

International Journal for Religious Freedom (IJRF)

Journal of the International Institute for Religious Freedom

IJRF is published bi-annually and aims to provide a platform for scholarly discourse on religious freedom in general and the persecution of Christians in particular. It is an interdisciplinary, international, peer reviewed journal, serving the dissemination of new research on religious freedom and contains research articles, documentation, book reviews, academic news and other relevant items.

The editors welcome the submission of any contribution to the journal. Manuscripts submitted for publication are assessed by a panel of referees and the decision to publish is dependent on their reports. The IJRF subscribes to the National Code of Best Practice in Editorial Discretion and Peer Review for South African Scholarly Journals.

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International Journal for Religious Freedom

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Note to librarians

IJRF is also available as an ePublication from Sabinet (www.sabinet.co.za). 2009 carried the first full volume of IJRF. There was only one issue in 2008, as the pilot issue appeared late in that year.

Cover art

The illustration on the cover is taken from the flogging of Jesus, enacted by the Mafa people, a north Camerounian ethnic group, and painted by an anonymous French artist. The scene also symbolises current human rights abuses, including religious persecution. It provokes advocacy for the victim and engagement with the perpetrators.

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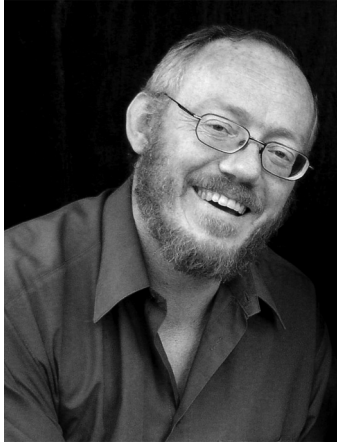
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Stop Press

The IJRF regrets to announce the tragic death by traffic accident of its publisher on 25 May 2011.

Manfred Jung of AcadSA Publishing still did most of the layout of this issue. A tribute will appear in the next issue of IJRF.



Manfred Jung (1960-2011)

Editorial

We are encouraged by the warm reception the last issue of the *International Journal for Religious Freedom (IJRF)* has received at various recent conferences. Appreciation for scholarly research on religious freedom and persecution is definitively growing.

The editorial team is endeavouring to see *IJRF* listed in one of the national or international lists of recognized and outstanding journals in order to increase its impact. Conversations concerning this matter have helped us develop our editorial policy.

The *IJRF* subscribes to the *National Code of Best Practice in Editorial Discretion and Peer Review for South African Scholarly Journals* (<http://tinyurl.com/NCBP-2008>) as well as to the supplementary *Guidelines for Best Practice* of the Forum of Editors of Academic Law Journals in South Africa (<http://tinyurl.com/GBP-2008>) and is therefore slightly adjusting its editorial policy. We would like to point out that for occasional articles submitted to *IJRF* by any members of the editorial team or their relatives, the full editorial discretion in respect of those papers is delegated to a deputy or associate editor and they are submitted to the same peer review process as all other articles. This has been our practise, without explicitly stating it.

One challenge is to publish more original research articles. Some set a minimum standard of 20 per year. If we want to do this in the same number of pages, articles will have to become shorter and other categories need to be reduced. We would value receiving our readers' opinions on this. In this issue we are increasing the number of pages at no extra charge to our subscribers.

We also have created an additional avenue for good articles which cannot be included in *IJRF* for whatever reason. We will publish a series called *IJRF-Reports* which will be mainly accessible on our website www.iirf.eu. This series will include papers which (1) are important while not making a new contribution to research, or (2) have documentary or testimonial character, or (3) are written in a language other than English, or (4) have been previously published elsewhere but deserve being made accessible to a broader public.

The *IJRF* has also matured by appointing a dedicated editorial board which will act for 2011-2012. We intend to advertise for the following tenure in 2012. We thank the members of the International

Advisory Board of the International Institute for Religious Freedom, who have previously filled that role, and we welcome the members of the new editorial board. They represent some of the best academic expertise in this field.

We would like to take this opportunity to thank all reviewers who have participated in shaping *IJRF* since 2008. We appreciate the time taken to perform your review successfully. We have decided not to publish a list of peer reviewers for the time being, as there is a risk that the confidentiality of the reviewing procedures may be compromised. The sensitive nature of certain contributions might also place some reviewers in jeopardy. In choosing this route, we make use of the editorial discretion conceded by the Guidelines of the Forum of Editors of Academic Law Journals in South Africa. The list of reviewers is however made available to the editorial board of *IJRF* and on request to any panels who might assess this journal.

This issue of our journal strongly reflects the interdisciplinary nature of the *IJRF*, presenting original research in Islamic Studies, Geography, Law and Ethics, Government Science, and Theology.

Christine Schirmmacher describes how defection from Islam is viewed and dealt with by its adherents and explores from a perspective of Islamic Studies why insiders and outsiders come to very different conclusions as to how this relates to established human rights standards.

