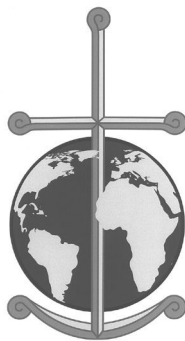


THE CARITAS IN VERITATE FOUNDATION WORKING PAPERS  
*“The city of God in the Palace of Nations”*

## *Which Path to Religious Freedom?*

*A Catholic Perspective on International Affairs*



With a selection of recent texts from the Church's engagement  
for religious freedom

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## *Editorial*

**R**eligious freedom is actually one of the best protected human rights in international law. Why then does it also remain one of the most frequently and widely denied? Recent studies by The Pew Forum on Religion, as well as other evidence, clearly show that violations of religious freedom are not abating, but have rather increased over the last decade. More than 70% of the world population lives in areas where religious freedom is not fully guaranteed. The trend is worrying, to say the least. It seems that, despite all the legal instruments, the minimal protection of religious freedom has still not been achieved in most countries.

Why is this? A number of good reasons can be put forward. Yet one explanation, often discarded, concerns the shortcoming of our conception of the secular State and its relationship with religions, hence with religious freedom itself. Certainly, poor State legislation, political bad will, cultural prejudice, hatred and intolerance are very important fixtures of the violation of religious freedom. However there seems to be a recurring and basic question surrounding the way religious freedom seems to be equated with the liberal, secular rule of law of Western States.

Take for example the right to conversion, one of the hot button issues that regularly sneaks into the debate on religious freedom at the UN Human Rights Council. The right to change religion is explicitly recognised by the 1948 Human Rights Convention — and many other international instruments — as an intrinsic part of religious freedom. Nevertheless it fails to make it to much national legislation, especially, it must be said, in countries where Islam is prevalent and acknowledged as the official religion of the nation. But then, should we simply consider these countries as politically trapped in some sort of pre-modern conception of the State, unable to come to the clear recognition of the “required” secularity of the State’s law? In fact, if western countries argue that the recognition of the right to convert is a matter of justice, in the view of other countries it is precisely the State and its supposed need to show no preferences toward religions which is called into question. We might disagree, but must answer the question, do we? And finding the right answer might indeed prove more difficult than we are prepared to admit.

After all, it is claimed, the heated debate surrounding the relationship between the modern State and religion in the West during the last two centuries is thought to be now definitively settled (we don’t want to revert

to the past, social progress can't be stopped). Well, this argument may have been "settled" in Europe for the past 80 years, but it did not occur peacefully and not without much violence against religions.

Moreover, the present relegation of faith out of the public square to the fascinatingly small pigeonhole of private hobby does not seem much of an achievement regarding freedom of religion. The recent cases seeking to banish religious symbols from public institutions and brought to the courts, may demonstrate that intransigence regarding religion is not an exclusive feature of "pre-modern" States, but also — and rather worryingly — of the post-modern secular State.

All in all, in the West as elsewhere, there is an urgency to give religious freedom a second thought. In our view three overlapping issues make the top of the agenda:

A. Religious freedom is not first and foremost a right. It is a limit set to the State; better said a limit determining what goes far beyond the State sovereignty. As much as we recognise human dignity as the basis of Human Rights — hence as a crucial limit of the State sovereignty — we should also recognise the freedom brought by religion as more than a civil freedom. It is a freedom that signals the upper limit of the State; a limit set by the transcendence of human beings, which cannot be reduced to our political dimension; a freedom, then, more fundamental than political freedoms; a freedom that sets us free for political freedoms. This is, in fact, already recognised in positive western law under in what is known as a "conscience clause", but then mainly negatively, as a protection of the conscience from the power of the State (a receding recognition, though). As an upper limit of the State, religious freedom may be seen as one of the sources of the State's legitimacy.

B. In order to ensure its neutrality toward religions, the secular State has retreated toward a thin consensus on the good (Rawls). However, by doing so it has also tended to virtually exclude from public institutions — and finally from the public square — any solid conception of the good. What if then, a community, a nation, a State does not wish to renounce the political and social dimension of its vision of the good ends? Since WWII, Western States have in fact been able to keep on "consuming" the previous, strong, consensus over the good that was needed to draw up the 1948 Human Rights Convention. It remains to be seen if a politically thin notion of the good can resist adversity (and not only manage prosperity).

C. Politically, religious freedom is not only a negative freedom — a protection — but also a positive freedom — that is to say the capability to

participate to the public debate. As any right, religious freedom is also a duty. It leads to social and political responsibility. In secular societies the failure to recognise the responsibility stemming from religious freedom may bring about a polarisation. The State, by denying the political relevance of religions tends to create the very extremes it is supposed to counter: religious fundamentalism and aggressive secularism. It would seem that it creates the same danger that it wanted to avoid. Authentic democracy and social peace requires the full recognition of the capability and responsibility linked to religious freedom.

At the present time, these are three shifting tectonic plates interacting between the secular State and religion. To ignore them would be foolish, as foolish as thinking that the problem was solved once and for all by mere reference to European political history. However strong might be the appeal to preserve the “Western consensus”, time and international reality is shifting away from it. We *must* reconsider.





## PART ONE

### *Ways forward to religious freedom*



# ***RELIGIOUS FREEDOM IN DOMESTIC POLITICS AND INTERNATIONAL AFFAIRS***

A Caritas in Veritate Foundation Report by

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**A**t first sight, non-Catholics are rather sceptical about the Catholic Church demanding religious freedom for itself when the perception is that the Church has not always been so generous towards religious minorities in countries such as Spain and in Latin America where it was the majority religion. Past papal denunciations of religious freedom is still a long-term memory of those who feel antagonism towards the Church. It is important, however, to place these historical positions in their proper context: after the Reformation and the foundation of the Westphalian system with its creation of state churches, religious freedom was a concept that was accepted by very few people. The doctrine of *cuius regio, eius religio* meant that within those states religious minorities were at the very most rather grudgingly tolerated and often could not obtain official offices within the state. As the Westphalian state became secularized during the 18th and 19th centuries, particularly in Catholic countries such as France, Italy and Spain a new form of secularist orthodoxy (resembling a religion) arose in the shape of nationalist liberalism which adopted intolerant positions towards religion as such and especially against Catholic Christianity. The Catholic Church in these countries came under immense pressure as secular liberals, once they were in power, sought to remove the Church from the provision of public services such as education and health, and also sought to confiscate the Church's considerable property holdings especially those of the religious orders. In France, for example, the religious orders were expelled in 1903 and their property seized by the state. Although some of lower clergy sympathized with liberalism (for example the French priest de Lammenais who launched the newspaper *L'Avenir* in 1830), the hierarchies in Europe and the Vatican reacted with hostility. This reaction coalesced into a set of positions that denounced 'modernity' in all its forms — the modern state, democracy, liberalism, freedom of the press.... religious freedom — which were summed up in Pius IX's *Syllabus of Errors* issued on the Feast of the Immaculate Conception, 8 December 1864. This document in turn provoked a reaction among secular liberals and Protestants similar to the reactions to statements by John Paul

***¶ Introduction:  
historical back-  
ground to the  
Catholic Church  
position on religious  
freedom***

II or Benedict XVI on contraception: incomprehension and hostility. This situation of extreme polarization and antagonism between secularists, the secular state and the Catholic Church in Europe was the context in which the issue of religious freedom was considered. Pius IX himself had initially been sympathetic to liberalism but became increasingly alienated from it as the Italian Risorgimento progressed with the unification of Italy and, finally, the conquest of the Papal States and Rome itself between 1860 and 1870. The Pope and the Catholic bishops in Europe felt themselves under siege and constructed the model of an ideal Church conceived as a 'fortress' under attack by modernity (and, later, modernism) and liberalism. The Pope became 'the prisoner in the Vatican'.

When Leo XIII was elected Pope in 1878, he adopted a more nuanced position towards the modern state than had his predecessor, recognizing that it was not possible to return to, or to maintain, a pre-modern form of state and society. Modernity was here to stay and the Church had to come to terms with it. Although he did not completely abandon the Church's reticence towards religious freedom, Leo did encourage Catholics to participate in the political life of the modern state (for example, he encouraged French Catholics to become reconciled to the Republic known as 'le ralliement à la république') and paid particular attention to the plight of the industrial working classes. His 1891 encyclical *Rerum Novarum* is regarded as the foundational document of modern Catholic Social Teaching which would be further developed over the next hundred years and more by papal teaching, documents of the Magisterium, and the Second Vatican Council. Leo also encouraged a renewal of Catholic intellectual life with a revival of Thomist studies but also their engagement with contemporary philosophical movements. In the 1920s and 1930s, this movement produced great scholars such as the philosopher Jacques Maritain who, besides his purely philosophical writings, also produced seminal texts in political philosophy such as *Humanisme intégral. Problèmes temporels et spirituels d'une nouvelle chrétienté* (1936) which sought to reconcile the teachings of the Church with modern democracy, including religious freedom. Maritain's writings would become a key inspiration for European Christian Democracy in France, Italy, Belgium, and Germany as well in the countries of Latin America after the Second World War. At the same time, there were in the Church those who still opposed any reconciliation with the modern state and democracy and especially who resisted the notion of religious freedom in countries such as Spain and Portugal where Catholicism was the dominant faith. They demanded religious freedom for Catholics when they were in the minority but denied it to non-Catholics when they were in the majority. The hierarchy and many priests also supported the dictators Franco and Salazar, although to be fair to them, the Spanish Republicans had also been responsible for the massacres of thousands of priests and nuns<sup>1</sup>. Writers such as Maritain and the French Catholic writer François

Mauriac were nevertheless fierce opponents of Francoism and important intellectual movements within the Church began to accept democracy during the interwar years. Furthermore, many Catholics such as the Jesuit Henri de Lubac and Emmanuel Mounier participated in the Resistance against Nazism and Fascism. After the War, Christian Democracy, as the name suggests became the leading Christian (Catholic and Protestant) political movement on continental Europe and in Latin America with a political doctrine based on Catholic Social Teaching and fully respectful of religious freedom. The more traditional attitude that ‘error has no rights’ was retained only in the remaining dictatorships such as Spain, Portugal and some Latin American states.

The full acceptance of religious freedom as a principle of the modern state was expressed at the Second Vatican Council in its Declaration on Religious Freedom *Dignitatis Humanae*, approved by 2,308 of the Council Fathers with just 70 opposing it, and promulgated in December 1965. With the Dogmatic Constitution on the Church *Lumen Gentium* and the Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, the Declaration on Religious Freedom is considered to be one of the most important political as well as ecclesial documents of the Council. It would, however, be a mistake to consider it as a complete rupture with the past. In fact, as is evident from the above discussion of Church history in the 19th and early 20th centuries, there was a slow and sometimes painful reconciliation with modernity and, to some extent, with liberal democracy even before the Council. Nevertheless, the Declaration is a consolidation of these trends — a hermeneutic of continuity rather than of rupture as Pope Benedict XVI might say.

The success of the almost unanimous adoption of *Dignitatis Humanae* is usually attributed to the influence of the American Jesuit John Courtney Murray and the majority of the American bishops present in the Council who supported his work even though his ideas had previously been censored by the Church authorities (O’Malley, 2008). The argument goes that political and social systems of the United States had evolved in ways quite different from those of Europe which had been wracked by the Wars of Religion in the 16th and 17th centuries and by the conflict between traditional Christianity, especially the Catholic Church, and the forces of secular modernity. The Westphalian peace had led to state churches but, in the late 19th and early 20th centuries, France had adopted a strict separation of church and state based on a doctrine known as *la laïcité*. Although there had been established churches in some of the American colonies such as Virginia (Anglican), Massachusetts (Puritan) and Maryland (Catholic), the United States federation separated church and state with the First Amendment to the Constitution. The American version of separation was, however, quite different from the French version in that it allowed religious

### ¶ *The Declaration on Religious Freedom of the Second Vatican Council*

groups to flourish in American society rather than trying to suppress them. Although there was an Anglo-Saxon American elite descended from the early founders, American society was continually changing with the arrival of new groups of immigrants from Europe each bringing a distinct identity which usually had a strong religious component: Irish, Italians, Poles, Jews, Germans, Swedes, etc. all jostled together in North American cities and spread through the vast areas of the West. Large numbers of different Protestant denominations — Episcopalians, Presbyterians, Methodists, Baptists, Quakers, etc. — vied with each other for members in a kind of religious market place where passage from one group to the other was relatively easy and frequent. Catholics were among the most organized and, despite bouts of hostility from their Protestant neighbours, quickly established thriving communities clustered around churches, schools and a myriad of Catholic associations. Irish-American Catholics succeeded in business, banking and politics and their success may be seen with the election of John F Kennedy to the Presidency in 1962, the first Catholic to achieve this office.

This situation of religious and societal pluralism contrasted strongly with the European experience where there still existed established churches and more homogeneous societies at least until the 1960s (Micklethwait and Wooldridge, 2010). In any case, despite difficulties, the Catholic Church flourished in North America and this was not lost on the American bishops or on John Courtney Murray. In 1960, Murray published his best-known work on the topic of Church-State relations *We Hold These Truths: Catholic Reflections on the American Proposition* in which he argued for an acceptance of pluralism albeit without abandoning the essential idea that there is no salvation outside of the Catholic Church. Murray was invited by the American bishops as a *peritus* (expert) to the Second Vatican Council and was influential in the drafting of *Dignitatis Humanae* (O'Malley, 2008).

It would, however, be a mistake to think that Murray and the American bishops were the only source for the full acceptance of the principle of religious liberty by the Council. In fact, the majority of the Council's bishops were sympathetic to the principle with opposition coming mainly from the Spanish, Portuguese, some Italian and some Latin American bishops as well as members of the Curia (O'Malley, 2010). Those in favour found strong theological justification from *periti* (experts) such as Henri de Lubac, Karl Rahner, Joseph Ratzinger, Yves Congar, and Edward Schillebeeckx who had been part of the movement known as *la nouvelle théologie* which had flourished in the 1930s and 1940s in Western Europe. This movement was linked to other movements in the Church such as the Liturgical, Patristic, Biblical, and especially the Ecumenical, movements which had developed following Leo XIII's opening up of Catholic intellectual life to the currents of modern philosophy. Scholars linked to these movements had been moving out of the ghetto of narrow scholastic philosophy and theology which still dominated teaching in the seminaries and began to cooperate

with other non-Catholic scholars in these areas of research. The ecumenical dimension of the new research was important in moving from a position which believed that Catholicism was the only true religion and all others were heretical and in error to one which recognized the presence of the Holy Spirit in other ecclesiastical bodies and traditions. During the Second World War, the collaboration between Catholics and Protestants in Germany and France in the struggle against Nazism and Fascism reinforced these ecumenical trends. The next, political, step was recognition of the right of these non-Catholic Christians to freedom to practice their faiths.

The Popes, both before and after the Second World War, also encouraged these developments. Pius XI, in the 1930s, had condemned the totalitarian regimes of Nazism, Fascism and Soviet Communism and had promoted the idea of ‘subsidiarity’ which can be interpreted as an essential principle of democracy in the sense that it advocates that decisions be taken at the level as close to the citizen as possible and the state should not usurp this right. Despite the claims of his detractors, Pius XII was a fierce opponent of both Nazism and Soviet Communism and gave his blessing to the nascent human rights movement after the War. But it was John XXIII who went even further in promoting human rights, democracy and religious freedom and, after the Council, these were developed as key elements of Catholic Social Teaching by Paul VI, John Paul II and, currently, Benedict XVI.

All of these trends came to fruition at the Second Vatican Council with the new spirit of openness of Pope John XXIII. *Aggiornamento*, discerning the ‘signs of the times’ — the acceptance of the modern state, human rights and democracy — and the ecumenical imperative were the driving forces of the Council. Religious freedom became a key element in this new spirit of the Council. *Dignitatis Humanae* itself provides what is perhaps the clearest exposition of Catholic thought on religious freedom. It may be summarized in the following key propositions (Hahnenberg, 2007):

On the level of the individual (*DH* 2-3):

- Religious freedom is not to be simply tolerated but should be treated as *an intrinsic human right*.
- This right is based on *the intrinsic dignity of the human person*, who is endowed by God with reason and free will.
- The nature of *the search for truth* must be based on *freedom of enquiry*.
- No-one should be coerced against their *conscience*.
- The personal right to religious freedom must be granted constitutional recognition by governments and is also a *civil right*.

On the level of the community (*DH* 4-8).

- Human beings are social by nature: they must be allowed to give external expression to their internal beliefs about God.

- Religious liberty must extend beyond individuals to religious communities.
- All religious groups have the right to appoint their own ministers, buy property, build buildings, teach publicly, communicate freely, and engage in all those activities that constitute the exercise of their religion.
- These activities should not infringe on the rights of others.
- Families have the right to worship as they choose.
- Parents have the right to provide for the religious education of their children.
- Governments have both duties and limitations.
- The freedom of religion should be exercised responsibly.

*Dignitatis Humanae* argued that the principle of religious freedom, besides being a natural human right and a civil right, is also rooted in Biblical teaching. The Bible reveals to us more fully the dignity of the human person made in the image and likeness of God. The document also evokes the example of Jesus himself. He did not force people to follow him but rather issued an invitation and left those invited free to respond to it. The Apostles also followed this example in the huge pluralistic society of the Roman Empire when they went out to preach the Gospel. Later examples of forced conversions should be seen as deviations from this original stance of the Gospel and the apostolic period.

### ¶ *Religious freedom after Vatican II*

There is little doubt that *Dignitatis Humanae*, while in continuity with the Church's essential teaching on human dignity and the necessity of freedom in the acceptance and exercise of faith, does represent a development in how these principles can be applied to contemporary politics. Gone is the proposition that 'error has no rights' or the double standard of demanding freedom for Catholics but denying it to non-Catholics. The post-Reformation period of conflict between Protestants and Catholics was now officially at an end. Furthermore, the Catholic Church was fully signing up to what the Council regarded as the 'signs of the times': the promotion of human rights (including, but not exclusively, the right to freedom of religion but where this is seen as the basis of all other rights); the acceptance of the secular modern state; pluralism; democracy; and the rule of law. There was in fact a close correspondence between the Council documents as whole and the 'spirit of the age' of the 1960s, marked by optimism, tolerance and, in the West at least, economic growth and expanding social welfare programmes. It is sometimes said that the 'invisible periti' of the Council were John Henry Newman, who had formulated in a clear way the notion of the 'development' of doctrine and Teilhard de Chardin SJ, who had attempted to reconcile Christian faith and modern scientific theories such as evolution but who also had an optimistic



evaluation of 'the world'. Gone was the old monastic idea of *fuga mundi*.

The concept of religious liberty adopted by the Council was largely couched in 'negative' terms: it affirmed the right to express and practise one's faith, both individually and collectively, without interference from the state or from other groups, including other religions (Hahnenberg, 2007). But it also contained a more positive understanding in its advocacy to exercise religious freedom *responsibly*. This theme has been developed in particular by Pope Benedict XVI in his development of the idea that freedom is exercised *for* the good. It is not about doing what I want, but about doing what God wants. This is truth and the truth will set us free (*Caritas in Veritate*).

There seems little doubt that the Second Vatican Council was the most important religious event of the 20th century and that the reconciliation of the Church with certain aspects of modernity was one of the momentous political developments of this century. The Church now became a strong defender of human rights, including the right to religious freedom, and this had important consequences, particularly in Latin America, Africa and Asia. This may be seen in terms of Samuel Huntington's concept of "waves of democracy" (Huntington, 1991): the first wave started in the early 19th century and crested in 1922 with the advent of Mussolini to power in Italy; the second wave followed after the Second World War with the defeat of Nazism and Fascism; and the third wave began in the 1970s with democratization occurring in first in Latin America and culminating in the collapse of the communist states in the USSR, East and Central Europe and other parts of the world. The Catholic Church resisted the first wave of democracy for the reasons outlined in the early part of this report; but it contributed to the second wave with the founding of Christian Democracy in the post-war period; and, in the aftermath of the Council was, according to Huntington, a key actor in the third wave. It is also today acknowledged that John Paul II was a major player in hastening the collapse of the Soviet bloc applying the principles of religious freedom and human rights that had been developed at the Council.

**I**n parts of the developed world, however, and particularly in the core areas of Western Europe, Canada, Australia and New Zealand and in parts of the United States, strong secularist currents of thought and politics emerged that would seriously threaten the principle of religious freedom. To some extent, this was the culmination of processes that had begun in the 18th century Enlightenment project which regarded religion as at best simply superstitious and irrational and at worst positively harmful to human well-being. 19th and 20th century liberalism and movements such as Marxism and Social Democracy adopted this position and actively sought to exclude any religious influence from the public sphere or in the provision of public services such as education and health. The most notorious examples of this approach were in the Communist states of

*¶ Transformations  
from the 1960s*

the Soviet Union and its satellites in East and Central Europe and also in China, Vietnam, Cuba, Albania, and elsewhere. But it can also be found in Western Europe especially in the Catholic countries of France and southern Europe which developed the notion of a distinctive ideology of *laïcité* already mentioned above and which resembled a religion itself with its own dogmas, high priests, martyrs and rituals. However, even in these countries there were significant sections of the population who remained faithful to the Catholic Church. In France, for example, there were well-known intellectuals such as Georges Bernanos, Paul Claudel, François Mauriac and Jacques Maritain who were Catholic. Furthermore, in France, politicians such as Robert Schuman, Charles de Gaulle, Georges Pompidou, Valéry Giscard d'Estaing and Jacques Delors were (for those still alive are) practising Catholics. In Italy, Germany, Belgium and the Netherlands, Christian Democratic parties remained strong at least until the 1980s and 1990s.

### **The Cultural Revolution of the 1960s**

A key shift which was at first cultural began with the radical Marxist movements of the 1960s, when the ideas of the Frankfurt School of Adorno, Marcuse, Fromm and Reich were espoused by intellectuals and radical students in the United States and elsewhere. Other important currents were the existentialism of Sartre and de Beauvoir, and other intellectuals. In the 1950s, existentialism, nihilism, narcissism and hedonism were still largely confined to intellectual and artistic elites and students but May '68 saw the most dramatic and explosive manifestation of the movement. Although it did not have immediate political effects (these would come in the 1990s with the election of *soixante-huitard* politicians such as Lionel Jospin and Joschka Fischer), it did produce a profound cultural shift in the form of a generalization of a kind of materialist positivism which saw religion and spirituality (except perhaps as this was found in the East) as enemies.

At the same time, society itself was undergoing significant transformations in the 1960s with a continual 'liberalization' of sexual norms and behaviour and a growing acceptance of behaviour which had previously regarded as immoral or deviant such as sex outside of marriage and homosexuality. Authors such as Herbert Marcuse and Wilhelm Reich provided a spurious justification of these trends in the name of the new positivistic, materialist and immanentist humanism. Traditional religion, along with other traditional institutions such as the family, the school, the university, and even the classical left-wing political parties and movements came to be regarded as oppressive. The most frightening aspect of these movements were their rejection of traditional reason, even the Reason of the Enlightenment, summed up in the absurd slogan *il est interdit d'interdire* and the general aim of breaking all taboos, particularly those regarding sexual behaviour. Much of the agitation took place in American and European

universities and caused horrified reactions on the part of some of the university teachers from both the right and left wings of the political spectrum. Allan Bloom, for example, described the events in university campuses as the “Closing of the American Mind” (Bloom, 1987). Cardinal Lustiger was principal chaplain at the Sorbonne in May ’68 and he remarked that the ‘events’ reminded him of the Fascist and Nazi movements of the 1930s. Pope Benedict XVI made similar remarks concerning what he had witnessed in German universities during this period.

