIDLR strongly condemns all kinds of violence and terrorism, all discrimination and persecution of the Christians, Jews, Muslims, Buddhists, Hindus, atheists and so on – no matter where one tragedy should happens – starting years ago on 9/11 in US, or later in Madrid, London, in Bali, or Australia, and especially in the last years in Iraq and Syria, or in Kenya, Pakistan, in Paris, in Baga Nigeria – where 2000 Christians have been killed –, in Denmark or in Libya.

I would like to believe that all of us who are participating at the UN 28th Session of the HRC in this spring of 2015 would prefer to know that there will not be more violence and terrorism in our world. Each person is unique, each life matters and has to be protected. We are concerned how intolerance and discrimination in the XXI Century has reached an unimaginable and unprecedented gravity.

We believe that respect for the dignity of every person, protection of fundamental rights and international law and religious liberty according to one's conscience, or the right of everyone to express freely without fear, have to represent for the international community (UN, EU, CoE, OSCE, OIC), *not only a priority but an urgency*; the respect of the life and of the dignity of every person requires a *common vigilance* and *empathy* with all those who are suffering – as children, girls, women, youth and adult people, no matter the culture, color, background, education, and so on. We love the diversity and the culture of respect and we have to do everything for intercultural and interreligious dialogue.

The AIDLR is in favor of the Security Council of UN (UNSC) resolution 2170 (2014) on: "Reaffirming that terrorism constitutes one of the most serious threats to international peace and security", "stressing that

terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States, international and regional organizations”.

There are a number of **universal values in the Universal Declaration of Human Rights** that enjoy international acceptance: justice, solidarity, freedom, and tolerance. But there is a difference between the beliefs of the values we hold and values really lived.

II. Proposals of the AIDLR to Get Authentic Understanding, Liberty and Peace

1. We stress for respect for differences, religious minorities and the defense of justice, democracy and law

The defense of justice is a challenge today. One of the great difficulties resides in reconciling cultural identity and respect for differences in a society where beliefs and cultures coexist.

2. Efforts towards common objectives

The basis of the pedagogy of peace, respect and non-violence, is an education in hope and in the growth of freedom.

3. Avoiding the confusing principles and divergences

Human rights have been degraded to benefit confusing principles, interpreted according to individualistic and arbitrary ideologies.

4. Dignity, differential fact and moral and fundamental rights

Being a *person* is what gives humans a peculiar *dignity*, under which they cannot be exchanged for a price. People differ from each other: by the political community to which they agree to belong, religious affiliation, cultural background and by countless dimensions, that together build up a whole personal being.

5. Multiculturalism and living with differences

Multiculturalism requires teaching *HOW to live with differences*. All people need to develop a deeper understanding of the religious and philosophical conceptions of other culture. The AIDLR urges an *intercultural education*. It is necessary to establish communication and interaction between all these Cultures without erasing the specific identity of each one of them.

6. Wise measures of communication and interaction between cultures and religions

It is easy to believe that you are tolerant, just by the fact that you are indifferent.

If I do not know the ideas, emotions and hopes of another, *I cannot know* or respect him. Human beings can enjoy existing together in their equality and differences and become mutually enriched from these differences.

According with one UNESCO Statement: If we want peace, we have to remember:

- Faith communities have a responsibility to promote conducts characterized by wisdom, compassion, the art of sharing, charity, solidarity and love; inspiring each one and all for the purpose that we choose the path of freedom and responsibility. Religions must be a source of creative energy.
- We need to assume in our way of thinking that the religions do not have to be identified with any political, economic and social power, so they can be free to work for justice and peace.
- We need to promote peace by opposing tendencies of individuals, communities and religions who believe, or even teach, they are inherently superior to others.
- We need to promote dialogue and harmony between religions and within each religion,
- Rooted in our faith, we want to build a culture of peace based on non-violence, tolerance, dialogue, mutual understanding and justice... Let us call the various religions and cultural traditions to join forces and collaborate with us to spread the message of peace.

The AIDLR urges the international community, Islamic countries, all UN delegations, international NGOs, to strongly condemn the religious hate, intolerance, all kinds of religious discrimination, persecution, terrorism and killing of the Christians, Jews, Muslims, and other beliefs and religious minorities.

The AIDLR urges the international community to act immediately and decisively by coordinated response. **The AIDLR stresses** the need of international empathy for the other's crisis, no matter where it happens. Audiences also tend to look more closely at *crises at home*.

