

# INTERNATIONAL RELIGIOUS FREEDOM: AN IMPERATIVE FOR PEACE AND THE COMMON GOOD

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## **1. Principles and reality**

Freedom of religion is a global concern. From my observatory in Geneva, where the U. N. Human Rights Council is based, it is clear that religion has become a topic of frequent debate. Last March, the Human Rights Council unanimously approved an explicit resolution on freedom of religion or belief where once again States are urged “to ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected.” On that occasion, I argued, on behalf of the Holy See, that “religions are communities based on convictions and their freedom guarantees a contribution of moral values without which the freedom of everyone is not possible.”

More than ever before, political analysts and human rights advocates include religion in their agenda. But most of them emphasize either “tolerance”, as if religion were merely a source of conflict, or “individual choices”, as if religion were merely the concern of an individual’s convictions and were devoid of social consequences. The juridical arsenal to protect religious liberty, however, has been stocked with some excellent resources developed in response to the horrors of World War II and the systematic violation of human dignity and human rights by the Nazi and Communist totalitarian regimes. With the 1948 Universal Declaration of Human Rights, freedom of religion entered the realm of international law and jurisprudence. This prompted the framing and enforcement of other human rights instruments at a global, regional and local level. In fact,

declarations, conventions and charters have literally mushroomed. I will mention only a few: *the International Pact on Civil and Political Rights* (1966), *the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* (1981)<sup>1</sup>, that lists, among other specific requirements, the freedom to establish and maintain appropriate charitable or humanitarian institutions; and the *Resolution* of 1986 that establishes a Special Rapporteur on freedom of religion and belief. With these and other Conventions that include specific references to religious rights, the international community has guaranteed freedom of religion at the individual, collective and institutional levels.

The Universal Declaration set a standard for what type of treatment human beings are entitled, as well as for what States are morally obliged to enforce. If a State ignores such rights, this may well have a serious impact on its international relations as well as on its domestic debate and legal framework.

Declarations, however, are not enough. What is enshrined in them can be misused and misinterpreted. Moreover, States and popular movements can even manipulate such declarations into powerful tools of self-justification and may thereby pursue goals that are in conflict with the very rights they were designed to enforce.

At present, there is no doubt that religious freedom is under stress worldwide. During the 20th century, some forty-five million Christians died because of their faith. The trend continues. A 2011 study on global restrictions on religion by the Pew Research Center's Forum on Religion & Public Life found that 70% of the world's population lives in countries with high restrictions on religious beliefs and practices, the brunt of which often

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#### 1 Article 6

In accordance with article 1 of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms:

- ( a ) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- ( b ) To establish and maintain appropriate charitable or humanitarian institutions;
- ( c ) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- ( d ) To write, issue and disseminate relevant publications in these areas;
- ( e ) To teach a religion or belief in places suitable for these purposes;
- ( f ) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- ( g ) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- ( h ) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- ( i ) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

falls on religious minorities—including, in some cases, people who are secular or non-religious. Additionally, more than 2.2 billion people, nearly a third (32%) of the world's total population, live in countries where either government restrictions on religion or social hostilities involving religion rose substantially between mid-2006 and mid-2009. Only 1% of the world's population lives in countries where government restrictions or social hostilities have declined. The number of countries in which governments used at least some measure of force against religious groups or individuals rose from 91 (46%) in the period ending in mid-2008 to 101 (51%) in the period ending in mid-2009. The consequent violence was wide-ranging, including murder, physical abuse, imprisonment, detention or displacement from one's home, as well as damage to or destruction of personal or religious properties. On the increase are mob violence, religious-motivated terrorist groups and the commission of malicious acts by private citizens and groups motivated by religious hatred. Christians are the first target. The Pew Report adds that restrictions on religion are particularly common in the 59 countries that prohibit blasphemy, apostasy or defamation of religion. While such laws are sometimes promoted as a way to protect religion, in practice they often serve to punish religious minorities whose beliefs are deemed unorthodox or heretical. A simple review of the daily press confirms the Pew study: bombs are exploded in churches during Mass in Nigeria and Kenya; threats are carried out against the ancient Christian communities of Iraq, and now of Syria, thus forcing them into exile; a Christian girl of 11, living with Down Syndrome, Rimsha Masih, is arrested on charges of blasphemy and put in jail in Pakistan, for purportedly burning pages of the Koran and 400 Christian families of her poor neighborhood took flight in fear for their lives; Sufi shrines are turned to rubble in Libya; a rabbi is attacked in the streets of Berlin and has to be hospitalized and rabbinical students are advised not to wear their kippa in public places; a Catholic Bishop Ma Da Qin is placed under home arrest for allegiance to the Pope; Christians are in flight from Northern Mali to escape the violent attacks of fundamentalists. The International Society for Human Rights estimates that 80 percent of all acts of religious discrimination in the world today are directed at Christians and that some 150,000 Christian are killed for the faith every year.