### The Secularization thesis

It was in this context that sociologists such as Peter Berger (1967), David Martin (1979) and, much later, Steve Bruce (2002) developed the ‘secularization thesis’ which argued that ‘modernization’ entailed ‘secularization’ and that religion was a set of beliefs and practices, based on fear, irrationality and superstition, that belonged to a pre-modern society. According to this thesis, as societies became more ‘modern’, religion would wither and eventually disappear. Max Weber had already argued that Christianity itself had contributed to secularization by its ‘disenchantment of the world’, that is, by stressing the transcendence of God, it had abolished all forms of animism and nature worship (Gauchet, 1997).

It is difficult to deny that some form of secularization has occurred particularly in Western states but also, more generally, with the regard to the modern state as such. However, it is important to distinguish between different forms of secularization and to have a nuanced understanding of the term ‘secular’. We might distinguish between the *secular state*, the *public sphere* (or *square* as the American priest John Neuhaus termed it), *secularization*, and *secularism*.

The *secular state* is simply the state that has emerged with modernity where the state is in the hands of a political class separate from any particular religious organization. This ruling political class may be either elected, as in representative democracies, or it may simply be the ruling party, as in authoritarian regimes such as in the former Soviet Union, China or in military regimes such as Pinochet’s Chile. The opposite of the secular state is the *theocratic state*. Today, the majority of the world’s states (both democratic and non-democratic) are secular states but there is still a minority of theocratic states (e.g. Iran). Secular states may have established churches as in England, Scotland, Denmark and Sweden or they may have a special relationship with a particular religion as in Greece (Orthodox) or most Muslim states. On the other hand, some states in Muslim societies are or were secular, for example, Saddam Hussein’s Iraq, Turkey, and Syria.

The *public sphere* is what the Greeks called the *agora* and the Romans called the *forum*: it is that public space in which the affairs of the state may be freely discussed (what the Greeks called *parrhesia* which was at the heart

of their conception of democracy) by citizens either as individuals or as groups, including religious groups. The state may be regarded as forming part of the public sphere but it does not completely envelop it. The public sphere is to be distinguished from the *private sphere* of human life which is the domain of individual and family life not under the control of the state. Although it is part of society and behaviour in private life (for example, smoking or certain forms of sexual behaviour which might entail physical or psychological harm) has consequences for society, it should be protected from inappropriate intrusions by the state according to the principle of subsidiarity.

There are several different ways of using the term *secularization*. Somerville (1998) usefully distinguishes six of these:

1. When discussing **macro social structures**, secularization can refer to *differentiation*: a process in which the various aspects of society, economic, political, legal, and moral, become increasingly specialized and distinct from one another.
2. When discussing **individual institutions**, secularization can denote the transformation of a religious into a secular institution. Examples would be the evolution of institutions such as Harvard University from a predominantly religious institution into a secular institution (with a divinity school now housing the religious element illustrating differentiation). Other examples are the transformation of Catholic trade unions in France or Belgium into non-religious trade unions.
3. When discussing **activities**, secularization refers to the transfer of activities from religious to secular institutions, such as a shift in provision of social services from churches to the government.
4. When discussing **mentalities**, secularization refers to the transition from *ultimate* concerns to *proximate* concerns. For example, individuals in the West are now more likely to moderate their behaviour in response to more immediately applicable consequences rather than out of concern for *post-mortem* consequences (fear of going to Hell). This is a personal religious decline or movement toward a secular lifestyle.
5. When discussing **populations**, secularization refers to broad patterns of societal decline in levels of religiosity as opposed to the individual-level secularization of (4) above. This understanding of secularization is also distinct from (1) above in that it refers specifically to religious decline rather than societal differentiation.
6. When discussing **religion**, secularization can only be used unambiguously to refer to religion in a generic sense. For example, a reference to Christianity is not clear unless one specifies exactly which denominations of Christianity are being discussed. Secularization might also refer to the transformation of a theocratic or strongly religious state to a secular state as defined above.

The secularization thesis debate has been about first whether modernity inevitably entails secularization in one or more of the above forms and whether this is empirically verifiable. Second, it is about a normative judgement as to whether this is a good or bad thing. Peter Berger, writing in the 1960s, was (and still is) a practising Christian but thought that, empirically, secularization was inevitable with the advent of modernity although it is not clear whether he approved of this. Steve Bruce both thinks that this is the way things are moving but, as a practising atheist, welcomes and applauds these trends. Somerville, in a review of Bruce's 2002 book *God is Dead: Secularization in the West*, says that this normative position distorts his empirical analysis. Some Christian theologians such as the Harvard theologian Harvey Cox, who published *The Secular City: Secularization and Urbanization in Theological Perspective* in 1965, also view secularization as both inevitable and positively good. Similar theological movements were the 'God is dead' and 'religionless Christianity' movements in theology were based on the notion that man had 'come of age' and had to assume responsibility for his own place in the world. It is not always clear whether such theological positions were based on a true atheism or whether they were simply appealing to something like the apophatic approach in mystical theology.

**Secularism** is a political ideology and philosophical movement which may simply mean the acceptance of some of the forms of secularization, such as the secular state, as defined above. In this sense, a Catholic, following the teachings of *Gaudium et Spes* and *Dignitatis Humanae*, could be a secularist. However, usually the term is used more in the sense of a political and philosophical movement sometimes called *aggressive secularism*, especially deriving from the French Enlightenment, which seeks to remove all expressions of religious belief and practice, not just from the secular state, but also from the public sphere in general. In other words, not only are religious belief and practice becoming less prevalent but they should be prevented from having any expression in the public square. The old Communist states of the USSR, their satellites in East and Central Europe practised this form of aggressive secularism and it is still practised in China and North Korea and, to a lesser extent, in Vietnam and Cuba. But there is a growing movement of aggressive secularism also in Western countries. Examples of such movements are the National Secular Society and British Humanist Association in the United Kingdom and similar movements in the United States and Canada. In continental Europe, it is the *mouvements laïques*, usually but not always associated with the political left (e.g. the Spanish P.S.O.E. or the French and Belgian PS) in countries such as France, Belgium, Italy and Spain who vigorously pursue the goal of eliminating any public expression of religion.

The basic aim of aggressive secularism is to confine religious belief and practice to the purely *private sphere* as a kind of hobby on the same level as stamp collecting or playing golf. Some secularists may 'tolerate' religious

practice, in accordance with Art. 9 of the European Convention of Human Rights, if it is confined to 'worship' in churches, mosques or synagogues or to praying in private but all public expressions of religion such as placing crucifixes in public places, prayers before political assemblies, and state funding of services such as education or health care provided by religious organizations must be vigorously suppressed.

Although this form of secularism is probably explicitly endorsed only by small minorities of the population in Western countries, nevertheless it has significant support among key institutions of these societies: in higher education, the media, sections of the judiciary, and cultural organizations. Even in contexts such as movies, films, novels, and plays, there is often an explicit or implicit anti-religious bias present in the writer or producer. It is an interesting question how Western societies have passed from a situation where religious beliefs and moral systems based on these beliefs were the default position to one where the default is now the opposite and religion is forced to defend itself against what sometimes seems to be an onslaught against it (Taylor, 2007). Undoubtedly, the answer lies in the cultural shift referred to above which began in the 1960s when personal autonomy, particularly in matters of sexual ethics, became the over-arching value for many young, privileged, and foot-loose Westerners. Religious belief systems, whether Christian, Jewish or Muslim, taught a sexual ethics which was directly contrary to the new libertine position of the 1960s. First feminism and then 'gay rights' became the spear-head of this movement and it began to make inroads into legislation in areas such as abortion, divorce, and, now gay 'marriage'. The sexual libertine movement has very successfully used notions such as equality, diversity, and anti-discrimination legislation to promote their cause and have managed to insert notions such as 'sexual orientation' or 'reproductive rights' or 'sexual health' into non-discrimination legislation with the result that this then becomes actionable. The next step is to move from tolerance of different forms of sexual behaviour to one where the acceptance of the goodness and rightness of this behaviour becomes a new orthodoxy and those who refuse to accept this are punished in various ways. The result of this trend in law and public policy has been the creation of a new secularist orthodoxy which has led to the down-grading of the right to religious belief and practice and the rights of conscience. In other words, the right of religious freedom understood in its public, social and collective dimensions has been squeezed by the right to absolute personal autonomy in matters of sexual practice.

**¶ Contemporary approaches to religious freedom in political theory**

**Rawlsian Secularism**

Political theory in the Anglo-Saxon world has been dominated by the work of John Rawls, the American political scientist whose books *A Theory of Justice* (1971) and *Political Liberalism* (1993) provided a philosophical underpinning to the kind of secularist liberal democracy described above. In fact, this is the form of liberal democracy as practised in the United States although other forms of democracy exist elsewhere. Rawls was concerned

with how to reconcile the principles of equality and freedom in a society marked by inequality and unfairness. He developed two principles of justice: the *Liberty Principle*, establishing equal basic liberties for all citizens; and the *Equality Principle* which would guarantee liberties that represent meaningful options for all in society and ensure distributive justice. Catholics, drawing on the principle of Catholic Social Teaching of the 'preferential option for the poor', would agree with Rawls's insistence that the application of these principles is just if they benefit the worst off members of society. However, in order for members of society to agree to these principles, Rawls introduces a mind-game in which he argues that they start from an 'original position': from behind a 'veil of ignorance' they should agree on certain basic rights and the redistribution of benefits. This is based on the idea that they set aside knowledge of their own personal characteristics and their own place in society (their social class, religion, economic situation, etc.) as well as what he called 'comprehensive doctrines' (doctrines which make negotiation difficult and of which religion is the most striking example) using 'public reason' in order to arrive at a consensus on what are the basic rules of co-existence. It is here that Catholics, and other religious believers, part company with Rawls as he assumes that religious beliefs are inherently incompatible with 'public reason'. However, the intellectual and cultural elites who have come to dominate Western institutions and the academy since the 1960s tend to agree with Rawls. As Thomas Farr has argued, "Rawlsian assumptions about the inherently anti-liberal and anti-rational characteristics of religion are widely shared among intellectuals in the West and the United States, including both secularists and many Protestants and Catholics" (Farr, 2008: 49).

Rawls's work has provoked a vast debate with critiques from scholars from a wide variety of intellectual traditions such as Michael Walzer (communitarian), Robert Nozick (libertarian), Amartya Sen (capabilities research), etc. But probably most of these scholars would agree with Rawls's position on the negative consequences of religion for liberal democracy and would agree with restricting religious belief and practice to the private sphere. Others, however, see a more positive role at least for certain religious traditions and, in fact, believe that these traditions may even be necessary to support democracy and, far from suppressing them in the name of democracy, they should be actively encouraged. But, before examining this latter position, it is useful to examine another secularist position that is different from the Rawlsian approach: 'value pluralism'.

### Value Pluralism

This approach derives from the thought of Isaiah Berlin and has been developed by Joseph Raz (1986), John Gray (1995) and, more recently, by Peter G. Danchin who has applied it to application of the principle of religious freedom in international and domestic law (see Danchin, 2008a,

2008b). Value pluralism rejects the Rawlsian idea that there is something called ‘public reason’ which can supply a ‘meta’ liberal legal framework which takes precedence over any particular value system, including a set of religious beliefs. Berlin argues in his *Four Essays on Liberty* (1960) that, “If the claims of two (or more than two) types of liberty prove incompatible in a particular case, and if this is an instance of the clash of values at once absolute and incommensurable, it is better to face this intellectually uncomfortable fact than to ignore it, or automatically attribute it to some deficiency on our part which could be eliminated by an increase in skill or knowledge; or, what is worse still, suppress one of the competing values altogether by pretending that it is identical with its rival — and so end by distorting both” (quoted in Danchin, 2008b). Berlin, in *The Crooked Timber of Humanity*, suggested value systems may be ultimately ‘incommensurable’, that is, no one value system may be placed in a hierarchy of more or less true beliefs (Berlin, 1998). They are different sets of beliefs that are simply different interpretations of the good life which are valid within their own communities. Gray accepts this position but argues (unconvincingly in my opinion) that this is not the same as moral relativism. The political consequences of such an approach are very different from those of Rawls’s legal liberalism and, in fact, value pluralists argue that difficulties are resolved not through law but through politics and debate. Peter Danchin has nevertheless developed this perspective from the point of view of international and domestic law.

What is positive about this approach from the perspective of religious freedom is that it takes seriously the substantive content of religious beliefs and practices and argues that these should be respected as different accounts of what their adherents perceive to be the good life. They also seem to imply that the Rawlsian meta-legal framework for managing plurality based on the ‘original position’ and the ‘veil of ignorance’ is itself an account of what is the good life that has no inherent superiority over any other account which it claims to have. However, there is also something inherently relativistic about the ‘value pluralism’ approach in that it seems to deny that there is the possibility of developing an approach that derives from our common humanity which could form the basis of relationships among different groups and between these groups and the state itself. It is difficult to see how ‘value pluralism’ is different from the Western ‘multiculturalist’ approach which it criticizes except that, unlike the latter, it does not denigrate Western Christian culture or see this as inferior to other cultures (Bloom, 1987).

### **The Twin Toleration Thesis — Alfred Stepan**

The underlying assumption of the Rawlsian approach is that ‘religion’, as a comprehensive doctrine which is alien to ‘public reason’, is difficult to reconcile with liberal democracy and should therefore be confined to the private sphere. Challenging this idea a third approach has been developed in recent years by Alfred Stepan of Columbia University (Stepan, 2005).



Stepan and the Spanish political scientist Juan Linz conducted an extensive empirical research survey in different parts of the world of the relationship between religion and democracy. They were concerned to answer the question as to whether religion and democracy are compatible. They found that democracy is indeed possible, although not inevitable, in countries with majorities of believers, including Islamic countries. In his article summarizing the findings of this research project, Stepan argues that religions such as Islam and Christianity are actually quite complex and may contain different currents of thought — what he calls ‘multivocality’ — some of which may be congenial to democracy. In actual practice, there are a number of democratic states where religion is fully recognized and accepted by the State — Hindu-dominated India with its Muslim, Buddhist, Jainist and Christian minorities, Muslim Indonesia. Other democracies include the Orthodox countries of Romania, Bulgaria and Greece (although this country only recognizes the Orthodox Church). Several countries of Western Europe are democracies with established Churches or where religious groups are present in the public sphere through their provision of public services such as education and health-care. Furthermore, the Catholic Church, following the Second Vatican Council, as we saw above, has been one of the prime movers in the third wave of democracy in Latin America and Africa. However, Stepan also recognizes that some strands within religious groups, including both Islam and some strands of Catholicism, are not congenial to liberal democracy. Some Muslim groups reject democracy which is based on the notion of ‘sovereignty of the people’ since only Allah is sovereign. In Catholicism, we have seen that historically the Church refused to recognize the legitimacy of liberal democracy and accepted this fully only after the Second Vatican Council. Furthermore, there is a strand of ‘intégriste’ Catholicism which clings nostalgically to old conceptions of Church and Throne or, even more sinisterly, to extreme right ideas as represented by movements such as Jean-Marie Le Pen’s *Front National*.

It is with this background in mind that Stepan has proposed what he calls the ‘Twin Toleration Thesis’. He argues that the Rawlsian approach of secularism cannot succeed in societies with significant religious communities and, in fact, is likely to be counter-productive by alienating such communities from the common life of society. In fact, almost no liberal democracy has actually followed the Rawlsian approach nor is any likely to do so. This is because democracy “is a system of conflict regulation that allows open competition over the values and goals that citizens want to advance” but there are democratic boundaries within which such competition takes place. This requires the negotiation of a democratic covenant between civil and religious authorities (the ‘twin toleration’ of one by the other). Government permits both private and public religious activity, including activity designed to influence public policy, within very broad, equally applied limits. Religious individuals and communities agree to avoid actions which

“impinge negatively on the liberties of other citizens or violate democracy and the law”.

The Stepanian approach could have a number of positive effects both for the practice of democracy and for the religious organizations that are present in pluralistic societies.

First, it would enrich democracy itself as it would allow religious groups, with all their rich experience of humanity and of delivering a wide range of services that benefit the common good. Robert Putnam has spoken of ‘social capital’ as essential for the functioning of a democratic society and religious groups make an important contribution to this. In the United Kingdom, the current coalition government’s ‘Big Society’ programme has strong affinities with Catholic Social Teaching and the involvement of the Churches and other religious communities in this programme could be a factor of enhancement of social capital (Loughlin et al., 2012). Furthermore, some of the underlying principles of liberal democracy and human rights have their origins in religious concepts: the intrinsic dignity of the human person, the equality of all human beings by virtue of their common Creator and heavenly Father, the imperative to love one’s neighbour as oneself, etc. Contemporary human rights lists are often secularized versions of these principles but, by themselves, have little intrinsic justification. Without this philosophical and ethical underpinning and without a truly humanistic (that is an integral humanism) understanding of them, they may become manipulated by powerful lobbies and groups which may, in fact, promote something that is less than human.

Second, the twin toleration approach would assist religious organizations to adapt themselves to democracy. As mentioned above, no major religious group — Christianity, Islam, Hinduism or Judaism — is ‘univocal’ but is made up of different tendencies, some of which are more compatible with democracy than others. His approach would encourage these latter tendencies to come to the fore and this may help the group as a whole to become more successfully integrated into a pluralist, democratic society. In fact, this approach may be important in developing democratic theory and practice and it may be that new forms of democratic expression will develop. Secular Rawlsianism, multiculturalism, and value pluralism all tend, on the contrary, to reinforce the more anti-democratic tendencies within religious groups and either force them into, or encourage them to maintain, their position in a ghetto. Encouraging them to participate fully in the public sphere is thus good for democracy itself in whatever form this takes.

It is obvious that the Stepanian approach can only work if the principle of religious freedom, understood in both its individual and collective senses, is fully respected.

There exists today a somewhat paradoxical situation. On the one hand, many authors have acknowledged that the 1960s ‘secularization thesis’ has failed to materialize and, to the contrary, religion is still alive and kicking in almost all parts of the world. Peter Berger, one of the original proponents of the thesis, has now declared that he and other sociologists of the 1960s were mistaken, at least with regard to countries outside of a few countries in Western Europe and Canada (Berger, 1999) although Bruce (2002) is still holding fast to the old secularization idea. Two journalists from *The Economist*, John Micklethwait and Adrian Woolridge, published a book in 2009 with the title: *God is back: how the global rise of faith is changing the world*. Monica Duffy Toft and her colleagues confirm this on the level of global politics (Toft, Philpott and Shah, 2011). On the other hand, in recent years there has been a rise in the denial of religious freedom in all parts of the world, both in the form of attacks by aggressive secularism in Western countries and in the remaining Communist regimes and in the denial of religious freedom to religious minorities in countries with a hegemonic religious majority. The latter is the case mostly in Muslim countries but it may occur also in countries where other faiths are dominant (e.g. in Russia and Greece where Christian Orthodoxy is the dominant religion). Undoubtedly, the two phenomena are closely related. It is intolerable to some secularists that religion should leave the private sphere and, indeed, they feel threatened by the more extreme tendencies within religious groups such as radical Islamism or the Evangelical Christian Right. Nevertheless, the principle of religious freedom is itself a fundamental freedom, seen by some today as the guarantor of all other basic rights and it is important to resist secularist attempts to undermine it. We may examine its implementation from the perspectives of both domestic and international politics.

*¶ The implementation of the principle of religious freedom in domestic politics and in international affairs*

### **Freedom of religion in domestic politics**

Article 18 of the Universal Declaration of Human Rights states that “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”.

The European Convention on Human Rights has a similar article — Article 9 — which seeks to protect freedom of thought, conscience and religion. This states:

“1. 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, and to manifest his religion or belief, in worship, teaching, practice and observance.

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

Recent developments in Western states and elsewhere indicate that the full provisions of these articles are not being respected. A valuable source of information is the International Religious Freedom Report which is drawn up each year by the US State Department. The Report for 2011 stated: "Governments restricted religious freedom in a variety of ways, including registration laws that favoured state-sanctioned groups, blasphemy laws, and treatment of religious groups as security threats" . The Report identifies what it calls 'chronic and systemic violators of religious freedom': China, North Korea, Iran, Saudi Arabia, Eritrea, and other countries with authoritarian governments. However, the Report chronicles violations of religious freedom right across the world including in Western developed countries. Although not mentioned in the US State Department's Report, these infringements range from the closing down of Catholic Adoption Agencies in the UK because of their refusal to allow homosexuals to adopt children to the attempt in Italy by a Finnish atheist to remove crucifixes from school classrooms. There have also been a series of controversies over the wearing of religious symbols or clothing (in France, Belgium, and the UK) and whether Christians may refuse to participate in abortions, or civil partnership ceremonies for homosexuals .With homosexual 'marriage' being proposed in France and the UK (in England and Scotland), these tensions will become more pronounced. Although we should not compare the position of European Christians with the violent persecution of Christians taking place in other parts of the world, nevertheless, there seems little doubt that the human right of religious freedom of these Christians is being denied in some instances .

One of the problems has been in the way that Art. 9 of the European Convention and Art. 18 of the Universal Declaration are interpreted. Courts and administrations in some countries (including the USA and the UK) and in the Council of Europe have interpreted these as meaning that individuals are exercising their freedom by being allowed to 'worship' or pray as individuals. The individualist interpretation in fact seems to derive from the secularist Rawlsian version of liberal democracy which argues that religious groups have no right of voice or presence in the public sphere. The articles, however, can also be interpreted as meaning that religious groups have the right to express and practise their beliefs also as organized communities. These are group rights rather than the rights of simple individuals. The notion of group rights has been developed by Kymlicka with regard to linguistic and cultural minorities but it could also be applied to religious minorities (Kymlicka, 1995). Furthermore, such organized religious communities have as much right to participate in the public sphere as any other

groups and have an equal right to try to influence public policy. The Rawlsian approach leads to a situation where a secularist approach is regarded as somehow being superior to religious freedom and where it alone has a right to voice.

This leads to a secularist interpretation of the law and this seems to underlie some recent legal judgements in the United Kingdom and the European Court of Human Rights. In the UK, in cases of a conflict between Christians, for whom sexual activity outside of heterosexual marriage (including homosexuality) is morally unacceptable, and homosexuals who argue that, on the basis of equality, diversity and non-discrimination, they should not be refused bed and breakfast in a B&B run by Christians, judges have rather arbitrarily come down on the side of the homosexuals. They have argued that in cases of conflict between two sets of rights, each held equally fervently, the secularist interpretation trumps the religious. Despite much evidence to the contrary, some English judges have argued, also rather arbitrarily, that the Judaeo-Christian tradition has played no role in the formation of English law. In the case of the display of Italian crucifixes in Italian public schools, the lower instance of the European Court of Human Rights in Strasbourg upheld the complainant's arguments that this was an infringement of her human rights. The Italian government appealed this judgement and the higher instance of the Court upheld the appeal but only if the display of the crucifix is regarded as a 'cultural' rather than a 'religious' phenomenon. In other words, even a country such as Italy, profoundly influenced by Catholicism and where culture and religion are closely intertwined, cannot express this religious dimension in the public square.