The Muslim-Christian conflict, particularly in Nigeria has often been described. Rainer Rothfuss and Yakubu Joseph are using their latest field research to show the added value that the perspective of Political Geography and Geographic Conflict Research can contribute to the better understanding of inter-religious conflicts. They explore the impact of socio-spatial segregation and partitioning within settlement areas on the development of the inter-religious conflict in Jos and the adjoining areas of the central Nigerian Plateau State.

Another innovative approach comes from a team of authors – Matthew K Richards, Are L Svendsen, and Rainer Bless – in the fields of Law and Ethics. Attempts by people of faith to persuade others to follow their beliefs, while a protected human right, can spark conflicts in communities intent on protecting their privacy and identity. A possible solution lies in voluntary codes of conduct for missionary activities. The authors argue that such codes are more likely than

governmental regulations to prevent or resolve cross-cultural and inter-faith conflicts relating to religious persuasion. They have analysed and classified nineteen such voluntary codes and come to conclusions which types have greatest potential for conflict-resolution.

The USA is regarded by many as the world leader in advocacy for international religious freedom. Since the passing of the International Religious Freedom Act in 1998 which established the position of an Ambassador-at-Large for International Religious Freedom, the International Religious Freedom Office at the U.S. Department of State under his direction, which is required to give an annual report on international religious freedom, and an independent U.S. Commission on International Religious Freedom, the USA certainly is currently the nation with the most developed mechanisms in that regard. Eric Patterson attempts a brief assessment how successful this has been, and makes suggestions for increasing the effectiveness of religious freedom advocacy from the perspective of Government Science. As we learned from the peer review, there exist quite contrary assessments of the matter, partly depending on the degree of inside involvement as well as due to the often confidential nature of such advocacy which would make it counter-productive to publish the “successes” of such diplomacy. We therefore invite other scholars to give their own assessment. We have been impressed by the integrative nature of Patterson’s suggestions, emphasizing the need to combine efforts on the levels of academia, big business and in multilateral partnerships among governments. His concern for developing an academic (sub-)discipline of international religious freedom studies is particularly at the heart of the IJRF editors.

The final research contribution comes from a theological perspective. Thomas J Wespelal considers the experience of martyrdom in inner-Christian discourse. He examines the significance of martyrdom for all participants and observers (or later learners) of the event – namely, for the martyr himself or herself, for the persecutor, for God, for Satan, and for both believing and unbelieving observers. He concludes from his interpretation of Scripture and the Church Fathers that contrary to popular perceptions – which consider martyrdom as the greatest possible calamity – “martyrdom, in respect to its contribution to the plan of God, can be described as a moment of pre-eschatological climax or clarification in the ongoing struggle

between the kingdoms of God and Satan, where the best and worst are brought out of participants in the event.”

Only in writing, has it come to our attention that all the authors with one exception are below the age of 50 – they range between 30 and 54 years of age. The innovative potential reflected raises our hopes for the future of the academic study of religious freedom and persecution, which others might consider as “not career-enhancing”.

Again we document a statement by the Religious Liberty Partnership – this time on Pakistan – because of the broad inter-agency co-operation in drafting it and the high degree of precision.

The *Noteworthy* section has for the first time been compiled by George Bransby-Windholz, LL.M., whom we welcome to the editorial team. He holds degrees in economic sciences with an emphasis on social sciences and in law. Before his retirement he has worked in various academic, publishing and legal positions in Europe, and for a period related with the Legal Service of the European Commission.

Dr Byeong Hei Jun continues as editor of the *Book Reviews* and has presented a broad interdisciplinary collection of reviews.

While Dr Kristine Whitable could not continue as editorial assistant due to a relocation to a teaching assignment on a different continent, we are hopeful that the next issue will be presented by a new managing editor. He will succeed the late Dr Mirjam Scarborough to whom we pay tribute in this issue.

We thank all contributors to this issue, including language editor Nan Muir and proof readers Barbara Felgendreher and Jennifer Bransby.

We invite all readers to subscribe to IJRF (the price for 2011 has been adjusted at the rate caused by inflation in South Africa) and to submit material for the various categories. The articles in this issue are proof that unsolicited submissions are most welcome and have a chance of being published. We wish all readers thought-provoking reading.

Yours for religious freedom

Dr Christof Sauer

in cooperation with Prof. Dr Dr Thomas Schirrmacher

Tribute to Mirjam Scarborough (1957-2011)



The International Institute for Religious Freedom (IIRF) of the World Evangelical Alliance pays tribute to its staff member, Rev. Dr. Mirjam Scarborough, who succumbed to bone marrow cancer on 4 January 2011 at the age of 53.

She was Co-Director of the Cape Town Bureau of the IIRF and the managing editor of the International Journal for Religious Freedom. She joined the IIRF in August 2007 and helped develop its Cape Town Bureau, bearing much of the administrative load.