The age of martyrs is still with us. The struggle for religious liberty endures. In a more sophisticated way, Western liberal democracies subscribe to a public culture that tends to relegate religion to the private sphere and, through their respective court systems, chip away at the original understanding of religious freedom. Through a narrow reading of human rights-related provisions, the wording of declarations repeatedly has been reinterpreted in order to fit the political agendas that have changed over time. Education, family law, healthcare are just some of the fields in which narrow reading of religious freedom paved the way to antireligious policies.

## **2. Evolution of the idea of religious freedom**

The journey leading to the recognition of the right to freedom of conscience and belief has been long and painful. It began with Jesus' words: "Give to Caesar what is Caesar's and to God what is God's" (Mark 12:17). Christians were to fulfill their obligations, to the fullest extent possible, to both God and the State. At the same time, it became clear that there are limits to the jurisdiction of earthly rulers. Caesar's image is on those things necessary to the proper function of civil society; therefore, civil government legitimately exerts power over this realm. But since human beings bear the image of God, the *imago Dei*, their allegiance to God takes precedence over their allegiance to the State. Moreover, genuine love for God comes willingly from the inner person; forced love is an impossibility. Three premises are established: a distinction between religion and the State and the legitimacy of both; the priority of God in case of conflict between the two; the voluntary nature of genuine religious devotion.

Tertullian at beginning of the third century wrote: it is a "fundamental human right, a privilege of nature, that every man should worship according to their own convictions" (Ad Scapulam, 2), and he coined the expression freedom of religion (*libertas religionis*).

Over the centuries, intolerance and persecution were only too familiar to the Christian communities. Over time, the insight of the Gospel prevailed, particularly since it could be argued in a coherent and logical way by human reason. Religious freedom became the space that offered

people the freedom to rise above all human and contingent situations and enabled them to answer some of the critical questions all of us have to ask at least once in life: if God exists; what happens after my death? Along this same path, then, religious freedom has been accepted as the right of every person to profess religion according to the dictate of her or his conscience. Such right to establish a relation with God in the intimacy of one's conscience implies both an individual-focused and a communitarian way to exercise this relation that must be protected from any constraint. To affirm religious liberty as a fundamental right means to sustain the autonomy of the person not so much toward religion, but *vis-à-vis* those who would want to limit the range of one's religious sentiment. The achievement of the Universal Declaration of Human Rights is a milestone in the historical journey. It states: "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.... Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." (Art. 18) This article 18 remains the cornerstone of the international framework for recognition of and respect for religious freedom and, together with other treaties, it provides the arsenal that theoretically and juridically can protect religious freedom everywhere.

### **3. Religious freedom in the Catholic Church**

The importance of religious freedom for promotion of the common good and peaceful coexistence also has become a major chapter in the social doctrine of the Church. There is a convergence of language and substance between international human rights developments and Church teaching. Besides, the educational role of the Church has helped in no small way the consolidation of democratic institutions. The American contribution to the Second Vatican Council opened the door wide for an understanding of religious freedom that truly universalizes this right: "This Vatican Council declares that the human person has a right to

religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits. The Council further declares that the right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself. This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right." (*Declaration on Religious Liberty, Dignitatis Humanae*, 2) The moral battle of Blessed John Paul II to sensitize world's conscience that all believers should effectively enjoy religious freedom has led to the well known results that transformed the map of Europe and global politics; his unique spiritual leadership advanced freedom in the world. The aspiration for religious freedom also has been at the root of recent democratic movements that led to the fall of several dictatorships.

Through the masterful addresses of Our Holy Father Benedict XVI and, in line with him, through his Representatives in the U.N. arena, the voice of the Holy See reminds the international community that, even in our present circumstances, peace requires religious freedom. In fact, the promotion of full and universal respect for this liberty guides the activity of the Holy See in international and intergovernmental organizations, in the stipulation of concordats and other agreements, and in the service of its diplomatic corps. The commitment that flows from faith benefits the entire society. The example of Mother Teresa of Calcutta offers clear evidence.