### **Freedom of Religion in International Affairs**

It is interesting that the academic discipline of International Relations has traditionally paid little attention to the phenomenon of religion. This is undoubtedly because the dominant approaches in IR, known as realism, neo-realism, or liberal institutionalism, all accept the secular nation-state as the key actor in international affairs (Farr, 2008). International affairs are conceived as a system of 'anarchy' (in the literal sense of there being no world government and not in the popular sense of 'chaos') in which national self-interest is the dominant driving force that motivates states in the international arena. States are regarded as unitary actors driven by self-interest and power in the same way that individuals in society are so driven. IR theorists have tended to share the Enlightenment and Rawlsian secularist idea that 'religion' is inherently irrational and should not enter into relationships between states. This secularist mentality, dominant in many departments of foreign affairs in Western states is also often shared in international organizations such as the UN or the World Health Organization. 'Religion' is at best seen as irrelevant and, at worst, as an obstacle

to development programmes. This is despite the fact that the majority of the world's population is religious in some sense and very often religious organizations and NGOs are at the coal-face of development programmes.

One of the first breaches in this secularist understanding of international relations came with the passage in the United States of the International Religious Freedom Act (IRFA) in 1998 by the US Congress and the establishment of a special unit within the State Department at Foggy Bottom to implement the Act and to monitor religious freedom internationally. The background to the passage of this Act and the difficulties of its implementation has been described by Thomas Farr (2008). The Act committed the US administration to take action in cases of infringements of religious freedom in other countries. The Act made provision for the establishment of a 'Roving Ambassador' of religious freedom as well as the preparation of a yearly report on religious freedom in the world, which remains a valuable survey. Farr, who was a member of the unit at Foggy Bottom to implement this, is highly critical of its operation and blames the 'secularist' training (in America's elite Ivy League universities) and mentality of US diplomats and foreign affairs experts for not taking it seriously. He also criticises the Obama administration for taking a year and a half to appoint the Roving Ambassador in Religious Freedom while it appointed a Roving Ambassador in LGBT rights almost immediately.

Peter Danchin criticizes the Act for promoting a unilateralist approach to religious freedom rather than a multilateralist approach (Danchin, 2008a). According to him, the unilateralist approach was developed under the influence of the American evangelical Right who had a strong distrust of international organizations and especially of the United Nations. Danchin, however, suggests that the Act would be more effective if the US were to cooperate with the existing bodies for the protection of human rights. Drawing both on the experiences of Thomas Farr and on the analyses of Peter Danchin, it does seem to be the case that the IRFA is something of a damp squib at present. There does not seem to be much appetite in the US administration (whether under Bush or under Obama) to pay its reports more than lip service and to engage in finger-wagging. It is, however, important that those with a concern for religious freedom in international organizations such as the UN in different parts of the world continue to press for the full application of the provisions of Article 18 understood both as an individual right and as a collective right of religious organization.

*¶ Conclusions:  
how Christians  
and other believers  
might respond to the  
challenges outlined  
above*

**T**his survey of religious freedom indicates that there are a number of serious challenges to the full exercise of religious freedom in both domestic politics and in international organizations and, indeed, infringements of this freedom. The discussion at the beginning of this report shows that this is a tension rooted in several centuries of European history with the creation of the modern state at the Reformation and the subsequent rise of the secular nation-state following the Enlighten-

ment. But with the dominance of the nation-state across the entire world, this European history has been projected onto the rest of the world. Modern international relations have followed the so-called Westphalian model in which national sovereignty is regarded as an absolute and is protected by the principle of non-intervention in the affairs of one state by another. This has meant that gross breaches of human rights, including the right to religious freedom, in certain states have been allowed to continue as other states, following the Westphalian principles, have felt unable to intervene. Furthermore, the United Nations is itself an organization founded on the principles of the secular nation-state and has found it difficult to take seriously breaches of the right to religious freedom.

Over the past decades, however, this impermeability and absoluteness of the sovereign Westphalian nation-state in international relations has been increasingly breached not least by phenomena such as the political, economic and social consequences of globalization. It has also been breached by a growing awareness of the importance of universal human rights and the doctrine of the Right to Protect which has been adopted by the United Nations itself. This approach has been applied, admittedly not always successfully, to gross violations of human rights in different parts of the world. These developments have opened up new possibilities for initiatives both across states and within international organizations that might lead to greater protection of the right to religious freedom. The argument here is that religious freedom should be continually advanced as a basic human right and not simply something that is granted by a state or an international organization. One of the reasons why the homosexual and feminist movements have been so successful is that they have used the 'rights' agenda to promote their causes. Believers have an even greater claim to this agenda as religious freedom is already enshrined in several international conventions of human rights. However, believers should resist attempts to interpret this right in a purely individualistic manner as a right to practise religion in private. The example of linguistic minorities promoting the collective and social dimensions of their rights could also be followed by believers.

Although a Rawlsian type secularism has become a dominant discourse in Western societies and in many international organizations, there are a number of important critiques of this approach even within the secular tradition itself. We have mentioned both the 'value pluralism' approach deriving from Isaiah Berlin and the 'twin toleration thesis' of Alfred Stepan. Christians could quite plausibly argue, in line with the Stepanian approach, that the exercise of religious freedom in the public sphere is actually essential for democracy itself while the Rawlsian approach could be an obstacle to it. This is even more important as the 'secularization thesis' is now regarded by several sociologists and other observers as false and, on the contrary, that religion is currently experiencing an upsurge in importance. This is true of all parts of the world except perhaps for the countries

of Western Europe and, even there, religion has not simply disappeared. In fact, the vast majority of the world's inhabitants are religious in some sense of the world. Furthermore, the vast movements of migration caused by globalization processes have meant that many societies which were previously relatively homogeneous are now much more pluralistic. In this pluralistic society, religion has returned once again as a key marker of identity of the different groups which comprise this society. This makes it even more imperative that there be some kind of accommodation across them which both respects their own value systems but, at the same time, also respects the cohesion of the state of which they are a part. The alternative is fragmentation and the loss of social cohesion and identity by the society as a whole. Believers can argue that religious freedom, understood in the way that report has indicated, that is, as a basic human right alongside other rights, is an essential precondition for a healthy democratic society. Furthermore, such respect will have the added advantage of encouraging those tendencies within religious communities that are compatible with democracy and restraining those which reject democracy.

Of course, there must be political, institutional and educational structures to allow this to happen and different countries have adopted different approaches to these. One can think of the differences between France, the Netherlands, the United Kingdom and the United States. The Catholic Church cannot itself propose any concrete set of institutions but, based on its long tradition of Social Teaching, it can provide a number of principles that may underlie such structures.

- We can argue that granting full freedom to religious individuals and organizations in the exercise of their right to religious freedom is the foundation of all other rights.
- We should develop the argument that the exercise of religious freedom is essential for a healthy democracy to function even if not all members of a democracy are believers and even if all believers do not follow the same faith.
- Catholics should cooperate with other Christians and believers from other faiths, but also with moderate secularists, to help define the basic democratic boundaries within which twin toleration might take place.
- Catholics should insist that the principles of 'subsidiarity', 'solidarity' and the 'common good' are key aspects of political organization and public policy which should underlie political institutions and in which religious freedom should be practised.
- We might also raise the question as to what we mean by democracy. This is usually defined in the terms of the modern Western secular state as liberal representative democracy. But there may be other forms of democracy that are equally valid (e.g. Islamic democracy; Chinese, Confucian, democracy; Japanese democracy, etc.) and not necessarily secular.



- We need to present our case in terms of the flourishing of the human person, particularly in matters of sexual ethics. We need to present the rational case which argues that extreme secularism, based on the absolutization of individual autonomy and expressed in code words such as ‘reproductive rights’ or ‘reproductive health’, is based on a truncated and reductionist rather than holistic understanding of the human person.
- What are at stake here are two conflicting anthropologies with regard to what is meant by ‘human flourishing’. The Christian anthropology should be presented not in terms of divine revelation but in terms of human reason in order to be convincing in a culture dominated by secularist approaches.
- In international organizations, we need to ensure that ‘Catholic-inspired’ NGOs really do promote the Church’s teaching on the nature of the human person as the temptation is for them to succumb to the secularist agenda even if only for tactical reasons.
- Finally, we should argue very strongly that, since the majority of the world’s population is religious, and that very often religious organizations are the only organized groups ‘on the ground’ in many developing countries, it is actually counter-productive to systematically exclude them from development programmes.

## NOTES

1. It is estimated that there were 6,832 clerical victims — priests, seminarians, monks, and nuns — killed by the Republican forces (Cueva, 1998).
2. These movements profoundly affected universities and professors such as the then Joseph Ratzinger and the American Allan Bloom and Jean-Marie Lustiger, senior chaplain in the Sorbonne in May ’68 were deeply disturbed by what they witnessed which they regarded as reminiscent of what they had lived through during the period of Nazism and Fascism.
3. In this section I am following the excellent summary of Stepan’s thesis provided by Thomas Farr (2008: 95).
4. Bureau of Democracy, Human Rights and Labor, “International Religious Freedom Report for 2011 Executive Summary”. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>. Retrieved from the internet on 5 December 2012.
5. The Observatory on Intolerance and Discrimination against Christians (*Dokumentationsarchiv der Intoleranz gegen Christen*) is a non-governmental and not-for-profit organisation registered under Austrian law headed by Dr. Gudrun Kugler which has produced extensive documentation of cases of discrimination against Christians in Europe: <http://www.intoleranceagainstchristians.eu/index.php?id=818>. Retrieved from the internet on 8 November 2012.

## REFERENCES

- Berger, Peter (1967), *The Sacred Canopy*.  
 — (1999), (ed.) *The desecularization of the world: resurgent religion and world politics*.  
 Washington, D.C. : Ethics and Public Policy Center ; Grand Rapids, Mich. : W.B.

- Eerdmans Pub. Co.
- Berlin, Isaiah (1998), *The Crooked Timber of Humanity*. Princeton: Princeton University Press.
- Bloom, Allan (1987), *The Closing of the American Mind*. New York: Simon & Schuster.
- Bruce, Steve (2002), *God is Dead: Secularization in the West. The Secular City: Secularization and Urbanization in Theological Perspective* (1965), Collier Books
- Cueva, Julio de la, "Religious Persecution, Anticlerical Tradition and Revolution: On Atrocities against the Clergy during the Spanish Civil War" *Journal of Contemporary History* 33.3 (July 1998): 355
- Danchin, Peter G. (2008a), "The Emergence and Structure of Religious Freedom in International Law Reconsidered", *Journal of Law and Religion*, 33
- (2008b), "Suspect Symbols: Value Pluralism as a Theory of Religious Freedom in International Law", *Yale Journal of International Law*, 2
- Farr, Thomas (2008), *World of Faith and Freedom*. Oxford University Press.
- Gauchet, Marcel (1985/tr. 1997), *The Disenchantment of the World*.
- Gray, John (1995), *Enlightenment's Wake: Politics and Culture at the Close of the Modern Age*. London: Routledge.
- Hahnenberg, Edward P., (2007), *A Concise Guide to the Documents of Vatican II*. Cincinnati, Ohio: St Anthony Messenger Press.
- Huntington, Samuel P. (1991), "Democracy's Third Wave", *Journal of Democracy*, Volume 2, Number 2, Spring, pp. 12-34.
- Kymlicka, Wil (1995), *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press.
- Loughlin, John, Peter Allott and Richard Crellin (2012), *Catholic Social Teaching and the 'Big Society'. A report for the Plater Trust (Catholic Education Service of England & Wales)*. Cambridge: Von Hügel Institute, St Edmund's College.
- Martin, David (1979), *A General Theory of Secularization*. New York: Harper & Row.
- Micklethwait, John and Adrian Wooldridge (2010), *God is back: how the global rise of faith is changing the world*. London: Penguin.
- O'Malley, John W. (2008) *What happened at Vatican II*. Cambridge, Mass.; London: Belknap Press of Harvard University Press.
- Rawls, (1971), *A Theory of Justice*. Cambridge, Massachusetts: Belknap Press of Harvard University Press.
- Rawls, (1993), *Political Liberalism. The John Dewey Essays in Philosophy*, 4. New York: Columbia University Press.
- Raz, Joseph (1986), *The Morality of Freedom*. Oxford: Oxford University Press.
- Somerville, C. J. (1998) "Secular Society Religious Population: Our Tacit Rules for Using the Term Secularization", *Journal for the Scientific Study of Religion* 37 (2):249-53.
- Stepan, Alfred (2005), "Religion, Democracy and the 'Twin Tolerations'", in Larry Diamond et al., eds., *World Religions and Democracy*. Baltimore: The Johns Hopkins University Press.
- Taylor, Charles (2007), *A Secular Age*. Cambridge, Mass.: Harvard University Press.
- Toft, Monica Duffy, Daniel Philpott, and Timothy Samuel Shah (2011) *God's century: resurgent religion*, New York: W. W. Norton & Co.

## PART TWO

### *Recent texts and interventions by the Magisterium on Religious Freedom*



# INTRODUCTION TO THE TEXTS

MATHIAS NEBEL

There are many texts issued by the Magisterium of the Church on the topic of religious freedom. Too many in fact to have them all here. We chose to present hereafter a selection of recent texts that shows the entire journey travelled up since *Dignitatis Humanae*, the Second Vatican Council's main document on religious freedom (1965). The result is quite impressive. It shows how the notion has evolved in half a century, perhaps not so much in itself but rather within the shifting social and political context. Whereas the Council was mainly concerned with recognising *religious freedom* as a truly universal human right (by a Church that had not always been so kind as to recognise it to other religions), the modern texts are mainly concerned with the social and political *preconditions of its recognition*: the transcendent nature of human dignity, the universal search for truth, a state true to the common good, the full recognition of religious freedom, the meaning of secularism, etc. What was assumed by the Council to be a broad and strong international consensus it had to join, instead turned out to be more of a dwindling social consensus over the past years, especially under the

growing influence of non-western cultures in the international agenda and the rise of secularism in Europe. Positively, the change brings along in the Church an effort to deepen our understanding of the full scope of religious freedom and its relations to the state and other human rights. It brings therefore a new awareness of its social and political importance to the Church. Equally positive is the constant universality of the Church's advocacy for religious freedom. The documents never stop at Christians in defending religious freedom but contemplate all religions. More difficult, however, is that the focus on defending religious freedom may bring back the impression of a Church reverting to the anti-modernist battle of the early XX century, defending a religious Citadel against a secular society (an *outsider perception* as well as an *insider perception, both prone to extremists views*).

In the following pages, we shall try to outline the main features of the Catholic position on religious freedom emerging from these more recent texts, classing them under four headings: I. The concept of religious freedom; II. Religious freedom as a human right; III. Secular state, civil society, rule of law; IV. Violations and respect of religious freedom.

¶ *The concept of religious freedom*

**H**uman Dignity. Following Vatican II, all documents recognise human dignity as the foundation and basis of religious freedom<sup>1</sup>. However, the recent documents put emphasis on the recognition of the “transcendent nature of human dignity”<sup>2</sup>, in line with the Council’s reference to the *imago dei* in *Dignitatis Humanae*. The *freedom* involved in “religious freedom” points to human nature’s openness to God. If there must be a recognition of a specific freedom related to religious belief, it is because human flourishing doesn’t stop at the borders of States or even the limits of the world, but goes beyond, opens to transcendence. By refusing to acknowledge the crucial importance of the transcendent nature of human dignity, we refuse any other horizon to human flourishing than the ones dictated by a secular society.

*The search for truth and the ethical standing of human rights.* Indeed, Benedict XVI, in its crucial 2011 address to the diplomatic corps, establishes a strong link between the search for truth, seen by the Council as the basis for the universality of a right to religious freedom<sup>3</sup>, and the ethical standing of human rights<sup>4</sup>. It is human reason’s shared capacity for truth that gives moral claims a grounding different from the mere solipsism of individual preferences or a standing other than a broad – and transient – social consensus. Only a firm recognition of the reason’s capacity for the universal, of the human quest for truth, may grant human rights the

moral intangibility we claim they have, says the Magisterium. Therefore, the renouncement of the social value of truth also leads to a forfeit of religious freedom, for the two are linked.

*Violence and coercion.* It is the same capacity for truth that excludes coercion in matters of belief and religion. Neither the state nor religions may impose a faith by force. Only truth can bind and impose itself to human conscience<sup>5</sup>. Freedom of conscience, freedom of belief, freedom of religions therefore form a thick cluster of human rights which promotes the transcendent nature of human dignity and *excludes* violence from religions. Recent texts put great emphasis on this mutual exclusion and take ground on it decrying the instrumentalization of religion to justify violent behaviours and breach of religious freedom by religious fundamentalist or secular activists<sup>6</sup>.

*A shared good among religions.* Following the Council’s teaching, the recognition of religious freedom is in no way, says the Magisterium, a renouncement to the claim of the Christian pre-eminence on religious truth, but an acknowledgement that there is some truth in other religions<sup>7</sup>. So the search for truth is not about looking beyond the Christian revelation but the recognition that all religions share the same quest for truth<sup>8</sup>. And such common ground is the bedrock of their commitment to religious freedom. Religious freedom is indeed a recognition of the value of the religious quest for truth and the necessary protection of such

a quest from any forms of coercion.<sup>9</sup>

*The State's role* regarding religious freedom. What *Dignitatis Humanae* asked from government was mainly to grant constitutional recognition of religious freedom, ensuring that it also becomes a civil right and actively enforcing it<sup>10</sup>. This was done in keeping with the existing definition of religious freedom by the Universal declaration of Human rights, that is, extending beyond individuals to religious communities: "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." All religious groups therefore have the right to appoint their own ministers, buy property, erect buildings, teach publicly, communicate freely, and engage in all those activities that constitute the exercise of their religion. In that understanding of the term, the state's obligations toward religions were intended to promote, within its own tendency toward the common good, the religious quest for truth and human flourishing<sup>11</sup>. The state is thus not seen as a referee or judge among quarrelling religions, but rather as the promoter of the legal framework protecting religious freedom of both individuals and communities from undue interventions, first of all by the state's own agencies (school, syndicate, health service, social services, etc.). Special attention is given in that respect to the private sphere

and to the role of families, especially in raising their children according to their religious beliefs<sup>12</sup>.

Whereas *Dignitatis Humanae* responds to the early 20th century debate on the relationship between Church and state, the more recent texts focus much more on the secularity of the state, introducing the distinction between a positive secularity and aggressively anti-religious forms of secularity that tries to ban the religious element from the public squares.

Recent texts are adamant to show the necessity of a positive secularity as a precondition to the full recognition of religious freedom. What this positive secularity might look like exactly is largely left open, but some fixtures are quite clear. In negative terms: the secular state should not ideologically exclude religions from the public square; it should not deem tolerance toward religion to be identical to religious freedom; it should not regard itself as a neutral referee among religions; it should not consider equality as the only approach to religion in the public sphere. In positive terms: theological reason is part of public reasoning. The state should promote religious faiths and should regard religious freedom as one of the founding stones of political freedom and one of its achievements, that is to say, it should actively promote the freedom which is brought by religions. The state should recognize religious freedom as a path to peace and an essential element to further democracy; the state should protect religious minorities and promote religious peace.<sup>13</sup>

This positive conception of religious freedom is accounted for in the following definition given by Benedict XVI:

*“Religious freedom expresses what is unique about the human person, for it allows us to direct our personal and social life to God, in whose light the identity, meaning and purpose of the person are fully understood. To deny or arbitrarily restrict this freedom is to foster a reductive vision of the human person; to eclipse the public role of religion is to create a society which is unjust, inasmuch as it fails to take account of the true nature of the human person; it is to stifle the growth of the authentic and lasting peace of the whole human family.”*<sup>14</sup>

### ¶ *Religious freedom as a human right*

As in the previous section, we shall draw a parallel between *Dignitatis Humanae* and the more recent interventions regarding the human right to religious freedom.

The Council had been adamant: religious freedom is a human 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 (...) 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”*.<sup>15</sup> Such a right, says the

Council, is directly founded on human dignity, expressed as *imago dei* and its universality is to be found in the universal search for truth by human reason. Following international definitions<sup>16</sup>, the Council emphasized the dual dimension of this right, both an individual right and a collective one, clearly stating that religious communities must be allowed, under this freedom, to assemble, worship, educate, organise social services and announce their faith as faith communities<sup>17</sup>. Thus religious freedom entails another separate set of closely connected rights, such as freedom of conscience, freedom of speech, right to gather and create association, etc. A special mention is given to the role of religious education as being part of religious freedom and to the right of parents to choose to raise their children in a given faith.<sup>18</sup>

Altogether the human right to religious freedom in *Dignitatis Humanae* can be summarized as stating: a) that religious freedom expresses the transcendent dimension of human dignity; b) that religious freedom protects religions from undue interference by the state or from any forceful intervention by social actors. c) that the right to religious freedom entails other human rights and therefore is latched to a recognition of their indivisibility; d) that religious freedom is as much an individual right as a collective one.

Recent documents repeatedly quote and recall the Church's strong engagement in favour of religious freedom. However, in doing so, they also draw attention to some notions



that were not at the forefront of the Council's text.<sup>19</sup>

First of all is the insistence that the right to religious freedom is not quite the same as any other human right. Without breaching the indivisibility of human rights, some sort of pre-eminence must be recognised to religious freedom, which is variously said to be the "source" or "foundation" of other human rights<sup>20</sup>. Much has been said along the lines of John Paul II's quote concerning religious freedom being the "litmus test" of human rights assessments<sup>21</sup>. Indeed religious freedom is ever more closely linked with human dignity, understood as being transcendent *in nature*. Religious freedom doesn't only express the transcendent dimension of human dignity, but also accounts for its transcendent origins.<sup>22</sup>

Secondly, these texts react strongly against certain interpretations of the right to religious freedom. Religious freedom is not, for instance, to be confused with, *tolerance* for individuals faith practices or of faith communities<sup>23</sup>; it is a *freedom* that must be allowed to flourish; it is not to be assimilated to *non-discrimination of religions*, for that would coerce religions to blend in the public space in a relativistic melting pot to accommodate the call for equal footing<sup>24</sup>; neither should religious freedom be assimilated with *blasphemy laws*, for they too often and too easily may be used against religious freedom to terrify other religious communities<sup>25</sup>; it must not be restricted to acts of worship, but also include the right to express one's faith trough

act of charity and social service.<sup>26</sup>

The third point stressed by more recent documents, and perhaps the most important, insists that we should not consider the negative, defensive role of religious freedom. It is not merely a right protecting practices, but it is a freedom that must be acknowledged in its positive dimension. Religious freedom is a responsibility for the full flourishing of human freedom: "Religions are communities based on convictions and their freedom guarantees a contribution of moral values without which the freedom of everyone is not possible."<sup>27</sup>

**D***ignitatis Humanae* globally takes a positive stance toward the liberal state. The state's sovereignty and autonomy is acknowledged by the Church as a necessarily condition of the sound government of the public sphere. The relationship between Church and state is best understood within the common recognition of their respective autonomy. Religious freedom is precisely the notion Vatican II uses to outline the reciprocity existing between state and Church. Whereas the state, on the one hand, respects the religious freedom of the Church; the Church on the other hand keeps itself under the rule created and enforced by the state<sup>28</sup>. As such, *Dignitatis Humanae* was thought to settle and overcome the bitter fight between Church and state that had raged from the XVIII century up to the beginning of the XX century. The overriding conception of religious freedom

**¶ *Secular state, civil society, rule of law***

as protecting the Church from the state's interference or even coercion in matters of faith (worship, conscience, family right to educate their children, the independence of cult ministers, religious education, Christian syndicates or social services from the Church) bears evidence of the past feud and reasserts points that were acrimoniously contested between the state and the Church.