III. World Freedom & Tolerance Forum

Excellences,

The AIDLR wants to organize at the UN in Geneva a WORLD FREEDOM & TOLERANCE FORUM/Congress where we want to stress the need for cooperation and coordination, developing a new horizon against every kind of violence and terrorism, and in favor of intercultural dialogue, religious minorities, security and peace.

We thank you for the support of the UN delegations and other international bodies and experts on human rights and religious freedom, and we would like **to invite all the United Nations delegations** to join us as partners and co-sponsors, offering their political support to this *Global Forum on Tolerance* which we prepared to take place – if possible on May or June this year 2015, with policy makers from the UN, EU, Council of Europe, OSCE, OIC, and with a strong participation of scholars, diplomats, politicians, religious leaders and civil society participants.

The AIDLR organized preliminary international events at the University Complutense of Madrid in January 2014 and to the UN HRC 26 session, with participants from international, regional and national levels.

In this way together we want and we can contribute creating a peaceful world which favors all of us and future generations.

For more information on the Global Forum on Tolerance, contact the AIDLR or our partners and co-sponsors.

Thank you Mr. President.

Thank you Excellences.

**Oral Statement Summited
by The International Association
for the Defense of Religious Liberty
(AIDLR) Switzerland
at the UN HRC 28 session,
general debate 13 of March 2015**

Mr. President of the UN – Human Rights Council
Mr. High Commissioner for Human Rights of UN
Mr. Special Rapporteur on Freedom of Religion or Belief
Excellences,
Ladies and Gentlemen,

First of all I want to congratulate you Mr. Joachim Rucker for the position as President of the HRC for 2015 and I desire for you, your team and all members of the HRC, all the best and many victories for human rights.

I want to congratulate the Prince Zeid Ra'ad Zeid al-Hussein on your position as High Commissioner on Human Rights of the UN and for the excellent work you are doing globally, and I want to express the appreciation for the Special Rapporteur for his clear and well-focused report, which underlines the complexity of “violence in the name of religion” with useful recommendations.

In this room (XX) of Palais des Nations the distinguished representatives – foreign affairs ministers and ambassadors – of many States have made at the beginning of the HRC 28th Session (02-06.03.2015), specific and precious contributions, also regarding the topic of “*violence and terrorism in the name of religion*”; also today, we listened to excellent interventions of their Excellences, which really I appreciate.

Speakers highlighted the persecution of minorities, the rise of ISIS or ISIL, Boko Haram and its ideology and acts of violent extremism and terrorism in the name of religion. All speakers reiterated their resolve to contribute to the fight against terrorism while ensuring at the same time respect for human rights.

Some countries as Germany, Austria, Latvia, Slovenia, UK, Sweden, EU, Japan, Cameroun, US, etc. described the reality of our days on human rights by

expressions such as: “troubled times”, “unexpected violence and cruelty”, “threats”, “atrocities”, “brutality”, “victims of crimes”, “extremism”, “radicalism”, “human rights violations”, “persecution of minorities”, or the names of some countries where great violations of human rights occur such as: Syria, Iraq, Nigeria, Sudan, North Korea, South Sudan, Ukraine, etc.

Congratulations to all UN Missions which clearly and with arguments expressed against every threat, discrimination, violence and terrorism, and in favour of tolerance, culture of dialogue, dignity of human being, religious freedom and freedom of expression.

According to Germany: “We have to critically examine how such medieval thinking could gain ground again at the beginning of the 21st century” and we need “clear and unequivocal responses”;

EU High Representative of Foreign Affairs, Federica Mogherini: “Our response must be firm and resolute, but it must also be accompanied by our reading for dialogue, education, promotion of pluralism and respect of freedom of religion and belief”;

Norway: “The world must uphold the fundamental right to freedom of expression and freedom of religion, protect minorities, fight against all discrimination, and oppose any attempts to invoke so-called traditional or religious values to justify discrimination;

Belgium: Freedom of expression, of media, religion or belief is the answer to extremism and radicalization;

Holy See: Respect for the dignity of every human person;

Ireland: “The international community needed to address the current global threats to human rights through a shared commitment, firmly grounded in pluralism, tolerance, equality, justice and, above all, recognition of the universality of human rights.”

Tunisia: “the religious practice away from extremism and radicalism while recognizing the freedom of belief and conscience and the values of moderation, tolerance”

Switzerland: “Tolerance and the acceptance of difference is what makes our open, liberal society strong.”

Poland: Freedom of expression should not be used as an excuse to infringe on other human rights, including freedom of religion. The culture of dialogue had to prevail.”

Serbia: The rise of terrorism, religious intolerance, hate speech, restrictions to freedom of expression clearly showed the need for enhanced global cooperation.”