#### **4. Religious freedom in a secularized culture**

Profound changes have taken place in most societies, however, due to an increasing differentiation of beliefs, life styles, cultural traditions, ethnic identities, secularization and extreme individualism. Globalization forces us to interact across national, cultural, religious and other boundaries. Democratic States are challenged to search for common acceptable criteria to preserve social peace and cohesion. Certainly the ethical core of fundamental convictions within each person must be

respected, protected and guaranteed; if need be, through an affirmative action by public authorities. But such an individualized focus on belief might also facilitate legitimation of behaviours, or mere passions, that are quite distant from the lived and institutional dimensions of religions. This religion *à la carte* places the legislator in a difficult situation that risks the limitation of religious freedom in an effort to find pragmatic solutions. God's existence, the assumption in all the historical journey in the development of the doctrine of religious liberty, is no longer assumed. Nor is the anthropological foundation of human rights preserved.

The question then arises of how to find common values to keep cohesion and peaceful coexistence in society, while respecting religious freedom in the new circumstances. In common we have our human nature; this becomes the starting point for the search.. Nature, reason and the profound desire of the human heart for fulfilment provide the possibility to discover and understand the basic core values of every person. "Any well-regulated and productive association of men in society demands the acceptance of one fundamental principle: that each individual man is truly a person." Wrote Pope John XXIII. "His is a nature, that is, endowed with intelligence and free will. As such he has rights and duties, which together flow as a direct consequence from his nature. These rights and duties are universal and inviolable, and therefore altogether inalienable." (*Pacem in Terris*, 9) In this line of reasoning, freedom is not separated from truth, and thus eventual and objective ethical limits to personal and social conduct are implied. The range of freedom of the person, while she finds limits in her reference to truth, extends beyond the subjective dimension. The person does not arrive to be a person without relations to others. Therefore freedom of religion includes a communitarian and institutional aspect, as well as *inter alia* the right of each religion to establish its own rules, to exercise the power of self-organization and to disseminate its doctrine. The State cannot intrude on this process and can limit the exercise of institutional religious freedom only if such action is warranted in accord with the principles of respect for public order and the common good. Attempts by the State to restrict fundamental values, like the right to life, or to oblige a person to go against her conscience, can never be justified, since this would violate personal dignity and be detrimental to society itself.

Moreover, compliance with certain core values provides a solid basis for social cohesion, respect for others and the wellbeing of society as a whole. It has been aptly observed “that just as freedom of speech depends not only on one’s right to say what’s on one’s mind, but on the existence of institutions like newspapers, universities, libraries, parties, and associations, so freedom of religion also involves protecting the institutions that nourish individual free exercise.”

## **5. Working for religious freedom**

A reason approach to human rights and religious liberty finds a universal appeal because it is centred on the person. But we cannot lose sight of the fact that the religious dimension of the person is part of human experience in all cultures and social contexts. The contribution of reason and of religious insights to support religious liberty is like the continuity of a ray of light that cannot be cut at any point. Instead of hostility, the correct relationship between religious norms and the public sphere can be articulated with reasonable arguments of a general character and without the exclusion of religious insights. From the mutual openness of believers of different religions and non-believers of good will, great benefits can derive for a dialogue among religions and convictions to promote peace and the common good of humanity as well as to establish a serene coexistence, social progress and institutional stability in each State. Indifference or an exclusive absorption in materialistic pursuits risks to elegate the fundamental right of religious freedom to be considered a “second class” right with the negative consequences of violent claims and insurgencies that the repression of this right has shown throughout history. Thus support of religious freedom calls for a culture of respect, for a system of education that teaches the value of searching together for the truth and of respect for the sincere beliefs of everyone, that encourages forgiveness and promotes harmony in a way that integral human development can truly be achieved. Pope John Paul II shared the learning from his personal experience when he taught that: “Dialogue between cultures, a privileged means for building the civilization of love, is based upon the recognition that *there are values which are common to all*