The call to respect the rightful autonomy of religions within the state rule finds in the *right* to religious freedom a *legal expression*. A notion that is first and foremost a human right, and then, only as such, a civil right: as a human right, religious freedom is part of the state's unconditional source of moral legitimacy; a right it must acknowledge and enforce or see its moral standing as sovereign state be compromised.

More recent documents convey a different historical experience – that of post-modern, secularized western societies on one hand and, on the other, ever more globalized societies – and therefore identify other topics as being relevant to the question. Most interesting is the fact that *Dignitatis Humanae's* assumption about the rightful autonomy of the state – that is, its secularity – has proven to be overly unspecified to confront the new situation. The recognition of the secularity of states was interpreted differently in different countries; states having widely varying understandings of what their own secularity might entail for their relationship to religions. *Dignitatis Humanae* proved

not to be the endpoint of a disputed question, as the Church had hoped. More, seemingly, had to be added. The Church, in fact, when recognising the secularity of the state has in mind a very specific form of secularity, hence it rejects other forms deemed not in keeping with authentic religious freedom.

True to the Council, the Church asks from the secular state to recognise religious freedom as a limit of its sovereignty. However, this does not only refer to the one drawn by the free individual, that is the limit of the private sphere (the sphere of free thoughts and conscience). The state must also recognise religious freedom as the upper limit of its sovereignty, that is the limit determining what is beyond the state (human flourishing, the common good, human dignity *and religious freedom*), as the source of its moral authority and real legitimacy<sup>29</sup>. In this perspective, religious freedom is not only a restrictive right, limiting the state's interference, but a right which the state must promote in order to stay true to its own end<sup>30</sup>. Rather than seeing religions as posing problems for and a threat to the secularity of state, we should instead see the blossoming of religious freedom as part of the achievement of the state's goals. Religions represent the path to peace and democracy says Benedict XVI<sup>31</sup>. This implies a secularity which is positive toward religions and which sees their participation in the public square as sound and useful to the public interest.

But such a conception is neither

dominant not shared by most states today. The documents presented do not attempt to give a systematic view of the different understandings of the state's secularity. But we can confidently see at least two practical models that are criticized.

The first model, whatever its motive might be, sees religions as not belonging to the public square. Religions are private matters that are at best cultural affairs, but that should not play an active part in social, or even worse, political process. Public reasoning, it is argued, should be free of religious interference and the secular state, accordingly, should guarantee that religions do not enter the public square. The Church claims that this concept of the state's secularity is unwarranted. The exclusion of religions from the public sphere is ideological (aggressive secularism), non democratic (why religious communities and not football clubs), not sensible (most people *are* religious) and certainly not politically wise (religion do matter in politics (9/11, etc.)). The prohibition of religious symbols and the overriding of conscience objection by the state are signs of this understanding of secularity.<sup>32</sup>

The second interpretation of secularity targets states – mostly Muslim but not only - that are only too prone to recognizing religion to be part of their own moral legitimacy. Blasphemy laws and the prohibition of conversion, for example, are features of such states.<sup>33</sup> The classic difficulty is then religious minorities and how the dominant religion is balanced by the state's true secularity in order

to guarantee religious freedom to all religious communities. The Church has nothing against the recognition of a prevalent religion. It does not think of equality in terms of equal recognition of each religious community by the state. Instead it asks the state to guarantee the rule of law and therefore the full and true right to religious freedom for each religious community and individual.

**D***ignitatis Humanae* makes no reference to specific, historical violation of religious freedom. However the document's entire approach to this right shows that it is built upon an awareness of such a possible violation<sup>34</sup>. Indeed, all the focal points refer to well-known historical areas of conflict and violation – from the believer's point of view – of the right to religious freedom: the individual's right to choose his religion, the right of a family to determine the religious education of their children, or that of the Christian community to be able to worship and express its faith in public, the clergy's right to be independent of the state, and the organization of Christian social services, etc.

In more recent times and in the texts we are presenting hereafter, the attention of the Magisterium changes and explicitly exposes some violations of religious freedom. It does so on the heels of a worrisome and well-documented recent trend, at the international level, which has seen an *increase* of gross violations of religious freedom<sup>35</sup>. The Pew Forum of Religions, quoted in the docu-

### *¶ Violations and respect of religious freedom*

ments, signals for example that over 70% of the world population today lives in countries with some kind of restriction to their basic religious freedom, especially for Christians (an even more worrisome trend considering that religious freedom is today a well asserted human right in international documents).<sup>36</sup>

The Magisterium obviously denounces as gross violation of religious freedom the bombing or destruction of churches occurring in Iraq, Malaysia, Sudan, Nigeria, etc. The texts however are very careful not to blame Islam but fundamentalists groups that do not abide by the common recognition by religions of the principle of religious freedom. The Magisterium asks for all states to fully apply and enforce religious freedom, especially where religious minorities are under threats.<sup>37</sup>

The Magisterium also pinpoints the *European cases* brought to court regarding religious symbols in public spaces. They represent the growing pressure exerted by aggressive secularists to banish all religious symbols from the public square. A dangerous and regressive trend, in the eye of the Magisterium, that cannot be justified either from the point of view of democracy or history. The decision by the European Court to allow religious symbols but only on their ground as cultural legacy is not considered enough of

a recognition of religious freedom.<sup>38</sup>

The case of *blasphemy laws* in Islamic countries is interesting, for it may be seen at first precisely as part of the protection of religious identities. However, the Magisterium condemns these laws as being too easily manipulated against religious minorities. The case is made that the right to religious freedom is in itself sufficient to protect religious identities, even more so, that only the full recognition of religious freedom may indeed truly preserve peaceful coexistence of religions.<sup>39</sup>

Recent legislation passed in the US *seeking to impose on catholic institutions the mandatory delivery of health care* that is contrary to their faith has brought back up the question of objection of conscience. That this move by the state comes on matters of sexual ethics is of no surprise. It is part of the supposed new political “consensus” that establishes the prevalence of individual autonomy and freedom of choice as the new core element of human rights. In this case, the Church demands the respect of the right to objection of conscience, that is, for the recognition that a given government cannot impose its own vision of ethics as being mandatory to religious communities. The full dimension of religious freedom must be acknowledged by the state.<sup>40</sup>

## NOTES

1. *Dignitatis Humanae*, § 2.4.7.
2. Benedict XVI, Message of his holiness for the celebration of the world day of peace, 1 January, 2011, § 2. Card. Tarcisio Bertone, Address to the congress on religious freedom. A milestone of the new Europe, 19 October 2007, § 2.
3. *Dignitatis Humanae*, §3.
4. Benedict XVI, Message of his holiness for the celebration of the world day of peace, 1 January, 2011, § 3.12.
5. “The truth cannot impose itself except by virtue of its own truth, as it makes it entrance into the mind at once quietly and with power.” And further on “Man’s response to God in faith must be free: no one therefore is to be forced to embrace the Christian faith against his own will. (...) The act of faith is of its very nature a free act”. *Dignitatis Humanae*, §1.10
6. Benedict XVI, Message of his holiness for the celebration of the world day of peace, 1 January, 2011, § 8.
7. *Nostra Aetate*, 1-2.
8. Benedict XVI, Message of his holiness for the celebration of the world day of peace, 1 January, 2011, § 11. Mgr Erwin Josef Ender, Statement to the Conference regarding discrimination against Christians organized by the Russian patriarchate, 30 November 2011.
9. Benedict XVI, Message of his holiness for the celebration of the world day of peace, January 1, 2011, §6.11.
10. *Dignitatis Humanae*, §7.
11. *Dignitatis Humanae*, §6.
12. *Dignitatis Humanae*, §5.
13. Mgr. Silvano M. Tomasi, Statement at the 16th Ordinary Session of the Human Right Council, 2 March 2011.
14. Benedict XVI, Message of his holiness for the celebration of the world day of peace, January 1, 2011, §1.
15. *Dignitatis Humanae*, §2.
16. *Dignitatis Humanae*, §15; John Paul II, Address to the parliamentary assembly of the Organization for security and cooperation in Europe, 10 October, 2003, §1; Benedict XVI, Message of his holiness for the celebration of the world day of peace, January 1, 2011, §5.
17. *Dignitatis Humanae*, §4.
18. *Dignitatis Humanae*, §5.
19. See for example this statement on religious freedom and compare it to *Dignitatis Humanae*: “The religious dimension of the human person, his attitude before transcendence and the consequent ethical demands, make up a concrete and fundamental manifestation of his or her capacity of free auto-determination. It is a basic reference point of personal and social behaviour. Religions can offer, and in fact do offer, a solid foundation for the defence of the values of personal and social justice, for respect of others and of nature”. Mgr. Silvano M. Tomasi, Address to the Ordinary session of the United Nations Human Rights Council on Religious Freedom, 22 March 2007, §1.
20. Benedict XVI, Message of his holiness for the celebration of the world day of peace, 1 January, 2011, §5. Card. Tarcisio Bertone, Address to the congress on religious freedom. A milestone of the new Europe, 19 October 2007, § 1. Mgr. Silvano M. Tomasi, Statement at the 16th Ordinary Session of the Human Right Council, 2 March 2011, §1.

21. John Paul II, Address to the parliamentary assembly of the Organization for security and cooperation in Europe, 10 October, 2003, §1.
22. Benedict XVI, Message of his holiness for the celebration of the world day of peace, January 1, 2011, §1-2.
23. Card. Tarcisio Bertone, Address to the congress on religious freedom. A milestone of the new Europe, 19 October 2007, §3.
24. Erwin Josef Ender, Statement to the Conference regarding discrimination against Christians organized by the Russian patriarchate, 30 November 2011, p.2.
25. Mgr. Celestino Migliore, Statement at the 64th Session of the UN General Assembly, 26 October 2009.
26. Mgr. Silvano M. Tomasi, Statement at the 16th Ordinary Session of the Human Right Council, 2 March 2011, §5.
27. Mgr. Silvano M. Tomasi, Statement at the 19th Ordinary Session of the Human Right Council, 1 March 2012.
28. Pius XI, *Mit brennender Sorge*, §3.5.25. Pius XII, Radio-message, 15 June 1941, §15. *Dignitatis Humanae*, §4s
29. Benedict XVI, Message of his holiness for the celebration of the world day of peace, 1 January, 2011, §2-3.
30. Benedict XVI, Message of his holiness for the celebration of the world day of peace, 1 January, 2011, §4.
31. Benedict XVI, Message of his holiness for the celebration of the world day of peace, 1 January, 2011, §1.10.15.
32. Mgr. Silvano M. Tomasi, Statement to the 13th session of the Human Right Council, 23 March 2010 ; Mgr Silvano M. Tomasi, Statement at the 16th session of the Human Right Council, 2 March 2011. Mgr. Silvano M. Tomasi, Statement at the 19th session of the Human Right Council, 1 March 2012. Erwin Josef Ender, Statement to the Conference regarding discrimination against Christians organized by the Russian patriarchate, 30 November 2011.
33. Mgr. Celestino Migliori, Statement to the 64th Session of the UN General Assembly, 26 October 2009.
34. *Dignitatis Humanae*, §8.
35. See for example Mgr Celestino Migliori, Statement to the 64th Session of the UN General Assembly, 26 October 2009.
36. Mgr. Silvano M. Tomasi, Statement to the 19th session of the Human Right Council, 1 March 2012.
37. Benedict XVI, Message of his holiness for the celebration of the world day of peace, 1 January, 2011, §1.
38. Erwin Josef Ender, Statement to the Conference regarding discrimination against Christians organized by the Russian patriarchate, 30 November 2011.
39. Mgr. Celestino Migliori, Statement to the 64th Session of the UN General Assembly, 26 October 2009.
40. Mgr. Silvano M. Tomasi, Statement at the conference on international religious freedom, 12 September 2012.

***DIGNITATIS HUMANAE***  
***DECLARATION ON RELIGIOUS FREEDOM, ON THE RIGHT OF***  
***THE PERSON AND OF COMMUNITIES TO SOCIAL AND CIVIL***  
***FREEDOM IN MATTERS RELIGIOUS***

VATICAN COUNCIL II

Rome, 7 December, 1965

A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man,<sup>1</sup> and the demand is increasingly made that men should act on their own judgment, enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty. The demand is likewise made that constitutional limits should be set to the powers of government, in order that there may be no encroachment on the rightful freedom of the person and of associations. This demand for freedom in human society chiefly regards the quest for the values proper to the human spirit. It regards, in the first place, the free exercise of religion in society. This Vatican Council takes careful note of these desires in the minds of men. It proposes to declare them to be greatly in accord with truth and justice. To this end, it searches into the sacred tradition and doctrine of the Church—the treasury out of which the Church continually brings forth new things that are in

harmony with the things that are old.

First, the council professes its belief that God Himself has made known to mankind the way in which men are to serve Him, and thus be saved in Christ and come to blessedness. We believe that this one true religion subsists in the Catholic and Apostolic Church, to which the Lord Jesus committed the duty of spreading it abroad among all men. Thus He spoke to the Apostles: "Go, therefore, and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all things whatsoever I have enjoined upon you" (Matt. 28: 19-20). On their part, all men are bound to seek the truth, especially in what concerns God and His Church, and to embrace the truth they come to know, and to hold fast to it.

This Vatican Council likewise professes its belief that it is upon the human conscience that these obligations fall and exert their binding force. The truth cannot impose itself

except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power.

Religious freedom, in turn, which men demand as necessary to fulfil their duty to worship God, has to do with immunity from coercion in civil society. Therefore it leaves untouched traditional Catholic doctrine on the moral duty of men and societies toward the true religion and toward the one Church of Christ. Over and above all this, the council intends to develop the doctrine of recent popes on the inviolable rights of the human person and the constitutional order of society.

**T**his 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.<sup>2</sup> 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.

It is in accordance with their di-

gnity as persons – that is, beings endowed with reason and free will and therefore privileged to bear personal responsibility – that all men should be at once impelled by nature and also bound by a moral obligation to seek the truth, especially religious truth. They are also bound to adhere to the truth, once it is known, and to order their whole lives in accord with the demands of truth. However, men cannot discharge these obligations in a manner in keeping with their own nature unless they enjoy immunity from external coercion as well as psychological freedom. Therefore the right to religious freedom has its foundation not in the subjective disposition of the person, but in his very nature. In consequence, the right to this immunity continues to exist even in those who do not live up to their obligation of seeking the truth and adhering to it and the exercise of this right is not to be impeded, provided that just public order be observed.

**F**urther light is shed on the subject if one considers that the highest norm of human life is the divine law – eternal, objective and universal – whereby God orders, directs and governs the entire universe and all the ways of the human community by a plan conceived in wisdom and love. Man has been made by God to participate in this law, with the result that, under the gentle disposition of divine Providence, he can come to perceive ever more fully the truth that is unchanging. Wherefore every man has the duty, and therefore the



right, to seek the truth in matters religious in order that he may with prudence form for himself right and true judgments of conscience, under use of all suitable means.

Truth, however, is to be sought after in a manner proper to the dignity of the human person and his social nature. The inquiry is to be free, carried on with the aid of teaching or instruction, communication and dialogue, in the course of which men explain to one another the truth they have discovered, or think they have discovered, in order thus to assist one another in the quest for truth.

Moreover, as the truth is discovered, it is by a personal assent that men are to adhere to it.

On his part, man perceives and acknowledges the imperatives of the divine law through the mediation of conscience. In all his activity a man is bound to follow his conscience in order that he may come to God, the end and purpose of life. It follows that he is not to be forced to act in manner contrary to his conscience. Nor, on the other hand, is he to be restrained from acting in accordance with his conscience, especially in matters religious. The reason is that the exercise of religion, of its very nature, consists before all else in those internal, voluntary and free acts whereby man sets the course of his life directly toward God. No merely human power can either command or prohibit acts of this kind.<sup>3</sup> The social nature of man, however, itself requires that he should give external expression to his internal acts of religion: that he should share

with others in matters religious; that he should profess his religion in community. Injury therefore is done to the human person and to the very order established by God for human life, if the free exercise of religion is denied in society, provided just public order is observed.

There is a further consideration. The religious acts whereby men, in private and in public and out of a sense of personal conviction, direct their lives to God transcend by their very nature the order of terrestrial and temporal affairs. Government therefore ought indeed to take account of the religious life of the citizenry and show it favour, since the function of government is to make provision for the common welfare. However, it would clearly transgress the limits set to its power, were it to presume to command or inhibit acts that are religious.

**T**he freedom or immunity from coercion in matters religious which is the endowment of persons as individuals is also to be recognized as their right when they act in community. Religious communities are a requirement of the social nature both of man and of religion itself.

Provided the just demands of public order are observed, religious communities rightfully claim freedom in order that they may govern themselves according to their own norms, honour the Supreme Being in public worship, assist their members in the practice of the religious life, strengthen them by instruction, and promote institutions in which

they may join together for the purpose of ordering their own lives in accordance with their religious principles.

Religious communities also have the right not to be hindered, either by legal measures or by administrative action on the part of government, in the selection, training, appointment, and transferral of their own ministers, in communicating with religious authorities and communities abroad, in erecting buildings for religious purposes, and in the acquisition and use of suitable funds or properties.

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. However, in spreading religious faith and in introducing religious practices everyone ought at all times to refrain from any manner of action which might seem to carry a hint of coercion or of a kind of persuasion that would be dishonourable or unworthy, especially when dealing with poor or uneducated people. Such a manner of action would have to be considered an abuse of one's right and a violation of the right of others.

In addition, it comes within the meaning of religious freedom that religious communities should not be prohibited from freely undertaking to show the special value of their doctrine in what concerns the organization of society and the inspiration of the whole of human activity. Finally, the social nature of man and the very nature of religion afford the foundation of the right

of men freely to hold meetings and to establish educational, cultural, charitable and social organizations, under the impulse of their own religious sense.

**T**he family, since it is a society in its own original right, has the right freely to live its own domestic religious life under the guidance of parents. Parents, moreover, have the right to determine, in accordance with their own religious beliefs, the kind of religious education that their children are to receive. Government, in consequence, must acknowledge the right of parents to make a genuinely free choice of schools and of other means of education, and the use of this freedom of choice is not to be made a reason for imposing unjust burdens on parents, whether directly or indirectly. Besides, the right of parents are violated, if their children are forced to attend lessons or instructions which are not in agreement with their religious beliefs, or if a single system of education, from which all religious formation is excluded, is imposed upon all.

**S**ince the common welfare of society consists in the entirety of those conditions of social life under which men enjoy the possibility of achieving their own perfection in a certain fullness of measure and also with some relative ease, it chiefly consists in the protection of the rights, and in the performance of the duties, of the human person.<sup>4</sup> Therefore the care of the right to religious freedom devolves

upon the whole citizenry, upon social groups, upon government, and upon the Church and other religious communities, in virtue of the duty of all toward the common welfare, and in the manner proper to each.

The protection and promotion of the inviolable rights of man ranks among the essential duties of government.<sup>5</sup> Therefore government is to assume the safeguard of the religious freedom of all its citizens, in an effective manner, by just laws and by other appropriate means.

Government is also to help create conditions favourable to the fostering of religious life, in order that the people may be truly enabled to exercise their religious rights and to fulfil their religious duties, and also in order that society itself may profit by the moral qualities of justice and peace which have their origin in men's faithfulness to God and to His holy will.<sup>6</sup>

If, in view of peculiar circumstances obtaining among peoples, special civil recognition is given to one religious community in the constitutional order of society, it is at the same time imperative that the right of all citizens and religious communities to religious freedom should be recognized and made effective in practice.

Finally, government is to see to it that equality of citizens before the law, which is itself an element of the common good, is never violated, whether openly or covertly, for religious reasons. Nor is there to be discrimination among citizens.

It follows that a wrong is done

when government imposes upon its people, by force or fear or other means, the profession or repudiation of any religion, or when it hinders men from joining or leaving a religious community. All the more is it a violation of the will of God and of the sacred rights of the person and the family of nations when force is brought to bear in any way in order to destroy or repress religion, either in the whole of mankind or in a particular country or in a definite community.

**T**he right to religious freedom is exercised in human society: hence its exercise is subject to certain regulatory norms. In the use of all freedoms the moral principle of personal and social responsibility is to be observed. In the exercise of their rights, individual men and social groups are bound by the moral law to have respect both for the rights of others and for their own duties toward others and for the common welfare of all. Men are to deal with their fellows in justice and civility.

Furthermore, society has the right to defend itself against possible abuses committed on the pretext of freedom of religion. It is the special duty of government to provide this protection. However, government is not to act in an arbitrary fashion or in an unfair spirit of partisanship. Its action is to be controlled by juridical norms which are in conformity with the objective moral order. These norms arise out of the need for the effective safeguard of the rights of all citizens and for the peaceful settle-

ment of conflicts of rights, also out of the need for an adequate care of genuine public peace, which comes about when men live together in good order and in true justice, and finally out of the need for a proper guardianship of public morality.

These matters constitute the basic component of the common welfare: they are what is meant by public order. For the rest, the usages of society are to be the usages of freedom in their full range: that is, the freedom of man is to be respected as far as possible and is not to be curtailed except when and insofar as necessary.

**M**any pressures are brought to bear upon the men of our day, to the point where the danger arises lest they lose the possibility of acting on their own judgment. On the other hand, not a few can be found who seem inclined to use the name of freedom as the pretext for refusing to submit to authority and for making light of the duty of obedience. Wherefore this Vatican Council urges everyone, especially those who are charged with the task of educating others, to do their utmost to form men who, on the one hand, will respect the moral order and be obedient to lawful authority, and on the other hand, will be lovers of true freedom – men, in other words, who will come to decisions on their own judgment and in the light of truth, govern their activities with a sense of responsibility, and strive after what is true and right, willing always to join with others in cooperative effort.

Religious freedom therefore ought to have this further purpose and aim, namely, that men may come to act with greater responsibility in fulfilling their duties in community life.

**T**he declaration of this Vatican Council on the right of man to religious freedom has its foundation in the dignity of the person, whose exigencies have come to be are fully known to human reason through centuries of experience. What is more, this doctrine of freedom has roots in divine revelation, and for this reason Christians are bound to respect it all the more conscientiously. Revelation does not indeed affirm in so many words the right of man to immunity from external coercion in matters religious. It does, however, disclose the dignity of the human person in its full dimensions. It gives evidence of the respect which Christ showed toward the freedom with which man is to fulfil his duty of belief in the word of God and it gives us lessons in the spirit which disciples of such a Master ought to adopt and continually follow. Thus further light is cast upon the general principles upon which the doctrine of this declaration on religious freedom is based. In particular, religious freedom in society is entirely consonant with the freedom of the act of Christian faith.

**I**t is one of the major tenets of Catholic doctrine that man's response to God in faith must be free: no one therefore is to be for-

ceded to embrace the Christian faith against his own will.<sup>8</sup> This doctrine is contained in the word of God and it was constantly proclaimed by the Fathers of the Church.<sup>7</sup> The act of faith is of its very nature a free act. Man, redeemed by Christ the Saviour and through Christ Jesus called to be God's adopted son,<sup>9</sup> cannot give his adherence to God revealing Himself unless, under the drawing of the Father,<sup>10</sup> he offers to God the reasonable and free submission of faith. It is therefore completely in accord with the nature of faith that in matters religious every manner of coercion on the part of men should be excluded. In consequence, the principle of religious freedom makes no small contribution to the creation of an environment in which men can without hindrance be invited to the Christian faith, embrace it of their own free will, and profess it effectively in their whole manner of life.