She shared in the conceptualization of the International Journal for Religious Freedom (IJRF) in 2008 of which she became executive editor. She ably managed the day-to-day editorial work of the first three issues.

She brought the female perspective to the editorial group. She also introduced interviews to the journal and published two of them with an outstanding advocate of religious freedom and a Romanian Christian woman who had suffered serious persecution in the past.

Mirjam emphasised the pastoral and the grass roots perspective on the suffering church. She had hoped to conduct an oral history research project based on faith-related persecution stories.

She helped represent the IIRF internationally and in South Africa at various academic and Christian conferences. The General Assembly of the World Evangelical Alliance in Pattaya, Thailand, in October 2008, was the occasion to launch the Journal, which she helped distribute to the participants. The event also became the international breakthrough of the Institute as such.

A second major event of the IIRF in which Mirjam participated was the international consultation held in Bad Urach, Germany in September 2009. It dealt with “Developing an evangelical theology of suffering, persecution and martyrdom for the global church in mission”, which was close to her pastoral concern. Her report on the

consultation which was due to appear in IJRF remained uncompleted due to the outbreak of her illness a few months later.

In between the editing of the first two issues of the journal in June 2009 she received her doctorate at the University of Cape Town with a dissertation on the sense of call as a potential support factor for missionaries in their mission experience. This was based on oral history and archival primary sources.

When she had to discontinue her duties for journal and Institute due to her condition in late 2009, she was given the title of honorary editor of IJRF in acknowledgement of her services.

Mirjam Scarborough hailed from a Mennonite family in Menzingen/Zug, a small rural village in Switzerland. She graduated from High School in Bülach/Zürich and completed her theological studies in 1983 with a Master of Divinity Degree at the FETA/STH Basel.

She married Thomas Scarborough, a South African fellow student in 1982 and moved to South Africa. There she was ordained into the ministry of the Congregational Church (EFCC) in South Africa in 1983 and shared the pastorate with her husband in Port Elizabeth and Cape Town. They modelled a simple life style in a multicultural inner city church which involved extreme crisis situations and work with refugees and millionaires, all in the same congregation in Seapoint. She was also active as a speaker and on various local interdenominational committees.

We remember Mirjam Scarborough as a sensitive and caring follower of Christ, who served in a quiet way in meekness, gentleness and humility.

We are filled with deep gratitude for her diligent contribution to establishing relevant academic research and publications benefiting religious freedom and the religiously persecuted.

Mirjam bore her own suffering with great grace and had tremendous steadfastness throughout the year. She was ready to die and at the same time longed to recover to take part in this field of God's work again. Her husband reported that she was restful in her spirit when she died and there was a great peace that surrounded her, which is not something to be taken for granted.

We express our heartfelt condolences to her husband and son.

A spiritual legacy that Mirjam leaves behind is her understanding of God himself as a present powerful and gracious support of his church. This was of supreme importance to her – she asked her husband to emphasise this when she was gone – that the church should not be seen as a human task, but as the gracious work of God himself, and it was her concern that too many Christians were buckling under the burden of ministry and adversity because they believed that they needed to take the burden upon themselves – but God himself undertakes.

As Christians, we believe that her longing to occupy a room in God's house (as expressed in Psalm 84 which she requested for her memorial service), has been fulfilled. We are looking forward to rejoining her in the city of God described in the book of Revelation (21:1-4), where God himself will make all things new and also bring an end to all pain, persecution and injustice.

Dr Christof Sauer, Cape Town, South Africa

Prof. Dr Thomas Schirrmacher, Bonn, Germany

as directors of the International Institute for Religious Freedom
on behalf of its international and South African boards and staff

Suffering, Persecution and Martyrdom

Theological Reflections

**Christof Sauer and
Richard Howell (editors)**

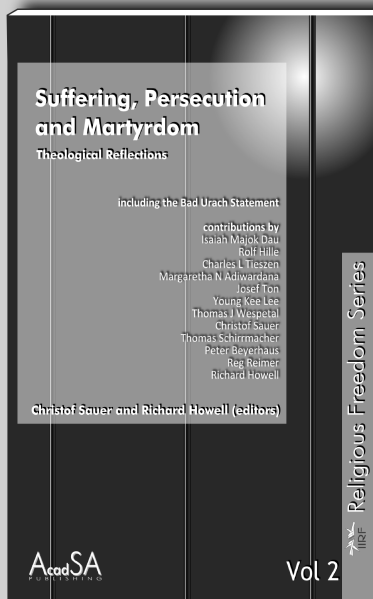
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*Godfrey Yogarajah, Executive Director,
Religious Liberty Commission, World Evangelical Alliance*

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Defection from Islam in context: A disturbing human rights dilemma