*cultures* because they are rooted in the nature of the person. These values express humanity's most authentic and distinctive features. Leaving aside ideological prejudices and selfish interests, it is necessary to foster people's awareness of these shared values, in order to nurture that intrinsically universal cultural "humus-soil" which makes for fruitful and constructive dialogue."<sup>2</sup> A practical help to advance religious liberty in the world and its many derived benefits is the political monitoring of the implementation of this right that is undertaken by the European Union and by the U.S. State Department, by the United Nations Human Rights Council's Universal Periodical Review of States, and in the annual Reports on how religious liberty fares in the countries of the world. Thus we note an increasing awareness of the link between foreign policy and religious freedom. Ultimately, each one of us should engage in this task. I am reminded of an old African story of the king lion escaping the forest in flames followed by all the animals. When the lion notices a tiny hummingbird flying counter current toward the fire yells at him: "What do you think you are doing with your useless flight?" And the hummingbird replies: "I'm trying to put out the fire." Then the lion with a mocking laugh retorts: "With only one drop of water...?" Without breaking his flight the hummingbird answers: "I do my share."

## **6. The American experiment**

The novelty of the American experiment has been to guarantee the free exercise of religious liberty for individuals, for different religious groups, and for their religious-inspired institutions. This remains a lasting and valid contribution to the world. John Noonan rightly defined religious liberty as the "lustre" of the United States. Religious freedom was among the most relevant freedoms that gave origin and shape to the American colonies, then to the American states, and subsequently to the American Republic.

Americans have a special relationship with the value of religious liberty; it is well embedded, not just in their past, but also in their present. Our twentieth century Civil Rights movement was prompted by religious

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<sup>2</sup> Pope John Paul II. Message for the Celebration of World Day of Peace. January 1, 2001, n. 16

communities and personalities who substantially contributed to erase racial inequality.

But the special relationship between the United States and religious liberty has not been fruitful just for Americans. It has been fruitful for everybody. The American sensitivity to religious freedom played a prominent role in shaping the Universal Declaration of Human Rights. Thanks to the personal engagement of Eleanor Roosevelt, as I mentioned previously, a deep understanding of religious freedom found its place in a foundational article of the Universal Declaration of Human rights. The American experience of religious freedom still is the focus of serious study in other parts of the world, including Europe. Scholars and legislators there still draw inspiration from American Constitutionalism when they try to find new and positive ways of conceiving the relationship between religions and the State. Even the Catholic Church learned much from the American experience as it shaped, during the Second Vatican Council, that became the *Declaration on Religious Freedom*. The United States still plays a global role in upholding religious freedom as, in many ways, does the Church in this country.

Democracies are built by respecting, through personal and institutional choices, this freedom of conscience and religion, rather than by military imposition, legal dictat, or the destruction of entire societies. The United States *Bill of Rights* embodies a principle that remains a test of genuine democracy: the free exercise of religion, that clearly implies freedom of conscience and of institutional expression of belief. The American Constitution then prohibits that the State adopt legislation to establish an official religion or that it prefer one religion over another. From this perspective, the State should not interfere with the free exercise of religious freedom, or with one's practice of religion, nor should the State require a person to act against her or his religious views. Thus the presence of religious communities in the public sphere cannot be relegated to the celebrations of rites and ceremonies, but must be able to play an active role and to express their own vision of the human person and of the policies that rule society.

As the world becomes more diversified through technology of communication, migration, cultural changes, scientific progress that

involves the human condition, and the emergence of new religious communities, peace and creative living together in our globalized and interconnected societies will be possible only if freedom of religion is fully respected. Indeed, this is the human right that, in the end, guarantees all other human rights. The preservation of the American experience must remain a contribution for the peaceful and truly democratic future of our world. As Alexis de Tocqueville so wisely remarked, “Despotism may be able to do without faith but freedom cannot.” Thus, we stand for religious freedom so as to free others to become fully human.

Allow me to conclude these remarks by quoting our Holy Father, a strong advocate of religious liberty: “You are called to live with that attitude full of faith that is described in the *Letter to Diognetus*: do not deny anything of the Gospel in which you believe, but live in the midst of others with sympathy, communicating by your very way of life that humanism which is rooted in Christianity, in order to build together with all people of good will a “city” which is more human, more just and more supportive.”<sup>3</sup>

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<sup>3</sup> Pope Benedict XVI, during Pastoral Visit to Aquileia and Venice, 07 May 2011, [http://www.vatican.va/holy\\_father/benedict\\_xvi/speeches/2011/may/documents/hf\\_ben-xvi\\_spe\\_20110507\\_convegno-aquileia\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/speeches/2011/may/documents/hf_ben-xvi_spe_20110507_convegno-aquileia_en.html)