**G**od calls men to serve Him in spirit and in truth, hence they are bound in conscience but they stand under no compulsion. God has regard for the dignity of the human person whom He Himself created and man is to be guided by his own judgment and he is to enjoy freedom. This truth appears at its height in Christ Jesus, in whom God manifested Himself and His ways with men. Christ is at once our Master and our Lord<sup>11</sup> and also meek and humble of heart.<sup>12</sup> In attracting and inviting His disciples He used patience.<sup>13</sup> He wrought miracles to illuminate His teaching and

to establish its truth, but His intention was to rouse faith in His hearers and to confirm them in faith, not to exert coercion upon them.<sup>14</sup> He did indeed denounce the unbelief of some who listened to Him, but He left vengeance to God in expectation of the day of judgment.<sup>15</sup> When He sent His Apostles into the world, He said to them: "He who believes and is baptized will be saved. He who does not believe will be condemned" (Mark 16:16). But He Himself, noting that the cockle had been sown amid the wheat, gave orders that both should be allowed to grow until the harvest time, which will come at the end of the world.<sup>16</sup> He refused to be a political messiah, ruling by force:<sup>17</sup> He preferred to call Himself the Son of Man, who came "to serve and to give his life as a ransom for the many" (Mark 10:45). He showed Himself the perfect servant of God,<sup>18</sup> who "does not break the bruised reed nor extinguish the smoking flax" (Matt. 12:20).

He acknowledged the power of government and its rights, when He commanded that tribute be given to Caesar: but He gave clear warning that the higher rights of God are to be kept inviolate: "Render to Caesar the things that are Caesar's and to God the things that are God's" (Matt. 22:21). In the end, when He completed on the cross the work of redemption whereby He achieved salvation and true freedom for men, He brought His revelation to completion. For He bore witness to the truth,<sup>19</sup> but He refused to impose the truth by force on those

who spoke against it. Not by force of blows does His rule assert its claims.<sup>20</sup> It is established by witnessing to the truth and by hearing the truth, and it extends its dominion by the love whereby Christ, lifted up on the cross, draws all men to Himself.<sup>21</sup>

Taught by the word and example of Christ, the Apostles followed the same way. From the very origins of the Church the disciples of Christ strove to convert men to faith in Christ as the Lord; not, however, by the use of coercion or of devices unworthy of the Gospel, but by the power, above all, of the word of God.<sup>22</sup> Steadfastly they proclaimed to all the plan of God our Saviour, "who wills that all men should be saved and come to the acknowledgment of the truth" (1 Tim. 2:4). At the same time, however, they showed respect for those of weaker stuff, even though they were in error, and thus they made it plain that "each one of us is to render to God an account of himself" (Romans 14:12),<sup>23</sup> and for that reason is bound to obey his conscience. Like Christ Himself, the Apostles were unceasingly bent upon bearing witness to the truth of God, and they showed the fullest measure of boldness in "speaking the word with confidence" (Acts 4:31)<sup>24</sup> before the people and their rulers. With a firm faith they held that the Gospel is indeed the power of God unto salvation for all who believe.<sup>25</sup> Therefore they rejected all "carnal weapons:<sup>26</sup> they followed the example of the gentleness and respectfulness of Christ and they preached the

word of God in the full confidence that there was resident in this word itself a divine power able to destroy all the forces arrayed against God<sup>27</sup> and bring men to faith in Christ and to His service.<sup>28</sup> As the Master, so too the Apostles recognized legitimate civil authority. "For there is no power except from God", the Apostle teaches, and thereafter commands: "Let everyone be subject to higher authorities.... He who resists authority resists God's ordinance" (Romans 13:1-5).<sup>29</sup> At the same time, however, they did not hesitate to speak out against governing powers which set themselves in opposition to the holy will of God: "It is necessary to obey God rather than men" (Acts 5:29).<sup>30</sup> This is the way along which the martyrs and other faithful have walked through all ages and over all the earth.

**I**n faithfulness therefore to the truth of the Gospel, the Church is following the way of Christ and the apostles when she recognizes and gives support to the principle of religious freedom as befitting the dignity of man and as being in accord with divine revelation. Throughout the ages the Church has kept safe and handed on the doctrine received from the Master and from the apostles. In the life of the People of God, as it has made its pilgrim way through the vicissitudes of human history, there has at times appeared a way of acting that was hardly in accord with the spirit of the Gospel or even opposed to it. Nevertheless, the doctrine of the Church that no one is to be coerced

into faith has always stood firm.

Thus the leaven of the Gospel has long been about its quiet work in the minds of men, and to it is due in great measure the fact that in the course of time men have come more widely to recognize their dignity as persons, and the conviction has grown stronger that the person in society is to be kept free from all manner of coercion in matters religious.

**A**mong the things that concern the good of the Church and indeed the welfare of society here on earth – things therefore that are always and everywhere to be kept secure and defended against all injury – this certainly is preeminent, namely, that the Church should enjoy that full measure of freedom which her care for the salvation of men requires.<sup>31</sup> This is a sacred freedom, because the only-begotten Son endowed with it the Church which He purchased with His blood. Indeed it is so much the property of the Church that to act against it is to act against the will of God. The freedom of the Church is the fundamental principle in what concerns the relations between the Church and governments and the whole civil order.

In human society and in the face of government the Church claims freedom for herself in her character as a spiritual authority, established by Christ the Lord, upon which there rests, by divine mandate, the duty of going out into the whole world and preaching the Gospel to every creature.<sup>32</sup> The Church also

claims freedom for herself in her character as a society of men who have the right to live in society in accordance with the precepts of the Christian faith.<sup>33</sup>

In turn, where the principle of religious freedom is not only proclaimed in words or simply incorporated in law but also given sincere and practical application, there the Church succeeds in achieving a stable situation of right as well as of fact and the independence which is necessary for the fulfilment of her divine mission.

This independence is precisely what the authorities of the Church claim in society.<sup>34</sup> At the same time, the Christian faithful, in common with all other men, possess the civil right not to be hindered in leading their lives in accordance with their consciences. Therefore, a harmony exists between the freedom of the Church and the religious freedom which is to be recognized as the right of all men and communities and sanctioned by constitutional law.

**I**n order to be faithful to the divine command, "teach all nations" (Matt. 28:19-20), the Catholic Church must work with all urgency and concern "that the word of God be spread abroad and glorified" (2 Thess. 3:1). Hence the Church earnestly begs of its children that, "first of all, supplications, prayers, petitions, acts of thanksgiving be made for all men.... For this is good and agreeable in the sight of God our Savior, who wills that all men be saved and come to the

knowledge of the truth" (1 Tim. 2:1-4). In the formation of their consciences, the Christian faithful ought carefully to attend to the sacred and certain doctrine of the Church.<sup>35</sup> For the Church is, by the will of Christ, the teacher of the truth. It is her duty to give utterance to, and authoritatively to teach, that truth which is Christ Himself, and also to declare and confirm by her authority those principles of the moral order which have their origins in human nature itself. Furthermore, let Christians walk in wisdom in the face of those outside, "in the Holy Spirit, in unaffected love, in the word of truth" (2 Cor. 6:6-7), and let them be about their task of spreading the light of life with all confidence<sup>36</sup> and apostolic courage, even to the shedding of their blood.

The disciple is bound by a grave obligation toward Christ, his Master, ever more fully to understand the truth received from Him, faithfully to proclaim it, and vigorously to defend it, never – be it understood – having recourse to means that are incompatible with the spirit of the Gospel. At the same time, the charity of Christ urges him to love and have prudence and patience in his dealings with those who are in error or in ignorance with regard to the faith.<sup>37</sup> All is to be taken into account – the Christian duty to Christ, the life-giving word which must be proclaimed, the rights of the human person, and the measure of grace granted by God through Christ to men who are invited freely to accept and profess the faith.

The fact is that men of the present day want to be able freely to profess their religion in private and in public. Indeed, religious freedom has already been declared to be a civil right in most constitutions, and it is solemnly recognized in international documents.<sup>38</sup> The further fact is that forms of government still exist under which, even though freedom of religious worship receives constitutional recognition, the powers of government are engaged in the effort to deter citizens from the profession of religion and to make life very difficult and dangerous for religious communities.

This council greets with joy the first of these two facts as among the signs of the times. With sorrow, however, it denounces the other fact, as only to be deplored. The council exhorts Catholics, and it directs a plea to all men, most carefully to consider how greatly necessary religious freedom is, especially in the present condition of the human family. All nations are coming into even closer unity. Men of different cultures and religions are being brought together in closer relationships. There is a growing consciousness of the personal responsibility that every man has. All this is evident. Consequently, in order that relationships of peace and harmony be established and maintained within the whole of mankind, it is necessary that religious freedom be everywhere provided with an effective constitutional guarantee and that respect be shown for the high duty and right of man freely to lead his religious life in



society.

May the God and Father of all grant that the human family, through careful observance of the principle of religious freedom in so-

ciety, may be brought by the grace

of Christ and the power of the Holy Spirit to the sublime and unending and "glorious freedom of the sons of God" (Rom. 8:21).

## NOTES

1. Cf. John XXIII, encycl. 'Pacem in Terris', April 11, 1963: AAS 55 (1963) p. 279; *ibid.*, p. 265; Pius XII, radio message, Dec. 24, 1944: AAS 37 (1945), p. 14.
2. Cf. John XXIII, encycl. 'Pacem in Terris', April 11, 1963: AAS 55 (1963), pp. 260-261; Pius XII, radio message, Dec. 24, 1942: AAS 35 (1943), p. 19; Pius XI, encycl. 'Mit Brennender Sorge', March 14, 1937: AAS 29 (1937), p. 160; Leo XIII, encycl. 'Libertas Praestantissimum', June 20, 1888: Acts of Leo XIII 8 (1888), p. 237-238.
3. Cf. John XXIII, encycl. 'Pacem in Terris', April 11, 1963: AAS 55 (1963), p. 270; Paul VI, radio message, Dec. 22, 1964: AAS 57 (1965), pp. 181-182.
4. Cf. John XXIII, encycl. 'Mater et Magistra', May 15, 1961: AAS 53 (1961), p. 417; *idem*, encycl. 'Pacem in Terris', April 11, 1963: AAS 55 (1963), p. 273.
5. Cf. John XXIII, encycl. 'Pacem in Terris', April 11, 1963: AAS 55 (1963), pp. 273-274; Pius XII, radio message, June 1 1941: AAS 33 (1941), p. 200.
6. Cf. Leo XIII, encycl. 'Immortale Dei', Nov. 1, 1885: AAS 18 (1885) p. 161.
7. Cf. Lactantius 'Divinarum Institutionum', Book V, 19: CSEL 19, pp. 463-464, 465: PL 6, 614 and 616 (ch. 20); St. Ambrose, 'Epistola ad Valentianum Imp.', Letter 21: PL 16, 1005; St. Augustine, 'Contra Litteras Petiliani', Book II, ch. 83: CSEL 52 p. 112: PL 43, 315; cf. C. 23, q. 5, c. 33, (ed. Friedberg, col. 939); *idem*, Letter 23: PL 33, 98, *idem*, Letter 34: PL 33, 132; *idem*, Letter 35: PL 33, 135; St. Gregory the Great, 'Epistola ad Virgilium et Theodorum Episcopos Massiliae Galliarum, Register of Letters I, 45: MGH Ep. 1, p. 72: PL 77, 510-511 (Book I, ep. 47); *idem*, 'Epistola ad Johannem Episcopum Constantinopolitanum', Register of Letters, III, 52: MGH Letter 1, p. 210: PL 77, 649 (Book III, Letter 53); cf. D. 45, c. 1 (ed. Friedberg, col. 160); Council of Toledo IV, c. 57: Mansi 10, 633; cf. D. 45, c. 5 (ed. Friedberg, col. 161-162); Clement III: X., V, 6, 9: ed. Friedberg, col. 774; Innocent III, 'Epistola ad Arelatensem Archiepiscopum', X, III, 42, 3: Friedberg, col. 646.
8. Cf. CIC, c. 1351; Pius XII, allocution to prelate auditors and other officials and administrators of the tribune of the Holy Roman Rota, Oct. 6, 1946: AAS 38 (1946), p. 394; *idem*. Encycl. 'Mystici Corporis', June 29, 1943: AAS (1943) p. 243.
9. Cf. Eph. 1:5.
10. Cf. John 6:44.
11. Cf. John 13:13.
12. Cf. Matt. 11:29.
13. Cf. Matt. 11:28-30; John 6:67-68.
14. Cf. Matt. 9:28-29; Mark 9:23-24; 6:5-6; Paul VI, encycl. 'Ecclesiam Suam', Aug. 6, 1964: AAS 56 (1964), pp. 642-643.
15. Cf. Matt. 11:20-24; Rom. 12:19-20; 2 Thess. 1:8.
16. Cf. Matt. 13:30 and 40-42.
17. Cf. Matt. 4:8-10; John 6:15.
18. Cf. Is. 42:1-4.

19. Cf. John 18:37.
20. Cf. Matt. 26:51-53; John 18:36.
21. Cf. John 12:32.
22. Cf. 1 Cor. 2:3-5; 1 Thess. 2:3-5.
23. Cf. Rom. 14:1-23; 1 Cor. 8:9-13; 10:23-33.
24. Cf. Eph. 6:19-20.
25. Cf. Rom. 1:16.
26. Cf. 2 Cor. 10:4; 1 Thess. 5:8-9.
27. Cf. Eph. 6:11-17.
28. Cf. 2 Cor. 10:3-5.
29. Cf. 1 Pet. 2:13-17.
30. Cf. Acts 4: 19-20.
31. Cf. Leo XIII, letter 'Officio Sanctissimo', Dec. 22 1887: AAS 20 (1887), p. 269; idem, letter 'Ex Litteris', April 7 1887: AAS 19 (1886), p. 465.
32. Cf. Mark 16:15; Matt. 28:18-20, Pius XII, encycl. 'Summi Pontificatus', Oct. 20, 1939: AAS 31 (1939), pp. 445-446.
33. Cf. Pius XI, letter 'Firmissiman Constantiam', March 28, 1937: AAS 29 (1937), p. 196.
34. Cf. Pius XII, allocution, 'Ci Riesce', Dec. 6, 1953: AAS 45 (1953), p. 802.
35. Cf. Pius XII, radio message, March 23, 1952: AAS 44 (1952), pp. 270-278.
36. Cf. Acts 4:29.
37. Cf. John XXIII, encycl. 'Pacem in Terris', April 11, 1963: AAS 55 (1963), pp. 299-300.
38. Cf. John XXIII, encycl. 'Pacem in Terris', April 11, 1963: AAS 55 (1963), pp. 295-296.

# ***ADDRESS TO THE PARTICIPANTS IN THE PARLIAMENTARY ASSEMBLY OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE***

POPE JOHN PAUL II

Friday, 10 October 2003

I am grateful for the kind words that the Rt. Hon. Bruce George, President of your Parliamentary Assembly, has addressed to me at the end of the Conference on Freedom of Religion promoted by Mr Marcello Pacini, Head of the Italian Delegation. I cordially greet all present and at the same time I thank you for this courteous visit. From the start of the Helsinki process, the participating States have recognized the international dimension of the right to religious freedom and its importance for the security and stability of the community of Nations. The Organization for Security and Cooperation in Europe continues in its commitment to ensure that this basic human right, founded on the dignity of the human person, is adequately respected. In a certain sense, the defense of this right is the litmus test for the respect of all the other human rights.

Mindful of these efforts, I wish today to express my appreciation and at the same time to encourage you to continue generously in this undertaking. It is true that many young

people today grow up without being aware of the spiritual heritage that is theirs. Despite this, the religious dimension does not cease to influence vast groups of citizens.

Therefore, it is important that, while respecting a healthy sense of the State's secular nature, the positive role of believers in public life should be recognized. This corresponds, among other things, with the demands of a healthy pluralism and contributes to the building up of authentic democracy, to which the OSCE is truly committed. When States are disciplined and balanced in the expression of their secular nature, dialogue between the different social sectors is fostered and, consequently, transparent and frequent cooperation between civil and religious society is promoted, which benefits the common good.

Just as damage is done to society when religion is relegated to the private sphere, so too are society and civil institutions impoverished when legislation — in violation of religious freedom — promotes religious indifference, relativism and religious syncretism,

perhaps even justifying them by means of a mistaken understanding of tolerance. On the contrary, benefit accrues to all citizens when there is appreciation of the religious traditions in which every people is rooted and with which populations generally identify themselves in a particular way. The promotion of religious freedom can also take place through provisions made for the different juridical disciplines of the various religions, provided that the identity and freedom of each religion is guaranteed.

**T**herefore, I can only invite you, dear Legislators, to embrace the commitment that your Countries have made within the OSCE in the area of religious freedom. The OSCE is also to be commended for recognizing the institutional weight of this freedom:

I am thinking in particular of paragraph 16 of the 1989 Final Document of Vienna. Such a high-profile defense of religious freedom is a strong deterrent to the violation of human rights by communities that exploit religion for purposes that are foreign to it. On the other hand, the proper promotion of religion satisfies the aspirations of individuals and groups, transcending them and bringing them to a more perfect fulfillment. The respect of every expression of religious freedom is therefore seen to be a most effective means for guaranteeing security and stability within the family of Peoples and Nations in the twenty-first century.

Offering you my best wishes, I invoke the blessing of Almighty God upon all of you and upon your work in the service of the human person and of peace.

# ***MESSAGE OF HIS HOLINESS FOR THE CELEBRATION OF THE WORLD DAY OF PEACE***

POPE BENEDICT XVI

Rome, 1 January 2011

**A**t the beginning of the new year I offer good wishes to each and all for serenity and prosperity, but especially for peace. Sadly, the year now ending has again been marked by persecution, discrimination, terrible acts of violence and religious intolerance.

My thoughts turn in a special way to the beloved country of Iraq, which continues to be a theatre of violence and strife as it makes its way towards a future of stability and reconciliation. I think of the recent sufferings of the Christian community, and in particular the reprehensible attack on the Syro-Catholic Cathedral of Our Lady of Perpetual Help in Baghdad, where on 31 October two priests and over fifty faithful were killed as they gathered for the celebration of Holy Mass. In the days that followed, other attacks ensued, even on private homes, spreading fear within the Christian community and a desire on the part of many to emigrate in search of a better life. I assure them of my own closeness and that of the entire Church, a closeness which found concrete expression in the recent Special Assembly for the Middle East of the Synod of

Bishops. The Synod encouraged the Catholic communities in Iraq and throughout the Middle East to live in communion and to continue to offer a courageous witness of faith in those lands.

I offer heartfelt thanks to those Governments which are working to alleviate the sufferings of these, our brothers and sisters in the human family, and I ask all Catholics for their prayers and support for their brethren in the faith who are victims of violence and intolerance. In this context, I have felt it particularly appropriate to share some reflections on religious freedom as the path to peace. It is painful to think that in some areas of the world it is impossible to profess one's religion freely except at the risk of life and personal liberty. In other areas we see more subtle and sophisticated forms of prejudice and hostility towards believers and religious symbols. At present, Christians are the religious group which suffers most from persecution on account of its faith. Many Christians experience daily affronts and often live in fear because of their pursuit of truth, their faith in Jesus Christ and

***¶ Religious freedom,  
the path to peace***

their heartfelt plea for respect for religious freedom. This situation is unacceptable, since it represents an insult to God and to human dignity; furthermore, it is a threat to security and peace, and an obstacle to the achievement of authentic and integral human development.<sup>1</sup>

Religious freedom expresses what is unique about the human person, for it allows us to direct our personal and social life to God, in whose light the identity, meaning and purpose of the person are fully understood. To deny or arbitrarily restrict this freedom is to foster a reductive vision of the human person; to eclipse the public role of religion is to create a society which is unjust, inasmuch as it fails to take account of the true nature of the human person; it is to stifle the growth of the authentic and lasting peace of the whole human family.

For this reason, I implore all men and women of good will to renew their commitment to building a world where all are free to profess their religion or faith, and to express their love of God with all their heart, with all their soul and with all their mind (cf. Mt 22:37). This is the sentiment which inspires and directs this Message for the XLIV World Day of Peace, devoted to the theme: Religious Freedom, the Path to Peace.

*¶ A sacred right to  
life and to a  
spiritual life*

**T**he right to religious freedom is rooted in the very dignity of the human person,<sup>2</sup> whose transcendent nature must not be ignored or overlooked. God created man and woman in his

own image and likeness (cf. Gen 1:27). For this reason each person is endowed with the sacred right to a full life, also from a spiritual standpoint. Without the acknowledgement of his spiritual being, without openness to the transcendent, the human person withdraws within himself, fails to find answers to the heart's deepest questions about life's meaning, fails to appropriate lasting ethical values and principles, and fails even to experience authentic freedom and to build a just society.<sup>3</sup>

Sacred Scripture, in harmony with our own experience, reveals the profound value of human dignity: "When I look at your heavens, the work of your fingers, the moon and the stars which you have established, what is man that you are mindful of him, and the son of man, that you care for him? Yet you have made him little less than God, and crowned him with glory and honour. You have given him dominion over the works of your hands; you have put all things under his feet" (Ps 8:3-6).

Contemplating the sublime reality of human nature, we can experience the same amazement felt by the Psalmist. Our nature appears as openness to the Mystery, a capacity to ask deep questions about ourselves and the origin of the universe, and a profound echo of the supreme Love of God, the beginning and end of all things, of every person and people.<sup>4</sup> The transcendent dignity of the person is an essential value of Judeo-Christian wisdom, yet thanks to the use of reason, it can be recognized by all. This dignity, understood as a capacity to transcend one's

own materiality and to seek truth, must be acknowledged as a universal good, indispensable for the building of a society directed to human fulfilment. Respect for essential elements of human dignity, such as the right to life and the right to religious freedom, is a condition for the moral legitimacy of every social and legal norm.

**R**eligious freedom is at the origin of moral freedom. Openness to truth and perfect goodness, openness to God, is rooted in human nature; it confers full dignity on each individual and is the guarantee of full mutual respect between persons. Religious freedom should be understood, then, not merely as immunity from coercion, but even more fundamentally as an ability to order one's own choices in accordance with truth.

Freedom and respect are inseparable; indeed, "in exercising their rights, individuals and social groups are bound by the moral law to have regard for the rights of others, their own duties to others and the common good of all".<sup>5</sup>

A freedom which is hostile or indifferent to God becomes self-negating and does not guarantee full respect for others. A will which believes itself radically incapable of seeking truth and goodness has no objective reasons or motives for acting save those imposed by its fleeting and contingent interests; it does not have an "identity" to safeguard and build up through truly free and conscious decisions. As a result, it cannot demand res-

pect from other "wills", which are themselves detached from their own deepest being and thus capable of imposing other "reasons" or, for that matter, no "reason" at all. The illusion that moral relativism provides the key for peaceful coexistence is actually the origin of divisions and the denial of the dignity of human beings. Hence we can see the need for recognition of a twofold dimension within the unity of the human person: a religious dimension and a social dimension. In this regard, "it is inconceivable that believers should have to suppress a part of themselves — their faith — in order to be active citizens. It should never be necessary to deny God in order to enjoy one's rights".<sup>6</sup>

**I**f religious freedom is the path to peace, religious education is the highway which leads new generations to see others as their brothers and sisters, with whom they are called to journey and work together so that all will feel that they are living members of the one human family, from which no one is to be excluded.