Christine Schirmacher*

Abstract

After many years of nearly complete silence in Western media and politics, the issues of religious freedom and apostasy have finally raised attention. Especially in the 1980s and the beginning of the 1990s countries like Egypt have seen a growing flood of court charges against intellectuals, theologians, feminists, authors, secularists and converts, some of whom were later murdered in broad daylight in the streets of Cairo, Teheran and elsewhere. While many Muslims condemn such deeds with deepest conviction, others have vigorously applauded and claimed that Sharia law demands the death penalty for anybody who leaves Islam. What does Sharia really teach about apostasy? How does society perceive a conversion? Which consequences are potentially awaiting the convert? The article outlines the teaching of the Koran and the Hadith (tradition) as well as the opinions of the leading Muslim theologians of the formative period of Islam and today's practical implications for people turning their back on Islam.

* Dr. Christine Schirmacher (*1962) is Professor of Islamic Studies at the "Evangelisch-Theologische Fakultät" (Protestant University) in Leuven/Belgium and head of the Institute of Islamic Studies of the German, Austrian and Swiss Evangelical Alliance as well as an official speaker and advisor on Islam for the World Evangelical Alliance. She holds an MA and PhD in Islamic Studies from the University of Bonn and has studied Arabic, Persian and Turkish. She is currently pursuing a post-doctoral research project in Islamic Studies at Bonn University on "There is no compulsion in religion (Sura 2, 256): Discourse in theology and society on the evaluation of apostasy in the 20th century." She lectures on Islam and security issues, serves in further education programs related to politics, and is a consultant to different advisory bodies of society and politics.

She is engaged in current dialogue initiatives, formulating papers responding to the letter of the "138 Muslim theologians" to Christian leaders in October 2007. She has participated in the conference "Loving God and Neighbour" (Yale 2008) and in the Christian-Muslim International Consultation of the World Council of Churches "Transforming Communities: Christians and Muslims Building a Common Future" (Geneva 2010).

She has visited many countries of the Muslim world of the Near and Middle East and is the author of numerous articles and 12 books in German, English, Spanish and Korean, e.g., the 2-volume introduction *Der Islam* (1994/2003), *The Islamic View of Major Christian Teachings* (2001), *Frauen und die Scharia – Die Menschenrechte im Islam* (2004/2006) (*Women under the Sharia- Human Rights in Islam*), *Die Scharia – Recht und Gesetz im Islam* (2008) (*The Sharia – The Islamic Law*) and *Islamismus – Wenn Glaube zur Politik wird* (2010) (*Islamism – when faith becomes politics*).

Translated from German by TK Johnson, Ph.D. Contact: IFI (www.islaminstitut.de), PoBox 7427, 53074 Bonn, Germany, Christine.Schirmacher@uni-bonn.de.

Keywords Apostasy, conversion, change of religion, defection, blasphemy, Islamic law, Sharia, penal law, Muslims.

The discussion of human rights flares up when Muslims in an Islamic country convert to Christianity and are threatened with death, as happened a few years ago in Afghanistan and as happens from time to time in other Muslim countries. In the West we immediately regard this as an attack on human rights and a restriction of the freedom of religion, but, in fact, almost all of the Islamic countries signed the United Nations Universal Declaration of Human Rights of 1948, and they regard their actions as consistent with their understanding of human rights.¹ Obviously we face a huge divergence of opinions on the nature of human rights and what it means to protect them, but what is the source of such fundamentally different ways of thinking?

1. Legal frameworks

1.1 Islamic human rights declarations under the preamble of the Sharia

The foundations for the widely divergent conceptions of human rights between Islamic countries and the West are ultimately to be found in the Sharia, which is the totality of laws and rules for life which are taken from the Koran and the Muslim tradition under the interpretation of authoritative Muslim theologians. Some Islamic organizations have written human rights declarations in recent decades, though these were not accepted by all Islamic states. Muslim human rights declarations differ foundationally from western human rights declarations in so far as they allocate to the Koran and to the Sharia the highest rank in deciding what rights are allocated to humans. The countries that attempt at least partially to orient their civil law around the Sharia allow human rights officially to be defined and defended only in light of the boundaries provided by the Koran and the Sharia, even if some human rights organisations in these countries fight for more rights. For example, the Cairo Declaration on Human Rights in Islam (1990), article 24, states, “All the rights and freedoms stipulated in this Declaration are subject to the Islamic Sharia.” And article 25 continues, “The Islamic Sharia is the only

¹ Saudi Arabia is an exception; the country did not sign this human rights declaration.

source of reference for the explanation or clarification of any of the articles of this Declaration.”² Clearly this emphasizes the “historical role of the Islamic Ummah which God made the best nation which has given mankind a universal and well balanced civilization in which harmony is established between this life and the hereafter and knowledge is combined with faith.”³

This high rank of the Koran and Islamic law means that within Islamic countries in which the legal system is based on the Sharia, human rights in themselves, separated from the values of the Islamic revelation, cannot be demanded or at least are contested by the majority of Muslim theologians, unless such demands occur within the framework of the Koran and the Sharia and their interpretation in the local legislation of a specific Islamic country. People whose way of thinking is shaped by secularism, the enlightenment, and the separation of church and state have difficulty fathoming the practical implications of the Sharia for law, politics, and the entirety of public life. The extent to which social or political life is shaped by the Sharia varies from country to country. With the exception of Turkey, all the core Islamic countries (such as Afghanistan, Egypt, Saudi Arabia, or Iran) have anchored their constitutions in the Sharia alone, even though in practice this varies significantly.