Finland: “Should be no tolerance for racism, anti-Semitism and Islamophobia.”

Czech Republic: *Fear must never lead (them) to give up...the freedom of speech or religion and belief."*

Armenia: *"Urgent attention and actions of the international community."*

OIC: *Combating religious-based violence and discrimination also had to become a priority for the entire international community."*

U.K: *"the scale of the global challenges confronting all: the persecution of minorities around the world, the rise of ISIL and its abhorrent ideology of violent extremism."*

Portugal: *"It was also essential to guarantee freedom of religion and belief, and to fight all forms of discrimination and religious intolerance."*

Qatar: *Terrorism is an act that has no religion and is rejected by all cultures and human principles."*

Romania: *The action of the international community is needed more than ever. Protecting and defending individuals, in the name of peace and a life in dignity, should be our primary goal."*

Spain: *Societies must be reminded that the universality of human rights placed the human being at the centre of endeavors."*

USA: *The Human Rights Council could play a critical role in shaping the global response to situations where human rights violations had reached staggering levels."*

Denmark: *"We were all Charlie in solidarity with the victims of a horrific crime in Paris... or with the victims of a similar attack in Copenhagen."*

But we have to add: On 9/11 we were all Americans, on 2004 or 2007, we were all Madrid o London, o Bali, o Australia; in the last years, we were all and we still are in solidarity and empathy with the victims of Syria and Iraq, with the victims of Kenya, with the children killed in Pakistan, with Baca Nigeria where 2000 people have been killed in the same period when the tragedy of Paris happened; with the victims of Libya; with the victims of Ukraine, etc.

According to Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt, *"the main problem in a number of countries stems from the State's failure in combating terrorism or violence of non-State actors, while certain State agencies in other countries support such violence directly or indirectly, for example, by promoting hatred against religious minorities or by turning a blind eye to violence. Victims of violence come from all religious or belief backgrounds. They comprise adherents to large "traditional" communities and followers of small or new religious movements, which are often stigmatized as "sects".*

“The scourge of violence in the name of religion calls for concerted action of States, religious and belief communities, interreligious initiatives, civil society and the media to contain and eventually overcome this phenomenon.” “Acts of violence cannot be attributed to religions per se or to any particular religion. Overcoming a culture of silence, in the face of violent attacks is of paramount importance.”

The International Association for the Defence of Religious Liberty, strongly believes that State actors, religious leaders, educative actors and civil society have to speak out **loudly** and **clearly**, against any acts of violence committed in the name of religion not only when we have and we are at the HRC Session (Nr. 28, 29, 30, etc.) but always when violence starts somewhere, and *all actors have to promote tolerance and respect for diversity and empathy, not only when a tragedy happens in our country but no matter where in the world.*

“Freedom of religion or belief cannot flourish without freedom of expression and freedom of expression is not without possible limits, and there can be situations in which the State has to impose restriction in order to protect targeted minorities against advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence as underlined in Special Rapporteur Heiner Bielefeldt’s report.”

In this regard, the British historian Timothy Garden Ash reminds us *“freedom of expression does not mean that anyone should be allowed to say anything anywhere and anytime and, therefore, of how delicate this debate can be. Respect for others, where living together in peace, implies the imposition of self-limits and an awareness of what can and cannot be said in public¹⁴⁷.”* For it is so necessary that States really have to protect the fundamental right of freedom of religion or belief and freedom of expression for all people.

At the same time, aiming for a peaceful, respectful and tolerant society, I believe that the *family, school, religion*, together have an important role on training and educating children, youth and also adults, starting with the religious leaders. Indeed, the best antidote to hate speech is “more speech” but in a supportive and respectful way.

Prince Zeid High Commissioner on Human Rights of the UN stresses: *“The world needs an United Nations human rights office that is strong, resilient and able to act quickly to prevent and respond to human rights challenges... At*

147 Yael Ohana editor, T-Kit Youth transforming conflict, Council of Europe and European Commission, 2012, reprinted October 2014 at Council of Europe Publishing, Strasbourg, p.23.

a time of intensifying global anxiety, I believe the people of the world are crying out for profound and inspiring leadership equal to the challenges we face.”

Mr. President,

World Liberty Forum

The AIDLR is so honoured to join this august assistance of HRC and is continuing to speak up strongly by defending the human rights and especially on religious freedom, freedom of conscience and freedom of expression for all people, and promoting it by education and training, the culture of respect for diversity, organizing or participating in international events.