The family founded on marriage, as the expression of the close union and complementarity between a man and a woman, finds its place here as the first school for the social, cultural, moral and spiritual formation and growth of children, who should always be able to see in their father and mother the first witnesses of a life directed to the pursuit of truth and the love of God. Parents must be always free to transmit to their children, responsibly and wit-

*¶ Religious freedom and mutual respect*

*¶ The family, the school of freedom and peace*

hout constraints, their heritage of faith, values and culture. The family, the first cell of human society, remains the primary training ground for harmonious relations at every level of coexistence, human, national and international. Wisdom suggests that this is the road to building a strong and fraternal social fabric, in which young people can be prepared to assume their proper responsibilities in life, in a free society, and in a spirit of understanding and peace.

§ *A common patrimony*

It could be said that among the fundamental rights and freedoms rooted in the dignity of the person, religious freedom enjoys a special status. When religious freedom is acknowledged, the dignity of the human person is respected at its root, and the ethos and institutions of peoples are strengthened. On the other hand, whenever religious freedom is denied, and attempts are made to hinder people from professing their religion or faith and living accordingly, human dignity is offended, with a resulting threat to justice and peace, which are grounded in that right social order established in the light of Supreme Truth and Supreme Goodness.

§ *The public dimension of religion*

Religious freedom is, in this sense, also an achievement of a sound political and juridical culture. It is an essential good: each person must be able freely to exercise the right to profess and manifest, individually or in community, his or her own religion or faith, in public and in private, in teaching, in practice, in publications, in worship and in ritual observances. There should be

no obstacles should he or she eventually wish to belong to another religion or profess none at all. In this context, international law is a model and an essential point of reference for states, insofar as it allows no derogation from religious freedom, as long as the just requirements of public order are observed.<sup>7</sup> The international order thus recognizes that rights of a religious nature have the same status as the right to life and to personal freedom, as proof of the fact that they belong to the essential core of human rights, to those universal and natural rights which human law can never deny.

Religious freedom is not the exclusive patrimony of believers, but of the whole family of the earth's peoples. It is an essential element of a constitutional state; it cannot be denied without at the same time encroaching on all fundamental rights and freedoms, since it is their synthesis and keystone. It is "the litmus test for the respect of all the other human rights".<sup>8</sup> While it favours the exercise of our most specifically human faculties, it creates the necessary premises for the attainment of an integral development which concerns the whole of the person in every single dimension.<sup>9</sup>

Religious freedom, like every freedom, proceeds from the personal sphere and is achieved in relationship with others. Freedom without relationship is not full freedom. Religious freedom is not limited to the individual dimension alone, but is attained within one's community and in society, in a way consistent with the relational being



of the person and the public nature of religion.

Relationship is a decisive component in religious freedom, which impels the community of believers to practise solidarity for the common good. In this communitarian dimension, each person remains unique and unrepeatable, while at the same time finding completion and full realization.

The contribution of religious communities to society is undeniable. Numerous charitable and cultural institutions testify to the constructive role played by believers in the life of society. More important still is religion's ethical contribution in the political sphere. Religion should not be marginalized or prohibited, but seen as making an effective contribution to the promotion of the common good. In this context mention should be made of the religious dimension of culture, built up over centuries thanks to the social and especially ethical contributions of religion. This dimension is in no way discriminatory towards those who do not share its beliefs, but instead reinforces social cohesion, integration and solidarity.

**T**he exploitation of religious freedom to disguise hidden interests, such as the subversion of the established order, the hoarding of resources or the grip on power of a single group, can cause enormous harm to societies. Fanaticism, fundamentalism and practices contrary to human dignity can never be justified, even less so in the name of religion. The profession of

a religion cannot be exploited or imposed by force. States and the various human communities must never forget that religious freedom is the condition for the pursuit of truth, and truth does not impose itself by violence but "by the force of its own truth".<sup>10</sup> In this sense, religion is a positive driving force for the building of civil and political society.

How can anyone deny the contribution of the world's great religions to the development of civilization? The sincere search for God has led to greater respect for human dignity. Christian communities, with their patrimony of values and principles, have contributed much to making individuals and peoples aware of their identity and their dignity, the establishment of democratic institutions and the recognition of human rights and their corresponding duties.

Today too, in an increasingly globalized society, Christians are called, not only through their responsible involvement in civic, economic and political life but also through the witness of their charity and faith, to offer a valuable contribution to the laborious and stimulating pursuit of justice, integral human development and the right ordering of human affairs. The exclusion of religion from public life deprives the latter of a dimension open to transcendence. Without this fundamental experience it becomes difficult to guide societies towards universal ethical principles and to establish at the national and international level a legal order which fully recognizes

***¶ Religious freedom,  
a force for freedom  
and civilization:  
dangers arising from  
its exploitation***

and respects fundamental rights and freedoms as these are set forth in the goals — sadly still disregarded or contradicted — of the 1948 Universal Declaration of Human Rights.

*¶ An issue of justice and civility: fundamentalism and hostility to believers compromise the positive secularity of states*

The same determination that condemns every form of fanaticism and religious fundamentalism must also oppose every form of hostility to religion that would restrict the public role of believers in civil and political life.

It should be clear that religious fundamentalism and secularism are alike in that both represent extreme forms of a rejection of legitimate pluralism and the principle of secularity. Both absolutize a reductive and partial vision of the human person, favouring in the one case forms of religious integralism and, in the other, of rationalism. A society that would violently impose or, on the contrary, reject religion is not only unjust to individuals and to God, but also to itself. God beckons humanity with a loving plan that, while engaging the whole person in his or her natural and spiritual dimensions, calls for a free and responsible answer which engages the whole heart and being, individual and communitarian. Society too, as an expression of the person and of all his or her constitutive dimensions, must live and organize itself in a way that favours openness to transcendence. Precisely for this reason, the laws and institutions of a society cannot be shaped in such a way as to ignore the religious dimension of its citizens or to prescind completely from it. Through the demo-

cratic activity of citizens conscious of their lofty calling, those laws and institutions must adequately reflect the authentic nature of the person and support its religious dimension. Since the latter is not a creation of the state, it cannot be manipulated by the state, but must rather be acknowledged and respected by it.

Whenever the legal system at any level, national or international, allows or tolerates religious or antireligious fanaticism, it fails in its mission, which is to protect and promote justice and the rights of all. These matters cannot be left to the discretion of the legislator or the majority since, as Cicero once pointed out, justice is something more than a mere act which produces and applies law. It entails acknowledging the dignity of each person<sup>11</sup> which, unless religious freedom is guaranteed and lived in its essence, ends up being curtailed and offended, exposed to the risk of falling under the sway of idols, of relative goods which then become absolute. All this exposes society to the risk of forms of political and ideological totalitarianism which emphasize public power while demeaning and restricting freedom of conscience, thought and religion as potential competitors.

The patrimony of principles and values expressed by an authentic religiosity is a source of enrichment for peoples and their ethos. It speaks directly to the conscience and mind of men and women, it recalls the need for moral conversion, and it encourages

*¶ Dialogue between civil and religious institutions*

the practice of the virtues and a loving approach to others as brothers and sisters, as members of the larger human family.<sup>12</sup>

With due respect for the positive secularity of state institutions, the public dimension of religion must always be acknowledged. A healthy dialogue between civil and religious institutions is fundamental for the integral development of the human person and social harmony.

**I**n a globalized world marked by increasingly multi-ethnic and multi-religious societies, the great religions can serve as an important factor of unity and peace for the human family. On the basis of their religious convictions and their reasoned pursuit of the common good, their followers are called to give responsible expression to their commitment within a context of religious freedom. Amid the variety of religious cultures, there is a need to value those elements which foster civil coexistence, while rejecting whatever is contrary to the dignity of men and women.

The public space which the international community makes available for the religions and their proposal of what constitutes a “good life” helps to create a measure of agreement about truth and goodness, and a moral consensus; both of these are fundamental to a just and peaceful coexistence. The leaders of the great religions, thanks to their position, their influence and their authority in their respective communities, are the first ones called to mutual respect and dialogue.

Christians, for their part, are spurred by their faith in God, the Father of the Lord Jesus Christ, to live as brothers and sisters who encounter one another in the Church and work together in building a world where individuals and peoples “shall not hurt or destroy ... for the earth shall be full of the knowledge of the Lord as the waters cover the sea” (Is 11:9).

**F**or the Church, dialogue between the followers of the different religions represents an important means of cooperating with all religious communities for the common good. The Church herself rejects nothing of what is true and holy in the various religions. “She has a high regard for those ways of life and conduct, precepts and doctrines which, although differing in many ways from her own teaching, nevertheless often reflect a ray of that truth which enlightens all men and women”.<sup>13</sup>

The path to take is not the way of relativism or religious syncretism. The Church, in fact, “proclaims, and is in duty bound to proclaim without fail, Christ who is the way, the truth and the life (Jn 14:6); in Christ, in whom God reconciled all things to himself, people find the fullness of the religious life”.<sup>14</sup> Yet this in no way excludes dialogue and the common pursuit of truth in different areas of life, since, as Saint Thomas Aquinas would say, “every truth, whoever utters it, comes from the Holy Spirit”.<sup>15</sup>

The year 2011 marks the twenty-fifth anniversary of the World Day

*§ Living in love and in truth col. A*

*§ Dialogue as a shared pursuit col. B*

¶ *Beyond hatred and prejudice*

¶ *Moral truth in politics and diplomacy*

of Prayer for Peace convened in Assisi in 1986 by Pope John Paul II. On that occasion the leaders of the great world religions testified to the fact that religion is a factor of union and peace, and not of division and conflict. The memory of that experience gives reason to hope for a future in which all believers will see themselves, and will actually be, agents of justice and peace.

Politics and diplomacy should look to the moral and spiritual patrimony offered by the great religions of the world in order to acknowledge and affirm universal truths, principles and values which cannot be denied without denying the dignity of the human person. But what does it mean, in practical terms, to promote moral truth in the world of politics and diplomacy? It means acting in a responsible way on the basis of an objective and integral knowledge of the facts; it means deconstructing political ideologies which end up supplanting truth and human dignity in order to promote pseudo-values under the pretext of peace, development and human rights; it means fostering an unswerving commitment to base positive law on the principles of the natural law.<sup>16</sup> All this is necessary and consistent with the respect for the dignity and worth of the human person enshrined by the world's peoples in the 1945 Charter of the United Nations, which presents universal values and moral principles as a point of reference for the norms, institutions and systems governing coexistence on the nation-

nal and international levels.

Despite the lessons of history and the efforts of states, international and regional organizations, non-governmental organizations and the many men and women of good will who daily work to protect fundamental rights and freedoms, today's world also witnesses cases of persecution, discrimination, acts of violence and intolerance based on religion. In a particular way, in Asia and in Africa, the chief victims are the members of religious minorities, who are prevented from freely professing or changing their religion by forms of intimidation and the violation of their rights, basic freedoms and essential goods, including the loss of personal freedom and life itself.

There also exist — as I have said — more sophisticated forms of hostility to religion which, in Western countries, occasionally find expression in a denial of history and the rejection of religious symbols which reflect the identity and the culture of the majority of citizens. Often these forms of hostility also foster hatred and prejudice; they are inconsistent with a serene and balanced vision of pluralism and the secularity of institutions, to say nothing of the fact that coming generations risk losing contact with the priceless spiritual heritage of their countries.

Religion is defended by defending the rights and freedoms of religious communities. The leaders of the great world religions and the leaders of nations should therefore renew

their commitment to promoting and protecting religious freedom, and in particular to defending religious minorities; these do not represent a threat to the identity of the majority but rather an opportunity for dialogue and mutual cultural enrichment. Defending them is the ideal way to consolidate the spirit of good will, openness and reciprocity which can ensure the protection of fundamental rights and freedoms in all areas and regions of the world.

**F**inally I wish to say a word to the Christian communities suffering from persecution, discrimination, violence and intolerance, particularly in Asia, in Africa, in the Middle East and especially in the Holy Land, a place chosen and blessed by God. I assure them once more of my paternal affection and prayers, and I ask all those in authority to act promptly to end every injustice against the Christians living in those lands. In the face of present difficulties, may Christ's followers not lose heart, for witnessing to the Gospel is, and always will be, a sign of contradiction.

Let us take to heart the words of the Lord Jesus: "Blessed are those who mourn, for they shall be comforted ... Blessed are those who hunger and thirst for righteousness, for they shall be satisfied ... Blessed are you when men revile you and persecute you and utter all kinds of evil against you falsely on my account. Rejoice and be glad, for your reward is great in heaven" (Mt 5:4-12). Then let us renew "the pledge we give to be forgiving and to par-

don when we invoke God's forgiveness in the Our Father. We ourselves lay down the condition and the extent of the mercy we ask for when we say: 'And forgive us our debts, as we have forgiven those who are in debt to us' (Mt 6:12)".<sup>17</sup> Violence is not overcome by violence. May our cries of pain always be accompanied by faith, by hope and by the witness of our love of God. I also express my hope that in the West, and especially in Europe, there will be an end to hostility and prejudice against Christians because they are resolved to orient their lives in a way consistent with the values and principles expressed in the Gospel. May Europe rather be reconciled to its own Christian roots, which are fundamental for understanding its past, present and future role in history; in this way it will come to experience justice, concord and peace by cultivating a sincere dialogue with all peoples.

**T**he world needs God. It needs universal, shared ethical and spiritual values, and religion can offer a precious contribution to their pursuit, for the building of a just and peaceful social order at the national and international levels.

Peace is a gift of God and at the same time a task which is never fully completed. A society reconciled with God is closer to peace, which is not the mere absence of war or the result of military or economic supremacy, much less deceptive ploys or clever manipulation. Rather, peace is the result of a process of purifi-

*¶ Religious freedom  
in the world*

*¶ Religious freedom,  
the path to peace*

cation and of cultural, moral and spiritual elevation involving each individual and people, a process in which human dignity is fully respected. I invite all those who wish to be peacemakers, especially the young, to heed the voice speaking within their hearts and thus to find in God the stable point of reference for attaining authentic freedom, the inexhaustible force which can give the world a new direction and spirit, and overcome the mistakes of the past. In the words of Pope Paul VI, to whose wisdom and farsightedness we owe the institution of the World Day of Peace: “It is necessary before all else to provide peace with other weapons — different from those destined to kill and exterminate

mankind. What are needed above all are moral weapons, those which give strength and prestige to international law — the weapon, in the first place, of the observance of pacts”.<sup>18</sup> Religious freedom is an authentic weapon of peace, with an historical and prophetic mission. Peace brings to full fruition the deepest qualities and potentials of the human person, the qualities which can change the world and make it better. It gives hope for a future of justice and peace, even in the face of grave injustice and material and moral poverty. May all men and women, and societies at every level and in every part of the earth, soon be able to experience religious freedom, the path to peace!

## NOTES

1. Cf. BENEDICT XVI, Encyclical Letter *Caritas in Veritate*, 29, 55-57.
2. Cf. SECOND VATICAN ECUMENICAL COUNCIL, Declaration on Religious Freedom *Dignitatis Humanae*, 2.
3. Cf. BENEDICT XVI, Encyclical Letter *Caritas in Veritate*, 78.
4. Cf. SECOND VATICAN ECUMENICAL COUNCIL, Declaration on the Relation of the Church to Non-Christian Religions *Nostra Aetate*, 1.
5. ID., Declaration on Religious Freedom *Dignitatis Humanae*, 7.
6. BENEDICT XVI, Address to the General Assembly of the United Nations (18 April 2008): AAS 100 (2008), 337.
7. Cf. SECOND VATICAN ECUMENICAL COUNCIL, Declaration on Religious Freedom *Dignitatis Humanae*, 2.
8. JOHN PAUL II, Address to Participants in the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE) (10 October 2003), 1: AAS 96 (2004), 111.
9. Cf. BENEDICT XVI, Encyclical Letter *Caritas in Veritate*, 11.
10. Cf. SECOND VATICAN ECUMENICAL COUNCIL, Declaration on Religious Freedom *Dignitatis Humanae*, 1.
11. Cf. CICERO, *De Inventione*, II, 160.
12. Cf. BENEDICT XVI, Address to Representatives of Other Religions in the United Kingdom (17 September 2010): *L'Osservatore Romano* (18 September 2010), p. 12.
13. Cf. SECOND VATICAN ECUMENICAL COUNCIL, Declaration on the Relation of the Church to Non-Christian Religions *Nostra Aetate*, 2.
14. *Ibid.*

15. Super Evangelium Joannis, I, 3.

16. Cf. BENEDICT XVI, Address to Civil Authorities and the Diplomatic Corps in Cyprus (4 June 2010): *L'Osservatore Romano* (6 June 2010), p. 8; INTERNATIONAL THEOLOGICAL COMMISSION, *The Search for Universal Ethics: A New Look at Natural Law*, Vatican City, 2009.

17. PAUL VI, Message for the 1976 World Day of Peace: AAS 67 (1975), 671.

# CONGRESS ON 'RELIGIOUS FREEDOM, A MILESTONE OF THE NEW EUROPE'

## ADDRESS OF CARDINAL TARCISIO BERTONE

Friday, 19 October 2007

### *¶ Religious freedom within the Magisterium of the Catholic Church and the European perspective*

With the declaration of the Second Vatican Ecumenical Council, *Dignitatis Humanae*, the ecclesiastical Magisterium shed new light on the subject of religious freedom. In fact, it was not a matter of "revolutionizing" — nor of correcting — its previous teaching, but rather of developing it. Already in 300 A.D., Lactantius held that: *Religio sola est, in qua libertas domicilium conlocavit* (Lactantius, *Epitome Divinarum Institutionum*, 54) and the 1917 Code of Canon Law said concisely: *Ad amplectendam fidem catholicam nemo invitus cogatur* (can. 1351).

Mons. Mistò would later reflect on the Declaration on Religious Freedom, *Dignitatis Humanae*. Thus, I limit myself to recalling what the Declaration emphasizes: religious freedom is rooted in dignity, hence, in the very nature of the human being (cf. *Dignitatis Humanae*, n. 2). Consequently, the right to religious liberty is an irrepressible, inalienable and inviolable subjective right, holding a private and public, individual and collective, and even an institutional dimension. (cf. *ibid.*, nn. 3, 4).

Further on, I would like to emphasize that religious freedom is not just one of the fundamental human rights, but it is far more, it is pre-eminent among these rights. It is pre-eminent because, as Pope John Paul II said on 10 October 2003: "The defence of this right is the litmus test for the respect of all other human rights" (To Members of the Parliamentary Assembly of the OCSE, 10 October 2003; *L'Osservatore Romano* English edition, 22 October, n. 1, p. 10). This right is also pre-eminent historically because it was one of the first human rights to be claimed; lastly, it is pre-eminent because other fundamental rights are uniquely connected with it. Wherever religious freedom blossoms, all other rights germinate, develop and flourish; when it is threatened, they too are weakened. For this very reason, by *antonomasia*, the right to religious freedom should constitute a milestone of the new Europe!

This new Europe has seen very far-reaching transformations: the collapse of Communist regimes, the increase in migration flows and the accentuation of the multicul-



tural dimension, the weakening of welfare services and the fading of established lifestyles and cultural models due to the impact of globalization and the challenge of a world of networks, a world that consists of interdependence, integration and interaction that bind the various systems in a global mosaic.

At the European Union level, the "freedom of religion" is recognized by the European Convention on Human Rights and by the Charter of Fundamental Rights. From the institutional viewpoint, the relations between States and religious beliefs are based on the assumption — explicitly stated in certain legal texts and the Lisbon Treaty — that such relations fall within the competence of individual States. Moreover, the situation in Europe, varies considerably: from the State Church of Greek Orthodoxy to the "Established" Churches of some of the northern countries and from the French "separatism" to the concordatory and contractual systems of many States, including the Latin ones. This does not mean that in European legislation and jurisprudence no views are expressed on religious freedom. At present, this is occurring particularly in certain ethically sensitive areas where Christianity proposes behaviours that are different from those set out or acknowledged by the transformations in the European legal system. On the whole, therefore, the European discipline of religious freedom is not devoid of wounds to be healed, scabs to be removed and guarantees to be extended: the promotion of

this fundamental right has yet to be refined, consolidated and enforced.

In this respect, I find it useful to reflect on some of our greatest challenges.

Perhaps the most radical among these challenges, is the denial of the very foundations of religious freedom: the person's openness to transcendence. Contemporary culture usually perceives the need for freedom as a fundamental human need; consequently, culture is built on claims for freedom rather than for truth and justice. Yet, it is becoming ever more obvious that the Kantian solution of guaranteeing equal freedom to all provided that no harm is done to the "other", is an insufficient and vague clause since the task of establishing who exactly is "the other" is becoming increasingly controversial and arduous, and "the other" becomes the person who is identified as such.

Hence, freedom needs foundations that will enable it to grow but without endangering human dignity and social cohesion. Such foundations can only be transcendent, because the transcendent alone is "high" enough to allow freedom to expand to the maximum, and at the same time so "firm" that it can guide and qualify it in any circumstance. On the other hand, when transcendence is denied or relativized — in other words when God is perceived to be of secondary importance, and can thus be temporarily or permanently set aside in the name of values erroneously conside-

### *¶ Openness to transcendence*

red to be more important — these very values, presumed to be most important, fail. This is demonstrated by the tragic result of the political ideologies of the last century, which, in denying God, violated the truth about man and "chained up" his freedom.

Often, however, God is not directly denied but in the name of an absolute conception of tolerance or of a personal vision of religious freedom or even by divesting religion of reason and relegating it exclusively to the world of sentiment. In this regard, I believe it would also be useful to say a few words about these challenges.

### ¶ *The concept of tolerance*

What gives tolerance its value is the sacred nature of conscience. The latter always aims at goodness and truth, compared to which, tolerance is a secondary value. If, on the other hand, tolerance becomes the supreme value, every authentically truthful conviction that excludes the other values would be intolerance. Additionally, if every conviction were as good as the other, one would end by being tolerant of immorality. Taking this aporia to the extreme, Engelhardt succeeded in formulating the following paradox: "*If one does not succeed in demonstrating the immorality of certain forms of conduct, then the health-care assistance provided by Albert Schweitzer and that provided in the Nazi concentration camps will be equally tenable... and the conduct of morally repulsive individuals will be no more, no less justifiable than that of saints*"

(H.T. Engelhardt, *Manuale di bioetica*, Milan, 1999, p. 22).

Human dignity is based on the human capacity for truth. Absolutizing tolerance, however, means stepping away from such dignity wherever convictions are outlawed and those who hold them and who are not ready to turn them into simple hypotheses are considered unfit for dialogue. Dialogue therefore becomes impossible. Indeed, effective dialogue cannot take place if truth is renounced or relativized in the name of presumed respect for others' convictions. The renunciation of truth and conviction neither unites nor elevates human beings, but leaves them in the grip of practical or immediate calculations that deprive them of their real importance.

Interreligious dialogue, therefore, must encourage profound respect for others' faith and the willingness to seek, in what is perceived as difference, the truth that can help every person progress. Moreover, the truth cannot consist in helping one another to become better Christians, Jews, Muslims, Hindus or Buddhists. This would represent a total absence of convictions, in which — with the pretext of convalidating the best in each one — we would not take either ourselves or others seriously and we would relinquish the truth once and for all (cf. J. Ratzinger, *La Chiesa, Israele e le religioni del mondo*, Ed. San Paolo, 2000, p. 73).