1.2 Human rights for Muslims and non-Muslims

Islamic human rights declarations generally give priority of reference to the claim that God claims rights in relation to human beings, that humans have duties in relation to God. Humans have the duties to submit to the will of God and perform the five “Pillars” of Islam (Testimony, Prayer five times per day, Alms, Fasting during Ramadan, and Pilgrimage to Mecca). Human rights, whether in relation to God or to society, are subordinate to these duties.

Islam is usually the official state religion in Islamic countries, and Islam is considered to be the religion of all or most of the citizens. According to the Sunni conception, the government theologically and traditionally receives its legitimation only by means of making possible life according to the Sharia. Whenever an Islamic opposition group has attempted to overthrow a government, they have

² www.religlaw.org/interdocs/docs/cairohrislam1990.htm

³ Preamble to the Cairo Declaration.

held the opinion that the current regime was failing in this, its central task, and therefore had lost its legitimacy. A good example is the murder of President Anwar al-Sadat (10 October 1981) by a militant split-off of the Egyptian Muslim Brotherhood. Their war cry of “Death to the Pharaoh,” used at the time of the murder, indicated that they thought he had lost his claim to be an Islamic leader by signing a peace agreement with Israeli President Menachem Begin at Camp David, and therefore he should be treated as an unbeliever (Arabic: *kafir*) imposing illegitimate political goals on an Islamic people. A godly leader, they thought, would never have signed a peace agreement with their deadly enemy, Israel, the Jewish state.

In an Islamic state, “Religion is the principle that forms the State. This makes the State the bearer of a religious idea and therefore a religious institution . . . which has the duty of promoting proper worship, religious instruction, and the propagation of the faith.”⁴ President al-Sadat was perceived to have denied the fundamental religious purpose of the state.

Therefore, whoever lives as a Muslim in an Islamic state has a different social and in a theological sense even different legal status from that of the person who is not a Muslim. To repeat: the situation with regard to human rights within an Islamic state is significantly different for Muslims than it is for non-Muslims, especially in countries like Iran or Saudi-Arabia. By means of the practice of their faith, Muslims demonstrate loyalty to the state and are therefore worthy of the full protection of the state. In contrast, non-Muslims, by means of their “unbelief,” demonstrate that they may not be truly loyal to the state and therefore not entitled to claim the full protection of the state in all cases. For this reason within an Islamic state Muslims enjoy a much stronger status than do non-Muslims with regard to civil rights; this is especially true in regard of non-accepted religious minorities like the Baha’i in Egypt. Thus, for example, non-Muslims will in most cases not be able to receive an inheritance from a Muslim, may in several countries have serious obstacles to admission to a university, may not be allowed into the military or become a higher ranking officer, or may be prevented from promotion to higher levels within the government.

⁴ O. Spies and E. Pritsch, “Klassisches Islamisches Recht, 1, Wesen des Islamischen Rechts,” in *Handbuch der Orientalistik*, Abt. 1. Erg.bd. 3, *Orientalisches Recht* (Leiden: E.J. Brill, 1964), pp. 220-343; here p. 220.

1.3 Religious conversion as treason

Being a Muslim means being a good citizen with all the rights of citizenship. The person who is not a Muslim cannot in all cases claim the full rights of citizenship. The person who actively turns away from Islam has in the eyes of many Muslim theologians and Muslim citizens thereby renounced his loyalty to the State and is guilty of treason or betrayal of his country. According to a research project conducted by the “Pew Research Center for the People and the Press”, Washington D.C., in 2010 with a total number of 8,000 Muslims interviewed in their home countries, 84% of all Muslims in Egypt, 86% of all Muslims in Jordan and 76% of all Muslims in Pakistan favor the death penalty for apostates (whereas 91% in Turkey, 86% in Lebanon and 64% in Indonesia disapprove of such a punishment).⁵ At the same time there are far more educated and well versed Muslim advocates of religious freedom in Muslim countries today. But traditionally, Islam is “a necessary component of the foundation of the State.”⁶ If a Muslim citizen renounces his faith, he attacks this foundation and threatens the security and “the stability of the society to which he belongs.”⁷ Martin Forstner summarized the problem: “Only the person who believes in God, accepts his revelation in the Koran, and follows the Sharia, can be publicly regarded as a citizen in good standing, whereas the godless are regarded as enemies of society. The constantly repeated demand for a public testimony, especially by the required prayers five times per day and fasting during Ramadan, are means for maintaining public morality. For this reason, the confession of faith in the true religion is intrinsically tied to the rights of citizenship within an Islamic state.”⁸