The AIDLR also proposes in the context of the 70 years of the Anniversary of the Charter of the United Nations (1945-2015) international events on human rights and an efficient coordination of all world stakeholders – international, regional and national – against every kind of discrimination, violence and terrorism in the name of religion which affect specially the religious minorities, and also is asking UN Missions to give a strong support and enough resources to the work of Special Rapporteur on freedom of religion or belief Professor Heiner Bielefeldt.

AIDLR as an international organization committed in favour of human rights and of the defense of principle of freedom of religion and freedom of expression for all people, invites your Excellences, all UN Missions to join and support the *World Liberty and Tolerance Forum/Summit*, expected to take place here in Geneva in 2015¹⁴⁸. (More information on Global Summit or some changes, you can receive from the AIDLR and the co-sponsors).

A question directed to the High Commissioner for Human Rights and to Special Rapporteur on freedom of religion or belief:

High Commissioner of Human Rights Prince Zeid and Professor Heiner Bielefeldt, do you believe that civil society organizations, the NGOs, more than “*to collect information on situation of human rights*”, or “*overcoming a culture of silence*” –, should be supported as mediators, peacemakers, working together with the State actors and receiving the political support (co-sponsorship) on human rights events, expanding the role of civil society in the international arena?

Thank you Mr. President.

148 The IADRL postponed the International Forum for the year 2016.

UN Enlists Faith Leaders, Youth in Its Efforts to Counter Violent Extremism

The misuse of religion to lure the young into terrorism and violent extremism was in focus at the United Nations this week with events featuring faith leaders and youth from around the world.



Faith leaders at the UN event on 22 April 2015. UN Photo/Evan Schneider

“At a time when we are seeing so much division and hatred, I wanted to bring people together under the banner of the United Nations to explore how best to respond,” Secretary-General Ban Ki-moon said Wednesday to more than a dozen participating religious leaders representing Buddhism, Christianity, Islam, Judaism and other faiths.

The two-day event, “Promoting Tolerance and Reconciliation: Fostering Peaceful, Inclusive Societies and Countering Violent Extremism,” was led also

by General Assembly President Sam Kutesa and Nassir Abdulaziz Al-Nasser, UN High Representative for the Alliance of Civilizations.

“I am troubled by the empathy gap in our world today. People are turning their eyes from what is happening to others,” Mr. Ban noted. “We must not lose sight of our common humanity and our shared duty to respond.”



Secretary-General Ban Ki-moon (front centre), flanked by General Assembly President Sam Kutesa (left), and Nassir Abdulaziz Al-Nasser, UN High Representative for the Alliance of Civilizations, and participating religious leaders. UN Photo/Eskinder Debebe.

Addressing representatives of Member States and world religions, Mr. Ban noted that the United Nations, which this year marks its 70th anniversary, was born from the ashes of the Second World War to uphold human dignity and worth, tolerance and equality.

But these values “are held in contempt by terrorism and violent extremists bent on imposing their warped visions and bankrupt ideologies,” the Secretary-General continued.

“Religion does not cause violence; people do,” Mr. Ban underlined, making specific references to atrocities committed by Da’esh, Boko Haram, Al Shahaab, and Al Qaeda .

Racist acts and hate speech are also examples of violent extremism, as is prejudice against anyone of another faith, history or culture.

“I ask for your wisdom and leadership,” Mr. Ban told the faith leaders, underscoring that they work on the frontlines of their communities and can see the forces of radicalization and intolerance at play.

“I urge you to use your spiritual and moral influence to counter their narrative by standing up for moderation and mutual understanding,” added Mr. Ban. He noted also that “we expect our religious leaders to be brave, and to teach their followers when they see something morally wrong.”



Religious leaders meeting with Mr. Ban. UN Photo/Eskinder Debebe

The Secretary-General said that later this year he would present a United Nations Plan of Action to Prevent Extremism, and has also committed to forming an advisory panel of faith leaders and others on how to promote dialogue as an antidote to sectarian tensions.

“We must ask ourselves: what is the attraction of extremist ideology,” he asked, questioning the appeal of violent extremism to recruits, mostly young men, but increasingly also women.

The Security Council on Thursday took up this question from the perspective of youth’s role in countering violent extremism and promoting peace.

The Council debate was overseen by Crown Prince Al Hussein Bin Abdullah II of Jordan, who at 20 years old became the youngest person to ever chair a meeting of the Security Council. Jordan currently holds the rotating presidency of the Security Council.

“While youth are most susceptible to the present situation and its consequences, they can also have the strongest impact on the present and the future,” the Crown Prince said in his opening speech, calling himself “a young man who is part of this generation.”