The highest form of tolerance consists thus in the respect for truth. Instituted on this respect, freedom of religion opens to the demands of human reason, which is capable of truth. Religious freedom therefore requires discernment: both between the forms of religion, in order to identify those fulfilling the thirst for truth of each person, and within religion itself in the direction of its truest height. In fact, we should not disregard the fact that contemporary man often does not follow reason but lives by instinct. This is a challenge to every religion because it might tempt religion to surrender to these weaknesses in order to satisfy caprices or worse, the selfishness of its believers. Yet, a "secularized" religion ends by having a "face" so deeply furrowed by the "wrinkles" of human inconsistencies that the divine can no longer shine through it.

Generally speaking, therefore, the protagonists of the new Europe and all its citizens should consider religion for what it is, steering clear of pressures that aim to turn it into a "civil religion" or to reduce Churches to mere agencies of social solidarity. Soloviev attributes to the Antichrist a book entitled "*La via aperta alla pace ed al benessere del mondo*", whose essential content is the worship of well-being and rational planning. Religion, of course, cannot avoid fulfilling a social function. Yet, this happens first of all by keeping alive the sense of God and of transcendence. Solidarity, acceptance and civil values are therefore essential factors which religion has

always promoted, precisely because it lives of the sense of God. Referring to the Catholic Church, Pope Benedict XVI wrote: "*The Church cannot and must not take upon herself the political battle to bring about the most just society possible.... Yet, at the same time, it cannot and must not remain on the sidelines in the fight for justice. It has to play its part through rational argument and it has to reawaken the spiritual energy without which justice, which always demands sacrifice, cannot prevail and prosper*" (Deus Caritas Est, n. 28).

This contribution of religion obviously entails recognition of the public dimension of religious freedom. In recent years the Supreme Pontiffs and their Collaborators, as well as respected thinkers, even non-believers, have frequently reflected on this.

A healthy secularism calls for a distinction between religion and politics, between Church and State, without turning God into a private hypothesis or excluding religion and the ecclesial community from public life. A healthy secularism, therefore, does not systematically advance at a public level, *etsi Deus non daretur*. On the contrary, as then Cardinal Ratzinger suggested several times, it would be more rational for it to be constituted as *etsi Deus daretur*. In the Age of Enlightenment, people sought to assure the foundations of coexistence by preserving the essential values of morality independently of religion. This seemed feasible since the important basic convictions created by Christianity

¶ *The dialogue with reason*

¶ *The public dimension of religious freedom*

resisted and appeared undeniable. But this is no longer the case. Furthermore, the search for a certainty that would remain uncontested over and above religious convictions has failed.

Therefore, on the occasion of the well-known Conference held in Subiaco the day before the Servant of God Pope John Paul II died, Cardinal Ratzinger said: "*The attempt, carried to the extreme, to shape human affairs without God leads us ever closer to the precipice of the abyss, towards the total dismissal of man. Therefore, we must overturn the axiom of the enlighteners and say: even those who cannot succeed in finding the way towards acceptance of God, should nonetheless seek to live and guide their lives veluti si Deus daretur, as though God existed. This is the advice that Pascal had previously given to his non-believing friends; it is the advice that we would like to offer our non-believing friends today. Thus, all our matters would find the support and criterion they urgently need*" (Joseph Ratzinger, *L'Europa nella crisi delle culture*, Subiaco, 1 April 2005).

At a recent Symposium organized by the Italian Society of Political Philosophy on "Religion and politics in the post-secular society", the well-known philosopher Habermas stressed as well that we would be mistaken to confuse the trend of viewing religious event as private with the loss of their importance and influence, whether in the political arena and culture of a society, or in personal conduct.

It should then be added that wherever the burdensome argument

*etsi Deus non daretur* is imposed upon believers, the criterion of civil equality is not respected. Whereas theistic reasons could not be publicly invoked, rationalist and secular arguments could be, albeit with a clear violation of the criterion of equality and reciprocity which is at the root of the concept of political justice.

In a positive sense, I think that a more open and modern concept of secularism, inclusive and respectful of all conditions, is expressed in article 52 of the European Constitution and has been preserved in the Lisbon Treaty. This measure foresees a constant dialogue between the institutions in Brussels and religious communities, recognizing the latter's identity and specific contribution. This dialogue is necessary, among other things, to ensure respect of the principles of an authentic pluralism and to construct a true democracy. Moreover, had not de Tocqueville emphasized that "despotism may govern without faith, but liberty and democracy may not?" (Alexis de Tocqueville, *Democracy in America*, Volume 1, chap. 17). To safeguard the openness of the article cited to the role of religious denominations, it will obviously be important that they also continue to present their own positions to the community institutions individually. Likewise, it will be necessary to be properly mindful of their different compositions, just as the differences between the countries of the Union are taken into account in the institutions' voting system.

**W**ith regard to the social contribution of religion, I would like to mention next the subject of education on which we are also reflecting at this Congress. The private conception of religious freedom explains, at least in part, the hostility of certain secular currents of thought concerning Catholic educational institutions, seen as a means with which the Church would uphold its influence in society. This hostility has in fact no true reasons to support it, especially since the broad extension of the network of schools in all European countries and the establishment by these countries of general norms by which non-State schools, hence, also Catholic schools must abide if they wish to be recognized as equivalent to State schools.

The private conception of religious liberty also explains the hostility to religious teaching in public State schools, despite it being conveyed respectful of the will of families and children (cf. Carlo Cardia, *Le sfide della laicità*, pp. 92-100). If, however, education is considered capable of putting the person in a conscious relationship with reality, that is, as a "provocation" of liberty with the truth, it becomes clear that freedom of education is indispensable, both for a truly free society and for religious institutions, which by antonomasia show a comprehensive and transcendent vision of reality.

**A**mong the phenomena that nowadays call into question the conception of religious liberty as belonging to the private

sphere should be listed last of all the so-called "multiculturalism".

It is well known that globalization impels people to become close to one another and to mingle. Europe, in particular, is a region where different cultures and religions meet and this also constitutes a new challenge to religious freedom. In fact, this Continent must prevent the formation of communities of faith that one can join but not leave. The Continent must also avoid allowing only a few religions to diffuse freely while others are not ensured the same right. Any sound religious tradition requires its identity to be displayed; in other words, it does not wish to remain hidden or be camouflaged. On the other hand, secularism's best side can accept and safeguard the patrimony of spirituality and humanism present in the various religions, and reject any aspect of them that may contrast with human dignity.

The new Europe must thus make a clear distinction between the measures required for the acceptance of immigrants and full respect for their freedom to practice their religion, and the unjustified concessions that endanger the cultural and religious identity of the host society. It would indeed be strange and contradictory to demand visibility for the symbols and practices of minority religions while simultaneously seeking to hide or dissipate the symbols and practices of Christianity, which is the traditional majority religion of this Continent.

I would next like to add that without societies characterized by

### *§ Freedom of education*

### *§ Multiculturalism*

plurality and internal cohesion by virtue of healthy secularism, entire layers of the population might convince themselves that there is no effective alternative to the conflict of civilization. The safeguard of religious freedom, on the other hand, is a guarantee of peace and a premise for a just development: this actually weakens the logic of conflict by promoting dialogue and in particular respect for every person and his or her religious convictions.

### *g Christianity and the new Europe*

To conclude, I would like to refer to the conviction held by some European citizens, for whom the Catholic Church, with its claim to truth, would be incapable of dialogue, and would be even characterized by a certain dose of fanaticism. In reality, the Church is firm on its principles because it believes; in practice, it is always tolerant and benevolent, because despite its members' shortcomings, it loves every individual. Vice versa, the acolytes of secularization are often tolerant in principle, because they do not believe in indispensable values; on the other hand, it can happen that they are inconsistent in practice, because they are not always capable of loving.

If the citizens of the new Europe desire to live responsibly, they must not shirk the effort to seek the truth; in particular, the truth about themselves, hence, about God as the ultimate goal of existence.

Since its birth, Christianity has assumed, elaborated and deepened the best of Greek and Roman wisdom, presenting itself precisely as

the victory of human thought over the world of religious mythology and fanaticism. In a certain sense, therefore, rationality in Christianity has become religion: God has not rejected philosophical knowledge but has assimilated it. St Justin, for example, after studying all the systems of thought, recognized Christianity as the true philosophy. He was convinced that in becoming Christian, he had not denied philosophy but actually only then had he fully become a philosopher. The strength that transformed Christianity into a world religion lies precisely in its synthesis of reason, faith and life. This combination, so powerful that it renders the religion that manifests it true, is also the one that allows the truth of Christianity to shine forth, not only in the new Europe but — more generally - throughout today's globalized world.

Christianity, in fact, is not satisfied with showing "that part of the face which God keeps turned to Europe"; in other words, it does not consider itself to be the "religion of Europeans" but of the world, because it responds perfectly to the desire for truth that dwells in the heart of every human being, regardless of the latitude in which he/she lives. Therefore, not only is religious freedom the "milestone" of the new Europe, but in conclusion, I would like to add that Christianity is also the "route" along which Europe can truly become "new". Christianity has in reality proposed to Europe the promotion of religious freedom as a measure of civilization and de-

velopment that could detach our beloved Continent from a "jungle" of various types of selfishness. This is an almost impossible task since the "jungle" is impervious to the light of human dignity. Hence, the Christian "route" guarantees respect for religious freedom and will contribute to building a new Europe.

# *THE GENERAL ASSEMBLY OF THE UNITED NATIONS*

## STATEMENT OF H.E. MSGR. CELESTINO MIGLIORE

New York, Friday, 27 October 2006

I would like to take this opportunity to congratulate you on your election and leadership of this Committee and thank the Special Rapporteur on freedom of religion or belief for her report on the elimination of all forms of religious intolerance.

Three of the themes considered during her June 2006 visit to the Vatican merit particular attention, namely, the coexistence of different religions and religious communities, the propagation of religion, including the sensitive issue of proselytism and the relationship between freedom of expression and religion. My delegation shares the Special Rapporteur's position that the need for interreligious dialogue at all levels is of crucial importance not only for resolving disputes, but also for fostering peaceful coexistence that enables all religions to live side by side and in mutual respect.

As we celebrate the twenty-fifth anniversary of the adoption of the 1981 Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, my delegation is seriously concerned that freedom of religion or belief does not exist for individuals and communities, espe-

cially among religious minorities, in many parts of the world. We are also concerned that the high level of religious intolerance in some countries is leading to an alarming degree of polarization and discrimination. We share a grave duty to work together to reverse this trend.

While religious tolerance is sometimes characterized as accepting or permitting those religious beliefs and practices which disagree with one's own, the time has come to move beyond this type of religious tolerance, and to apply instead the principles of authentic religious freedom.

Religious freedom is the right to believe, worship, propose and witness to one's faith. It grants the opportunity and creates the occasions for people to profess freely the tenets of their faith. Furthermore, it includes the right to change one's religion and to associate freely with others in order to express one's religious convictions. Religious tolerance is simply a starting point, a basis for universal religious freedom and there cannot be full religious tolerance without an effective recognition of religious freedom.

We know well that, historically, tolerance has been a contentious



issue among believers of different faiths. However, we have come to a turning point in history which demands more of us, including a commitment to interreligious dialogue. At the same time, my delegation is increasingly convinced of the indispensable importance of reciprocity, which, by its very nature, is apt to ensure the free exercise of religion in all societies.

The Holy See continues to be concerned by a number of situations where the existence of enacted or proposed legislative and administrative measures for placing limits on the practice, observance or propagation of religion are a reality. Likewise, the Holy See is concerned with those situations where religion or freedom of religion is used as a pretext or a justification for violating other human rights.

Furthermore, there appears to exist a recurrence of intolerance when group interests or power struggles seek to prevent religious communities from enlightening consciences and thus enabling them to act freely and responsibly, according to the true demands of justice. Likewise, it would be intolerant to denigrate religious communities and exclude them from public debate and cooperation just because they do not agree with options nor conform to practices that are contrary to human dignity.

National and global decision making, legal and political systems, and all people of good will must cooperate to ensure that diverse religious expressions are not restricted or silenced. Every individual and

group must be free from coercion and no one should be forced to act in a manner contrary to his or her beliefs, whether in private or public, whether alone or in association with others. It is important here to pay particular attention to the needs of the weakest groups, including women, children, refugees, religious minorities and persons deprived of their liberty. The disturbing signs of religious intolerance, which have troubled some regions and nations, at times affecting even majority religious groups, are highly regrettable.

Part of the founding ethos of the UN is the right to freedom of thought, conscience and religion. Therefore, it is this Assembly's duty to continue to provide the leadership that ensures and protects these fundamental rights and fosters full religious freedom in every land.

In our diverse and ever-changing world, religion is more than an internal matter of thought and conscience. It has the potential to bind us together as equal and valuable members of the human family. We cannot overlook the role that religion plays in feeding the hungry, clothing the naked, healing the sick and visiting the imprisoned. Nor should we underestimate its power, especially in the midst of conflict and division, to turn our minds to thoughts of peace, to enable enemies to speak to one another, to foster those who were estranged to join hands in friendship, and have nations seek the way to peace together. Religion is a vital force for good, for harmony and for peace among all peoples, especially in troubled times.

# *THE ORDINARY SESSION OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL ON RELIGIOUS FREEDOM*

ADDRESS OF H.E. MSGR. SILVANO M. TOMASI

Geneva, 22 March 2007

**T**he notable increase of interest in religion for its impact on the lives of individuals and of societies around the world is a phenomenon that also finds — rightly so — an echo in the Human Rights Council. Abuse of rights of believers, even outright violence against them, State restrictions, undue impositions and persecution, public insult to religious feelings, unfortunately persist and call for remedy. The Delegation of the Holy See appreciates and fully supports the openness of the new Council to uphold a universal vision of human rights protection. A major contribution of the Council is an approach that is inclusive and consistent with existing provisions in human rights instruments and declarations that clearly support, among other rights, freedom of religion, of expression, of conscience, of worship in private and in public, and respect of religious convictions for believers of all faiths and for non-believers alike.

**T**he Holy See Delegation observes with preoccupation the emergence of an apparent dilemma between respect

due to religions and the right to religious freedom as if they were incompatible and mutually exclusive aspects. On the contrary, they are complementary values that cannot stand one without the other.

The religious dimension of the human person, his attitude before transcendence and the consequent ethical demands, make up a concrete and fundamental manifestation of his or her capacity for free auto-determination. It is a basic reference point of personal and social behaviour. Religions can offer, and in fact do offer, a solid foundation for the defence of the values of personal and social justice, for respect of others and of nature.

**I**n the course of history, there have been sad episodes of religious fanaticism with tragic social results. Yet religions are among those social factors that, together with science, have more contributed to the progress of humanity through the promotion of cultural, artistic, social and humanitarian values. Therefore any religion that preaches or condones violence, intolerance and hatred renders itself unworthy

of the name. On the other hand, we cannot avoid noticing that besides pseudo-religious fanaticism there is evidence on occasions of a certain antireligious fanaticism that denigrates religion or, generally, the faithful of a religion, by attributing them responsibility of violent actions done today or in the past by some members of that religion. The legitimate criticism of certain forms of behaviour of followers of a religion should not turn into insult or unjust defamation nor into offensive mockery of its revered persons, practices, rites or symbols. Respect of the rights and dignity of others should mark the limit of any right, even that of the free expression and manifestation of one's opinions, religious ones included.

**R**espect for the human person and his or her dignity implies respect of his freedom in religious matters to profess, practice and publicly manifest one's religion without being mocked, injured, discriminated against. Respect of religion means respect of those who have chosen to follow it and practice it in a free and pacific way, in private and in public, individually or collectively. Offence to a religion, especially when it is that of a minority, brings about some coercion against its followers that will make it more difficult to profess, practice and manifest this religion in public.

**T**he subject of religion and the subject of freedom is always the human person,

whose dignity is at the origin of fundamental rights. The respect of any religion is based in the end on the respect that is due to all those who, in the exercise of their freedom, follow and practice it. Of course, such respect cannot imply contempt or attacks on the rights of people who do not follow the same religion or follow other convictions. In this way, the issue of respect due to religions should find its explicit foundation in the rights of religious freedom and freedom of expression. Consequently, the promotion of respect for the rights of freedom of religion and freedom of expression should not leave aside the respect of concrete religions, beliefs and opinions in which such rights are realized. One cannot consider the ridicule of the sacred as a right of freedom. In the full respect of the right of expression, mechanisms or instruments need to be developed, coherent with the human rights provisions that would defend the message of religious communities from manipulation and would avoid a disrespectful presentation of their members.

**I**n conclusion, a truly democratic state values religious freedom as a fundamental element of the common good, worthy of respect and protection, and creates the conditions that allow its citizens to live and act freely. If the discussion focuses only on religious tolerance and defamation of religion, it limits the range of rights and the contribution that religions offer. In fact, the impression could develop that

religion is tolerated on the base of cultural, ethnic, political circumstances, that could change or even turn into forms of coercion, and is not recognized as a fundamental human right inherent in every human person. A comprehensive approach, that sees respect of religion as being rooted in the freedom that every human person is entitled to enjoy in a balance of rights with others and with society, appears as the reasonable way forward.

# *THE 64th SESSION OF THE UN GENERAL ASSEMBLY*

## STATEMENT BY H.E. MSGR. CELESTINO MIGLIORE

New York, 26 October 2009

**A**s we take up the promotion and protection of human rights, we know that the dignity of the human person is what motivates our desire to commit ourselves to work for the gradual realization of all human rights.

For some time now the United Nations has examined the notion of freedom of conscience with regard to religion and freedom of its expression. This has manifested itself especially in the context of the promotion and protection of universally recognized human rights and fundamental freedoms, cultural diversity, and the elimination of all forms of religious intolerance in the world.

The right to religious freedom, despite being repeatedly proclaimed by the international community and specified in international instruments as well as in the Constitution of most States, continues to be widely violated today. There is unfortunately no religion on the planet which is free from discrimination. Acts of intolerance, and violations of religious freedom, continue to be perpetrated in many forms. In fact, more and more cases are brought to the attention of the courts or international human rights bodies.

With the increase of religious intolerance in the world, it is well documented that Christians are the religious group most discriminated against as there may well be more than 200 million of them, of different confessions, who are in situations of difficulty because of legal and cultural structures that lead to their discrimination.

Over the past months some Asian and Middle Eastern countries have seen Christian communities attacked, leaving many injured and others killed. Their churches and homes were also burned down. Such actions were committed by extremists in response to accusations against individuals, perceived according to anti-blasphemy laws as being in some way disrespectful of the beliefs of others. In this context, my delegation welcomes and supports the promise of the government of Pakistan to review and amend such laws.

Blasphemy laws have too easily become opportunities for extremists to persecute those who freely choose to follow the belief system of a different faith tradition. Such laws have been used to foster injustice, sectarian violence and violence between religions. Governments

must address the root causes of religious intolerance and repeal such laws that serve as instruments of abuse.

Legislation which restricts freedom of expression cannot change attitudes. Instead, what is needed is the will to change. This can most effectively be achieved by raising the consciousness of individuals, bringing them to a greater understanding of the need to respect all persons regardless of their faith or cultural background. States should refrain from adopting restrictions on freedom of expression which have often led to abuse by the authorities and to the silencing of dissenting voices, particularly those of individuals belonging to ethnic and religious minorities. Authentic freedom of expression can contribute to a greater respect for all people as it can provide the opportunity to speak out against violations such as religious intolerance and racism and promote the equal dignity of all persons.

The advocacy of hatred and violence towards specific religions which persists in various places suggests a state of mind characterized

by intolerance. For this reason it is imperative that the people of the various faith traditions work together in order to grow in mutual understanding. Here there is need for an authentic change of minds and hearts. This can be done best through education, beginning with children and young people, on the importance of tolerance and respect for cultural and religious diversity.

Cooperation among religions is a prerequisite for the transformation of society and must lead to a change of minds and hearts so that a culture of tolerance and peaceful coexistence among peoples can truly be built.

This Organization has for many years provided the international community with benchmarks for what countries need to do in order to make concrete advancements in respecting human rights. A key to this lies in adhering to the foundational instruments of the United Nations and in faithfully applying the principles enshrined therein, so that all people regardless of their beliefs will be accorded full respect in keeping with their dignity as members of the human community.

## *13th SESSION OF THE HUMAN RIGHTS COUNCIL*

STATEMENT BY H.E. MSGR. SILVANO MARIA TOMASI

Geneva, 23 March 2010

**I**ncreasing instances of ridiculing religion, of lack of respect for religious personalities and symbols, of discrimination and killings of followers of minority religions, and a generalized negative consideration of religion in the public arena damage peaceful coexistence and hurt the feelings of considerable segments of the human family. These occurrences raise political and juridical questions regarding the way and the extent the implementation of human rights, and specifically the right to religious freedom, should protect people in their personal and collective exercise of faith and convictions. The protection of the right to religious freedom is particularly important since religious values are a bridge for and to all human rights; they allow the person to orient himself or herself to what is true and real. Human dignity, in fact, is rooted in the unity of the spiritual and material components of the person.

Belonging to a community, culture and religion is also part of the human experience although these remain at the service of the integral development of the person, that constitutes the base of the universa-

lity of human rights. The legitimate concern, therefore, to prevent derision or insult to religions will have to take into account the interdependence — which comes from the natural relationship of the human person to others — between the individual and the community. Since belief systems are diverse and even in contrast among themselves, the justification for their respect will have to come from a universal foundation that is the human person. The obligations of society will derive accordingly. The UDHR and other human rights instruments provide a clear direction.

Pertinent legislation, therefore, should be oriented to achieve the common good and should be based on values, principles and rules that reflect human nature and are part of the conscience of the human family rather than on one or the other religion, while taking into account the full implications of freedom of expression and religion. The respect of everyone's right to religious freedom does not require the complete secularization of the public sphere or the abandonment of all cultural traditions nor does the respect of freedom of expression authorize lack

of respect for the values commonly shared by a particular society. A legislative framework that protects the common good and the equality of citizens in increasingly pluralistic societies implies that the normative systems applicable to believers must not be imposed on followers of other religions and on non-believers, otherwise human rights and the right to religious freedom can become a political tool for discrimination rather than a tool for ethical interpersonal relations. Nor can the State become an arbiter of religious correctness by deciding on theological or doctrinal issues: it would be the denial of the right to freedom of religion.

Present binding international and national juridical instruments, if properly applied, can remedy the gratuitous offenses to religions and belief through the enactment of measures that safeguard the common good and public order. Current debates on the convenience or inconvenience of new instruments to prevent discrimination and religious intolerance may offer the opportunity to revisit the proposal for a convention on freedom of religion. This task, which was left unfinished many years ago, would bring together the arguments prompted by the new forms of societal pluralism and a more accurate understanding of human dignity.

The Delegation of the Holy See, on the other hand, is also convinced that a good road leading to peaceful coexistence is a more positive attitude towards religions and cultures. This can be achieved through an

improved dialogue between the different faiths, a sincere promotion of the right to freedom of religion in all its aspects, and a frank and open discussion between representatives of the different belief-systems, as guaranteed by the right to freedom of expression.

Combating offensive attitudes towards religion by moving away from the universality provided by our common humanity and relying on the discretion of the State by introducing a vague concept of "defamation" into the human rights system, do not support an effective and satisfactory solution. There is the additional real risk that the interpretation of what defamation entails may change according to the censor's attitude towards religion or belief, often at the tragic expense of minorities. This unfortunately is the case in those States that do not distinguish between civil and religious matters and identify with a particular religion, or with a certain sect within that religion, and interpret defamation according to the convictions of the religion or beliefs they adhere to, thus inevitably discriminating against those citizens who do not share the same convictions. The experience with national legislations that apply such concepts as 'defamation of religion' suggests that a possible international instrument on defamation of religion will only lead to further oppression of religious minorities, as can be verified in those countries.