Because of the role of the state in guaranteeing and protecting the religion of its subjects, if the Sharia is strictly followed, in spite of any human rights declarations, no Muslim can have the right to change his religion. If a Muslim commits treason, as it is defined by

⁵ <http://pewglobal.org/2010/12/02/muslims-around-the-world-divided-on-hamas-and-hezbollah/> (06.12.2010).

⁶ Martin Forstner, “Das Menschenrecht der Religionsfreiheit und des Religionswechsels als Problem der islamischen Staaten,” in *Kanon, Kirche und Staat im christlichen Osten*. Jahrbuch der Gesellschaft für das Recht der Ostkirchen (Wien), Jg. 10/1991, pp. 105-186; here, p. 116.

⁷ Forstner, p. 116.

⁸ Forstner, p. 138.

the Sharia, the divine law demands the death penalty. At the same time, non-Muslims within an Islamic state enjoy only those rights which are recognized by the Koran and Islamic law (for example, a very limited right to religious practice within the private confines of one's own religious congregation).

From the Muslim point of view, the change of a person's religion (for example, a conversion to Christianity) is not seen by the family or by the society as a private matter; this is regarded as a public, political act. For this reason, the primary accusation stated against converts, in addition to the shame brought to the family, is that they have betrayed their people and their fatherland.

2. Christians in an Islamic society

Christians have a distinct position within Islamic societies. On the one hand, they enjoy certain rights because the classical Islamic point of view regards them as a type of partial believer, in contrast to followers of religions other than Christianity and Judaism, whom the Koran and classical Islamic theology regard as complete unbelievers (Arabic: *kafirun*, or in the case they venerate a number of gods like Hindus, also as *mushrikun*). On the other hand, Christians are compelled to accept significant limitations on the practice of their religion.

2.1 Statements of the Koran about Christians and Christianity

Already in the Koran, Christians and Jews were recognized "People of the Book" (or "People of the Scripture") (e.g., Sura 5:77). Muhammad regarded both groups as people who had received a previous revelation. In this way, he drew a fundamental contrast between them and the members of the Arab tribes of the peninsula who practiced an animistic polytheism and were therefore regarded as "unbelievers" (Arabic: *kafirun*) by Muhammad. At the beginning of his transition from Mecca to Medina (A.D. 622), he hoped that Jews and Christians would recognize him as a true prophet of God. His early evaluation, especially of Christians, was quite positive: Sura 5:82 praises the way the Christians loved the Muslims and also commends their modesty. Sura 3:110 maintains that there are some "believers" among Christians, and Sura 5:66 assures us that Christians will enter into Paradise, if they are faithful to their revelation, the gospel.

Over the course of several years, Muhammad's evaluation of both Christians and Jews began to change because they rejected his message and his claim to be a prophet. Thereby they disappointed his hope that they would join his Islamic community. Wherever the Christian point of view contradicted his message, he concluded that these "recipients of scriptures" had falsified the revelation they had received from God. From this time, soon after his arrival in Medina in 622, at the very latest from 624 on, his evaluation of Jews and Christians became essentially much more negative. While he implemented his confrontation with Jews in a military manner, driving the three Jewish tribes from Medina and killing the men of military age of at least one of the three tribes, he implemented his confrontation with Christians in a predominantly theological manner, since the Christians were numerically much smaller and not organized militarily. He concluded that their faith in the crucifixion, the Trinity, and the deity of Jesus was false (Sura 4:157-159; 2:116; 5:72, 73; 9:30) and that they had "darkened the truth with lies and deception" (3:71). At this time, the Koran begins to warn Muslims not to become friends of Christians (5:51). Additionally, the Koran contains the repeated demand (e.g., 4:89) that Muslims "kill" those who disbelieve (Arabic: *kama kafaru*), whereby the question remains open as to who must be regarded as "those who disbelieve"; quite naturally, this question receives various answers.

Within this historical background, we see both recognition and rejection, both positive and negative statements, in relation to Christians and to the Christian faith. But the predominant statements are negative because they are the later statements within the Koran, for Muslim theology regards later statements within the Koran as having a higher and concluding status as divine revelation.