He noted that while youth are often talked about as marginalized segment of society, they are actually a group targeted for “their huge potential, self-confidence and ability to change the world.”

The Crown Prince said the international community was “in a race to invest in the hearts and minds, as well as the capabilities of youth” before the ideologies of darkness provide a voice that can reach any ear willing to listen.



Crown Prince Al Hussein Bin Abdullah II of the Hashemite Kingdom of Jordan (centre), flanked by Mr. Ban (left) and Movses Abelian, Director of the Security Council Affairs Division. Also pictured (second row, from left): Susana Malcorra, Chef de Cabinet to the Secretary-General; Nasser Judeh, Deputy Prime Minister and Minister for Foreign and Expatriates Affairs of the Hashemite Kingdom of Jordan; Dina Kawar, Permanent Representative to the UN. UN Photo/Mark Garten

More than half of the world's population is 30 years old or younger, the majority of them living in developing countries. According to UN figures, young people are three times more likely to be unemployed than adults and 73 million youth around the world are currently looking for work.

Factors such as poverty, unemployment, and lack of education, particularly when combined with modern communications, are factors exploited by violent extremist fighters.

In his address, Mr. Ban underlined that youth lie at the heart of international peace and security, representing “promise – not peril.”

“While some young people do commit heinous acts of violence, the overwhelming majority yearn for peace, especially in conflict situations,” he noted.

Yet young people are often the ones targeted for human rights abuses, such as the Chibok girls in Nigeria; the students killed in Garissa, Kenya; or those who the Taliban massacred in Peshwar, Pakistan.



Mr. Ban (front left) addresses Crown Prince Al Hussein Bin Abdullah II of the Hashemite Kingdom of Jordan (front right). Also pictured: Ahmad Alhendawi (centre left), the Secretary-General's Envoy on Youth; and Susana Malcorra (centre right), Chef de Cabinet to the Secretary-General.

UN Photo/Mark Garten

Agreeing with his Youth Envoy Ahmad Alhendawi that young people drive change but are often not in the driver's seat, Mr. Ban said that was calling for young people to have a "licence" to steer the future.

"Youth suffer on the frontlines of war – but they are rarely in the backrooms where peace talks are held," Mr. Ban said.

"I call for giving young people a seat at the negotiating table. They pay a price for the fighting – and they deserve to help structure the healing."

The UN is developing a comprehensive *Plan of Action to Prevent Violent Extremism* that seeks to engage with and empower young people. It is expected to be submitted to the General Assembly later this year.

The Plan is being crafted with support from the UN Counter-Terrorism Implementation Task Force (CTITF) and the UN Counter-Terrorism Centre (UNCCT) in the Department of Political Affairs (DPA).

Director Jehangir Khan has said that the focus on countering terrorism is increasingly shifting to a more integrated policy of prevention. (To read more about UN prevention of violent extremism, see <http://t.co/fzLLQzW5k6>.)

I want to bring the sense of hope and solidarity to people in need today and to ensure that the United Nations is an effective instrument of progress and dignity for all.

Ban KI-moon

Freedom of religion or belief, due to its nature as a human right, protects human beings rather religions. The starting point of any assessment of religious or belief pluralism must therefore be the self-understandings of human beings in this area, which may be quite diverse.

Heiner BIELEFELDT

In a world where various forms of modern tyranny seek to suppress religious freedom, or try to reduce it to a subculture without right to a voice in the public square, or to use religion as a pretext for hatred and brutality, it is imperative that the followers of the various religions join their voices in calling for peace, tolerance and respect for the dignity and rights of others.

Pope FRANCIS

The future of today's democratic systems is heavily dependent on finding the right balance between each individual's rights and guarantees and the states' security and prosperity, without compromising either.

Mario BRITO

Based on our own painful history, we believe that truth, reconciliation, justice and accountability and a deeply anchored human rights culture are the ingredients of peaceful societies.

Federica MOGHERINI

Religious freedom means to affirm the autonomy of thought.

Jose ITURMENDI

The future belongs to those who will be able to look upwards with a view to the restoration of human nature, even though this seems to require superhuman strength.

Bruno VERTALLIER

Religious freedom does not support the right of one religious to control what can or cannot be said about it, but neither does it stand for inconsiderate insults to religious beliefs.

Jose Miguel SERRANO

Understanding someone who differs significantly from us can prove a challenge, but we need to learn about other cultures, religions, beliefs and traditions...this will maintain harmony in our relationship and peace in the world.

Liviu OLTEANU