Mr. President, in conclusion, the Holy See calls upon the member-countries of this respected Council



to transform these unfortunate incidents of religious intolerance and the culture that underlies them into an opportunity for a new engagement to dialogue and for the reaffirmation of the right and value of belonging to a community of faith or belief. Such individual choice, however, as the expression of personal fundamental human rights always has to be exercised in the context of the common good.

## *16th SESSION OF THE HUMAN RIGHTS COUNCIL*

### STATEMENT BY H.E. MSGR. SILVANO M. TOMASI

Geneva, 10 March 2011

The Special Rapporteur on freedom of religion or belief has addressed a very crucial and timely theme, the human right of freedom of religion in the context of, and in relation to education. Modern States are built up, stand and develop, inter alia, on the pillars of education, health and social assistance. Besides, education seems to be an area that reacts with greater sensibility to cultural and demographic transformations that occur in society. At the same time, the transmission to new generations of a religion is a social enrichment worthy of preservation. Therefore the well recognized right of parents to decide the type of religious education their children should receive takes precedence over any open or indirect imposition by the State. As art. 5.2 of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief unequivocally states: 'Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents, or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal

guardians, the best interest of the child being the guiding principle.' Similar language is in art. 18.4 of the International Covenant on Civil and Political Rights, as the Special Rapporteur has rightly underlined.

Education and freedom of religion or belief constitute a vast area of concern. The inter-relationship between the two is an evolving experiment in many ways, but fundamental rights cannot be transgressed: those relating to parents and those relating to believers themselves acting in community. On the other hand, while people should have the right to profess their religious ideas freely, this should be done within the limits imposed by the common good and a just public order, and, in every case, in a manner characterized by responsibility. (Compendium of the social doctrine of the Church, 200) The challenge of balancing rights of equal value is particularly obvious in preventing discrimination. The duty to guarantee an equal protection of rights should not be tainted by ideological positions that would consider a particular belief as intolerant while accepting that the State could force a religion to adopt a doctrine or behaviour that are against its own convictions. In

this sense, public instruction should not treat the subject of religion in a way that leads to the rejection of the parents' preference and the advancement of an alternative set of beliefs. Finally the assumption that a faith must change over time needs a cautious approach. While certain historical conditionings can be adapted to new circumstances, one has to avoid any form of relativism, on the one hand, and, on the other, undue interference in the internal life of

faith communities that would violate the fundamental human right of freedom of religion.

In conclusion, Mr. President, education and freedom of religion can reinforce each other. A fair presentation of different beliefs can prevent the stereotyping of other people's convictions, and can open to dialogue and to respect of the inalienable dignity of every student, of every believer and of every person.

***CONFERENCE REGARDING  
DISCRIMINATION AGAINST CHRISTIANS  
ORGANIZED BY THE RUSSIAN PATRIARCHATE***

STATEMENT BY H.E. MSGR. ERWIN JOSEF ENDER

Moscow, 30 November-1 December 2011

**D**iscrimination against Christians and anti-Christian persecution are of particular concern to the Holy See, which regards this Conference as both timely and important. We also recognize the efforts of the Moscow Patriarchate and the Russian Government, inter alia within the framework of OSCE, to alert other bodies and countries about the seriousness of the persecution of Christians in certain areas of the world.

In his Message for World Day of Peace 2011, the Holy Father insisted that “at present, Christians are the religious group which suffers most from persecution on account of its faith. Many Christians experience daily affronts and often live in fear because of their pursuit of truth, their faith in Jesus Christ and their heartfelt plea for respect for religious freedom. This situation is unacceptable, since it represents an insult to God and to human dignity; furthermore, it is a threat to security and peace, and an obstacle to the achievement of authentic and integral human development”. It is

important that a global awareness of the problem be raised everywhere. The celebration of an International Day against persecution and discrimination of Christians might prove to be an important sign that Governments are willing to deal with this serious issue. Particular attention has to be paid to the fact that even in Europe more and more bias-motivated incidents against Christians are taking place. While not experiencing violent persecution, Christians, even in Europe, encounter discrimination, exclusion from public life and acts of vandalism against churches and cemeteries.

These acts of intolerance in an area where religious freedom is generally guaranteed is worrying and should make us reflect more profoundly on the relationship between this fundamental freedom and discrimination against Christians and members of other religions. A traditional but questionable theory argues that in countries and regions where tensions and disagreements between members of different religions exist, the limitation or denial of religious liberty, unpleasant though it may

be, is useful or even necessary in order to limit religious violence. The theory of the clash of civilizations by the late professor Samuel P. Huntington (1927-2008) was also interpreted, or perhaps misinterpreted, in support of this position. More recently, social theory has argued just the opposite. In a recent book, *The Price of Freedom Denied* (Cambridge: Cambridge University Press, 2011), American sociologists Brian J. Grim and Roger Finke proposed a mathematical model showing a direct correlation between the denial of religious freedom and hate crimes against religious minorities — or even against religious majorities. Contrary to what older theories maintained, a low degree of religious liberty creates a climate where tensions are exacerbated and, rather than decreasing, persecution and violence actually increase.

Accordingly, in order to prevent violence from occurring, it is very important to promote and consolidate religious freedom. In his address of 10 January 2011 to the members of the Diplomatic Corps, the Holy Father argued that religious freedom is “the first of human rights, not only because it was historically the first to be recognized but also because it touches the constitutive dimension of man, his relation with his Creator”. He also noted that today in many regions of the world religious liberty is “often called into question or violated” and that “society, its leaders and public opinion are becoming more and more aware, even if not always in a clear way, of this grave attack on the dignity and

freedom of homo religious”.

I would also like to recall Pope Benedict XVI’s Message for World Day of Peace 2011, the title of which is “Religious Freedom, the Path to Peace”, a title which embodies in itself the following key concept: maximize religious freedom in order to prevent discrimination and violence. This document takes universal human dignity as its standpoint and as such may be of interest not only to Catholics. As the Pope said, “religious freedom is not the exclusive patrimony of believers, but of the whole family of the earth’s peoples”.

One important point is to clarify the notion of religious freedom. It cannot be restricted merely to freedom of worship, although the latter is obviously an important part of it. Religious freedom should include the right to preach, educate, convert and fully participate in public life. Restrictions to religious liberty, still prevailing in a number of countries, arise from a reductionist approach which limits religious freedom to individuals and denies it to communities. But, in fact, as the Message explains, “religious freedom is not limited to the individual dimension alone, but is attained within one’s community and in society, in a way consistent with the relational being of the person and the public nature of religion”. When freedom is limited in principle only to the individual dimension, it very often ends up being denied also to individuals, if not by the law, then by private discrimination and persecution.

We should also emphasize that

true religious freedom is not synonymous with relativism, or with the modern or postmodern idea that religion is unimportant or a marginal component of public life. Pope Benedict XVI insists that Catholic teaching on religious liberty should not be misinterpreted as though it condoned relativism. The same can be said about freedom of conscience which does not mean the moral justification of any private opinion whatsoever. In this regard Blessed John Henry Newman once said: "Conscience has rights because it has duties" (Letter to the Duke of Norfolk). These duties are revealed to man by his very nature which — as the Holy Father stated in his speech to the German Parliament — must be respected: "Man too has a nature that he must respect and that he cannot manipulate at will. Man is not merely self-creating freedom. Man does not create himself. He is intellect and will, but he is also nature, and his will is rightly ordered if he respects his nature, listens to it and accepts himself for who he is, as one who did not create himself. In this way, and in no other, is true human freedom fulfilled". Speaking about religion and the freedom to seek God's will, alone and in a community, does not mean abandoning reason but opening it to the transcendental dimension of the human being and recognizing that man is able to know the truth. This point is indeed important in international relations, since there are cultures in the world which are suspicious of the whole notion of religious freedom and are afraid that this may

be an attempt to import into their countries a certain Western notion of relativism, which marginalizes religion and is truly foreign to their identities and traditions.

When we discuss denial of religious freedom and intolerance, normally certain countries in Asia or Africa immediately come to mind. On the other hand, we should not forget that there are problems for freedom of religion even in areas of the world where fortunately, as I mentioned, there is no violent persecution of Christians. In last January's address to the Diplomatic Corps, the Pope said that "turning our gaze from East to West, we find ourselves faced with other kinds of threats to the full exercise of religious freedom. I think first of all of countries which accord great importance to pluralism and tolerance, but where religion is increasingly being marginalized. There is a tendency to consider religion, all religion, as something insignificant, alien or even destabilizing to modern society, and to attempt by different means to prevent it from having any influence on the life of society".

Of course, nobody would confuse this marginalization of religion with the actual persecution and killing of Christians in other areas of the world. This conference, however, seeks to raise awareness for discrimination against Christians even in regions where international public opinion would normally not expect this to exist. Unfortunately, it is from the poisoned ground of the denial of religious freedom and dis-

crimination of religion that, in the end, violence is almost always born.

As the Message for World Day of Peace 2011 argues, it is important that we continue our conversation on the substance of religious freedom, on its fundamental connection with the idea of truth, and on the difference between it and a form of relativism merely tolerating religion while considering it with some degree of hostility. "Religious freedom, the Message says, should be understood, then, not merely as immunity from coercion, but even more fundamentally as an ability to order one's own choices in accordance with truth.... A freedom which is hostile or indifferent to God becomes self-negating and does not guarantee full respect for others. A will which believes itself radically incapable of seeking truth and goodness has no objective reasons or motives for acting save those imposed by its fleeting and contingent interests; it does not have an "identity" to safeguard and build up through truly free and conscious decisions. As a result, it cannot demand respect from other "wills", which are themselves detached from their own deepest being and thus capable of imposing other "reasons" or, for that matter, no "reason" at all. The illusion that moral relativism provides the key for peaceful coexistence is actually the origin of divisions and the denial of the dignity of human beings".

The Catholic Church proposes interreligious dialogue as one of the ways to overcome intolerance and discrimination. On 19 Novem-

ber, during his Apostolic Visit to Benin, the Pope acknowledged that "interreligious dialogue is not easy" and warned that "interreligious dialogue when badly understood leads to muddled thinking or to syncretism. This is not the dialogue which is sought". By avoiding syncretism and relativism, we can find in interreligious dialogue a powerful tool against violence and discrimination. The Day of Reflection, Dialogue and Prayer for Peace and Justice in the World, celebrated in Assisi on 27 October 2011, was a witness of this truth to the whole world.

The Pope added in the 19 November speech in Benin that today "everyone of good sense understands that a serene and respectful dialogue about cultural and religious differences must be promoted. True interreligious dialogue rejects humanly self-centred truth, because the one and only truth is in God. God is Truth. Hence, no religion, and no culture may justify appeal or resort to intolerance and violence. Aggression is an outmoded relational form which appeals to superficial and ignoble instincts".

Ultimately, the Pope concluded, we should find the strength to combat intolerance and violence within ourselves. "I can only come to a knowledge of the other if I know myself. I cannot love unless I love myself (cf. Mt 22:39). Knowledge, deeper understanding and practice of one's religion, are therefore essential to true interreligious dialogue. This can only begin by sincere personal prayer on the part of the one who desires to dialogue. Let him go

in secret to his private room (cf. Mt 6:6) to ask God for the purification of reason and to seek his blessing upon the desired encounter. This prayer also asks God for the gift to see in the other a brother to be loved and, within his tradition, a reflection of the truth which illumines all people”.

The Holy See is grateful for this important Conference that will hopefully prove to be an important step forward in defending the civil

and human rights of Christians, especially in Europe, where the denial of its cultural roots that formed this continent places stability and social cohesion at risk. Discrimination against Christians — even where they are a majority — must be faced as a serious threat to the whole society — and therefore should be fought, as it is done, and rightly so, in the case of anti-Semitism and Islamophobia.



## ***19th ORDINARY SESSION OF THE HUMAN RIGHTS COUNCIL***

### **STATEMENT BY H.E. MSGR. SILVANO MARIA TOMASI**

Geneva, 1st March 2012

**T**he implementation of human rights is a difficult challenge today, particularly with regard to the fundamental and inalienable right of every person to "freedom of thought, conscience and religion or belief." Among other elements, the evolving political situation, wrong perceptions of the role of religion, expediency, and subtle ambiguities in the understanding of secularism lead to intolerance and even outright persecution of people because of their faith or religion. The freedom to manifest one's religion or belief in teaching, practice, worship and observance, which is guaranteed by human rights law and international instruments, is disregarded in several places in the world. Such stifling policies and practices place at risk the contribution of many citizens to social life and progress in their respective countries. The Holy See appreciates the regular attention of the Human Rights Council to this major issue as well as the related efforts and decisions taken by Special Procedures.

In many countries, however, the gap is growing between widely accepted stated principles, and their

daily application on the ground. Serious research provides reliable data on current and repetitive patterns of gross violations of the right to freedom of religion. Christians are not the only victims, but terrorist attacks on Christians in Africa, the Middle East and Asia increased 309% between 2003 and 2010. Approximately 70% of the world's population lives in countries with high restrictions on religious beliefs and practices, and religious minorities pay the highest price. In general, rising restrictions on religion affect more than 2.2 billion people. The affected people either have lost the protection of their societies or have experienced some government-imposed and unjust restrictions, or have become victims of violence resulting from an impulsive bigotry. The evidence shows that additional efforts are required from the international community in order to assure the protection of people in their exercise of freedom of religion and religious practice. Such actions are urgently required since in several countries the situation is worsening and since the factual reporting of such violations is underplayed, despite the fact, it should be hi-

ghlighted in the pertinent Reports.<sup>1</sup>

The Universal Declaration of Human Rights points to respect for the human dignity of all people as the foundation on which the protection of human rights is built. In the present circumstances, it is worth recalling that States should ensure that all their citizens have the right to enjoy freedom of religion individually, within the family, and as a community, and to participate in the public square. Religious freedom, in fact, is not a derived right, or one granted, but a fundamental and inalienable right of the human person. A religious belief should not be perceived or considered as harmful or offensive simply because it is different from that of the majority. The task of the Government is not to define religion or recognize its value, but to confer upon faith communities a juridical personality so that they can function peacefully within a legal framework. Respect for the religious freedom of everyone may be at stake in places where the concept of "State religion" is recognized, especially when the latter becomes the source of unjust treatment of others, whether they believe in other faiths or have none.

Above the institutional considerations, the critical problem facing the promotion and protection of human rights in the area of religious freedom is the intolerance that leads to violence and to the killing of many innocent people each year simply because of their religious convictions. The realistic and collective responsibility, therefore, is to sustain mutual tolerance and respect

of human rights and a greater equality among citizens of different religions in order to achieve a healthy democracy where the public role of religion and the distinction between religious and temporal spheres are recognized. In practical life, when managed in the context of mutual acceptance, the relations between majority and minority allow for cooperation and compromise and open the way for peaceful and constructive coexistence. But to achieve this desirable goal, there is a need to overcome a culture that devalues the human person and is intent on eliminating religion from the public life. Pope Benedict XVI has clearly describes this situation when he writes: "Sadly, in certain countries, mainly in the West, one increasingly encounters in political and cultural circles, as well in the media, scarce respect and at times hostility, if not scorn, directed towards religion and towards Christianity in particular. It is clear that if relativism is considered an essential element of democracy, one risks viewing secularity solely in the sense of excluding or, more precisely, denying the social importance of religion. But such an approach creates confrontation and division, disturbs peace, harms human ecology and, by rejecting in principle approaches other than its own, finishes in a dead end. There is thus an urgent need to delineate a positive and open secularity which, grounded in the just autonomy of the temporal order and the spiritual order, can foster healthy cooperation and a spirit of shared responsibility."<sup>2</sup>

Religions are not a threat, but a resource. They contribute to the development of civilizations, and this is good for everyone. Their freedom and activities should be protected so that the partnership between religious beliefs and societies may enhance the common good. A culture of tolerance, mutual acceptance and dialogue is urgent. The educational system and the media have a major role to play by excluding prejudice and hatred from textbooks, from newscasts and from newspapers, and by disseminating accurate and fair information on all component groups of society. But lack of education and information, that facilitates an easier manipulation of people for

political advantages, is too often linked to underdevelopment, poverty, lack of access to effective participation in the management of society. Greater social justice provides fertile ground for the implementation of all human rights. Religions are communities based on convictions and their freedom guarantees a contribution of moral values without which the freedom of everyone is not possible. For this reason, it becomes an urgent and beneficial responsibility of the international community to counteract the trend of increasing violence against religious groups and of mistaken and deceptive neutrality that in fact aims at neutralizing religion.

#### NOTES

1. <http://www.pewforum.org/Government/Rising-Restrictions-on-Religion.aspx> Also, *Portes Ouvertes: Index mondial de Persécution des chrétiens*, 2011; Ayaan Hirsi Ali, "The War on Christians," *Newsweek*, February 13, 2012, p. 30 Cfr.
2. Pope Benedict XVI, Address to the Members of the Diplomatic Corps for the Traditional Exchange of New Year Greetings, Monday, 11 January 2010.

## ***20th SESSION OF THE HUMAN RIGHTS COUNCIL***

STATEMENT BY H.E. MSGR. SILVANO M. TOMASI

Geneva, 3 July 2012

**W**ith deep concern, the Holy See Delegation calls attention to the widening gap between the commitment and the stated principles of the international community regarding freedom of religion, conscience, belief and the right to freedom of assembly, and the implementation of these fundamental human rights. The use of bombs and violent attacks against houses of worship and Christian communities at prayer have recently killed hundreds of innocent people in several countries. The persistence of such crimes and their geographical spread, the support in personnel and resources that fundamentalist groups provide them, their objective of destabilization of peaceful coexistence in mutual respect and collaboration, are as many reasons that should prompt a more effective response both in terms of public awareness and of preventive action.

Religious strife is a danger to social, political, and economic development. Religious conflict in a polarized society breaks the ties that are necessary for social life and commerce to flourish. It produces violence which robs people of the most fundamental right of all: the right to

life. It sows the seeds of distrust and bitterness that can be passed down through generations. Strife in one country can spill over and cause serious difficulties in other countries.

In a similar way, disappearances, arrests, detention, death threats and discrimination against converts and against individuals belonging to religious minorities or other faith communities are not uncommon all around the world. Violent attacks, statements and even school manuals inciting violence and killings of members of religious communities and religious minorities are on the news very often. Such threats to religious freedom profoundly affect human dignity. Limitations on the exercise of this right jeopardize personal identity, conscience, and fundamental life choices, and they impair the enjoyment of other human rights.

Pope Benedict XVI has expressed his grave concern about such disturbing situations in various parts of the world as a result of which “it is impossible to profess one’s religion freely except at the risk of life and personal liberty. In other areas, we see more subtle and sophisticated forms of prejudice and hostility towards believers and religious

symbols.”<sup>1</sup> Christians represent the religious group that is subjected to religious persecution in the greatest numbers.

The transversal nature of religious freedom demands equal and effective protection under the law without discrimination for any person, but most especially for members of minority groups or persons who might be vulnerable to prejudice or discrimination for a variety of reasons. Thus the Vienna Declaration and Programme of Action proclaimed that “... persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion ... in private and in public, freely and without interference or any form of discrimination”.<sup>2</sup>

Several other international human rights texts, General Assembly and Human Rights Council Resolutions<sup>3</sup> unambiguously state that “everyone has the right to freedom of thought, conscience and religion or belief.” The freedom to manifest one’s religion or belief in teaching, practice,

worship and observance is also guaranteed. “It is inconceivable that believers should have to suppress a part of themselves — their faith — in order to be active citizens. It should never be necessary to deny God in order to enjoy one’s rights.”<sup>4</sup>

The ideals of religious freedom — in worship, practice, and expression — are enshrined in the constitutions of most democratic States throughout the world. Such freedom is, moreover, a multi-faceted right, related, among others, to the rights to life and liberty.

In accord with the International Covenant on Civil and Political Rights, the Holy See Delegation recognizes that States are obligated to create and support infrastructural measures and favourable conditions to facilitate free and non-discriminatory development of religious communities and their members. Thus the right to religious freedom is not only an individual right but also constitutes a collective right for religious communities.<sup>5</sup>

#### NOTES

1. Pope Benedict XVI, Message for the 2011 World Day of Peace, #1.

2. Vienna Declaration and Programme of Action, Part. I. art. 19.

3. General Assembly resolution 36/55 of 25 November 1981, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief; Article 18 of the International Covenant on Civil and Political Rights; Article 18 of the Universal Declaration of Human Rights; Human Rights Council resolution 14/11 of 18 June 2010

4. Pope Benedict XVI, Address to the General Assembly of the United Nations (18 April 2008).

5. In this regard, it entails the right for such communities to govern themselves according to their own norms; the right to public worship; the right to instruct their members in the practice of their faith; the right to select, educate, appoint, and transfer their own spiritual ministers; the right to construct buildings for religious purposes; the right to acquire and use funds or properties; the right to teach and witness to their faith publicly, whether by spoken or written word; and the right to hold meetings and to establish educational, cultural, charitable and social organizations, according to their respective motivations.

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

STATEMENT BY H.E. MSGR. SILVANO M. TOMASI

12 September 2012, Washington D.C

## ***¶ Principles and reality***

**F**reedom 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 religious belief whereby 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 freedom for 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), that lists, among other specific requirements, the freedom to establish and maintain appropriate cha-

ritable 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 the type of treatment to which 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 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

¶ *Evolution of the  
idea of religious  
freedom*

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 Christians 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 political agendas that have changed over time. Education, family law, and healthcare are just

some of the fields in which a narrow reading of religious freedom paved the way to antireligious policies.

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 fulfil 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 fami-



liar 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 that 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 a religion according to the dictate of her or his conscience. Such a right to establish a relationship with God in the intimacy of one's conscience implies both an individual-focused and a communitarian way to exercise this relationship 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 against 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 mani-

fest 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.

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. Additionally, 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

### *¶ Religious freedom in the Catholic Church*

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 the world’s conscience to the fact 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 has advanced freedom in the world. The aspiration for religious freedom has also 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.

ferentiation 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 throughout the entire 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 in order to keep cohesion and peaceful coexistence in society, while respecting religious freedom in the new circumstances. What we have in common is 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

**¶ Religious freedom  
in a secularized  
culture**

**P**rofound changes have taken place in most societies, however, due to an increasing dif-

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 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 finding limits in its reference to truth, extends beyond the subjective dimension. The person does not come to be a person without relations with others. Freedom of religion therefore 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, such as the right to life, or attempts 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.”

**A** rational approach to human rights and religious liberty holds 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 be derived for a dialogue among religions and convictions promoting peace and the common good of humanity as well as establishing a serene coexistence, social progress and institutional stability in each State. Indifference or an exclusive absorption in materialistic pursuits risks downgrading the fundamental right of religious freedom to a “second class” right with

*Working for  
religious freedom*

§ *The American  
experience*

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 what he had learned 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." A practical aid for advancing religious liberty in the world along with 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."

**T**he novelty of the American experience 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 communities and personalities who substantially contributed to erasing racial inequality.

But the special relationship

between the United States and religious liberty has not been fruitful solely 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, what 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 communication technology, migration, cultural changes, scientific progress affecting the human condition, and the emergence of new religious communities, peaceful and creative coexistence in our globalized and interconnected societies will only be possible 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."



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