The religious status assigned by the Koran to Christians and Jews, that of partial believers, led to them receiving a distinctive legal status in the previously Christian lands of North Africa and the Middle East during the time of the rapid military expansion of Islam in the first decades after the death of Muhammad. They were regarded as "protected" (Arabic: *dhimmis*). They were not forced on pain of death to convert to Islam, but in recognition of the authority of Islam (especially Sura 9:29) they were required to pay a head tax and sometimes a special property tax, neither of which had to be paid by Muslims. On the one hand, their conversion may not have always been

really desired, but motivated by the higher taxes they paid; on the other hand, Jews and Christians were repeatedly invited to convert to Islam by the offer to repeal the special taxes and to gain a better status in society. Christians in Muslim lands usually suffered legal disadvantages and remained barely tolerated second-class citizens who had to accept limits on the public expression of their faith, a lower social position, and various types of public humiliation. This included matters such as prohibition of carrying weapons, riding horses, or practicing certain professions, as well as not ringing church bells or building houses taller than those of their Muslim neighbors.

2.2 The Christian minority today

This history is still echoing in the Islamic world. Christian minorities are generally tolerated (with the exception of Saudi Arabia, where possession of a Bible or attending a Christian prayer group is a punishable crime), but they suffer very significant restrictions on the public practice of their religion, which are imposed in various ways in the different Islamic countries. Under these restrictions, traditional Christian congregations can in most cases exist, groups of converts officially in most cases can not. There may be a requirement for a building permit to make needed repairs to a church building, but that permit may be denied for years (or even permanently), so that a church building falls into total disrepair and cannot be used. There may be no allowance for theological schools that would train local candidates for the clergy and also no allowance for foreign-born clergy to serve these churches. Christian congregations may not be allowed to buy real estate, but also not be allowed to meet in private homes.

In Muslim countries there are often insults, discrimination on various levels and sometimes serious attacks on Christians and Christian organizations. This may be occasioned by an “offence” of Christians against a Muslim or the Muslim state, though a mere rumor of an offence will sometimes suffice. In some cases, churches or Christian schools may be attacked or even destroyed as representatives of Christianity or “the West”, in retaliation for the supposed suppression of Muslims in Palestine or “insults” to Islam in the West (e.g., the Danish cartoon conflict).

In a narrow sense, neither the Koran nor orthodox Muslim theology or tradition would legitimate such attacks on Christian

minorities, but the breadth of possible interpretations of statements in the Koran and the tradition provides the conditions in which individual Muslims or political groups can use their religious tradition and nationalistic feelings to legitimate such violence. An example that immediately comes to mind is the duty to “defend” Islam, which is derived from the principle of imitating Muhammad, which can be applied either in a peaceful or a violent manner. Additionally, Islam divides humanity into three categories: (1) unbelievers (Arabic: *kafirun* or *mushrikun*), including the heathen and polytheists; (2) recipients of scripture, meaning Jews and Christians; and (3) Muslims, who are religiously, legally, and socially superior to other groups of people. Such an idea does not necessarily lead to violence against Christians, but it can easily be used in a manner which supports such violence.

This is part of the background needed to understand the problem of a lack of proper law enforcement when crimes “only” have an impact on Christians; the Christian minority does not have equal rights in a society and legal system shaped by Islamic norms. Accusations made by Christians against Muslims are at the most only partially accepted, and the resulting criminal proceedings are often prosecuted half-heartedly and in many cases come to nothing. To be sure, many Islamic states are taking serious steps to restrain the threats arising from Islamistic groups, but those steps tend to be much less decisive when the threat from Islamists’ movements “only” extends to the under-privileged Christian minority and does not hit the State in itself. To its credit, in recent years Egypt, after numerous attacks by Islamists, seems to be extending more protection to its Christian citizens, though this may be mostly a side effect of the Egyptian attempt to restrain Islamic radicals who are also seen as a threat to many other facets of Egyptian life.

2.3 Borders of religious freedom for non-Muslims

Although the constitutions of several Muslim countries affirm the right to free exercise of religion, non-Muslims face difficulties when practicing their religions because of the role of Islam as the official state religion. The fact that Christians and Jews are not forced to convert to Islam and are allowed to maintain their religions is regarded as a sign of tolerance and religious freedom within a Muslim context. True tolerance according to a western definition would mean legal equality, which is never the case among Muslims and non-Muslims

within a Muslim country. In contrast, Christians have to put up with continual pressure to convert to Islam, which comes through prejudicial treatment in the realms of education, work, and social life. Every year a few thousand Coptic Christians in Egypt can no longer endure this pressure and convert to Islam. In addition, marriage laws substantially reduce freedom of religion, as they apply to religiously mixed marriages. A Christian man is legally allowed to marry a Muslim woman only if he converts to Islam, providing a distinctive reason for conversion to Islam for some men. A marriage between a Christian woman and a Muslim man is possible in principle, but the children resulting from such a union are legally Muslims and have to be instructed in the Islamic faith, causing a further reduction of the Christian minority of the population.

Contact between Muslims and Christian congregations for example by attending Christian worship services, is in most cases forbidden or strongly disapproved of by means of social proscription or may in other cases even be restricted or punished by the state. Extremely few Muslims have the opportunity to receive unprejudiced firsthand information about the Christian faith. In contrast, Muslim children growing up in a Muslim land frequently grow up with an antagonistic image of Christianity, that Christians are an underprivileged, despised minority with a falsified faith worshipping three Gods. This negative image of Christianity is all too often reinforced by instruction in the Koran, by the media, by Islamic schoolbooks, or by sermons in the mosques. It is no wonder that the chasm between Christians and Muslims is so large in many Islamic societies.

In many Muslim lands, there is no legally acceptable way of publicly proclaiming the Christian faith, whereas “it is expected that the Muslim citizen will not be exposed to any assault on his religion against which he might have to defend himself.”⁹ The criticism and devaluation of Islam, the Koran, and Muhammad are expressly forbidden to non-Muslims, and according to the Islamic conception these offences would automatically occur if there were public access to the Bible, Christian books, or Christian gatherings. For example,

⁹ Martin Forstner, “Das Menschenrecht der Religionsfreiheit und des Religionswechsels als Problem der islamischen Staaten,” in *Kanon, Kirche, und Staat im christlichen Osten*. Jahrbuch der Gesellschaft für das Recht der Ostkirchen (Wien), Jg. 10/1991, pp. 105-186. Here, p. 114.

the criminal law of Morocco prescribes a jail sentence of six months to three years, in addition to a fine of 200 to 500 Dirham, for anyone who attempts to convert a Muslim away from Islam, and any discussion of matters of faith between a Christian and a Muslim can be the grounds for a legal accusation coming from a Muslim.¹⁰

3. Defection from Islam in the Koran, Sunna and Sharia

Although the Christian minority may be tolerated with limited rights, the legal situation is entirely different for the person who has been a member of the Muslim society and has, for example, converted to Christianity. In the western world with its separation of church and state, matters of church membership and personal faith remain private issues which are understood as individual issues of conscience. Joining or leaving the membership of any church or religious fellowship is always legally possible. But within the Islamic world, faith and religion are essentially public, community matters with great societal significance. Where Islam is the state religion, a foundational pillar of public order, and the guarantor of the common good for the entire society, religious defection is seen as subversive to an orderly, healthy society. To be regarded as a good citizen one must also be a Muslim; a change of religion is therefore an act of defection from that society and an attack on that society.

3.1 Defection from Islam “in a state of sound mind”

Apostasy (Arabic: *ridda* or *irtidad*) is understood to be the documented, intentional turning away from Islam by a person who was born a Muslim or who had previously converted to Islam. This defection occurs when a person no longer recognizes God and Muhammad as his prophet, while a person is in full possession of his mental powers, while not under compulsion, and while not under the influence of alcohol. Children and the mentally handicapped are not capable of such a defection, and women can only commit this crime under limited circumstances, about which the various Islamic schools of law have differing opinions.

But in practice the conception of what constitutes defection from the faith is not crystal clear. The Koran warns against defection in a more general context, but it does not give a precise definition. The

¹⁰ Forstner, p. 114.

tradition gives clearer formulations; for example, whoever intentionally and consistently neglects the duty of daily prayer is regarded as someone who has given up faith. (It is only normal sin, not apostasy, when the offence is not against one of the five pillars of Islam.) But even the person who consciously and consistently neglects the five pillars will probably not be legally accused of defection; this normally happens only when a member of the Muslim community joins another religion.

3.2 The Koran regarding defection: Wrath and punishment

Unbelief (Arabic: *kufir*) in itself is regarded as a serious sin, since the unbeliever will not submit himself to God. But the person who once submitted himself to God and then turns away again commits a much more serious sin. The Koran addresses the problem of defection from the faith in multiple places and in multiple terms: 482 times the Arabic root *k-f-r* is used; in 19 verses apostasy or turning away from the faith is meant by it. But the Koran never uses the term *ridda* or *irtidad*; furthermore the evil-doers (Arabic: *fasiqun*) are mentioned as well as the hypocrites (*munāfiq*¹¹) without giving a definition of either of the terms.

“They desire that you should disbelieve as they have disbelieved ... seize them and kill them wherever you find them, and take not from among them a friend or a helper” (4:89).¹¹ Respected Muslim theologians take this verse as a direct reference to apostasy from Islam, a crime so serious that it always requires persecution and the death penalty. For example, the famous Cairo theologian, Muhammad Abu Zahra (1898-1974), who is often quoted in matters of defection from Islam, emphasized a well-known tradition of early Islam that there are three crimes for which a Muslim must be sentenced to death: apostasy, sexual unfaithfulness after entering a legal marriage, and murder which was not a revenge or honour murder.¹²

¹¹ M. H. Shakir. The Koran (translation). Elmhurst, New York: Tahrike Tarsile Qur'an, 1983.

¹² Muhammad Abu Zahra, *al-jarima wa-l-'uquba fi l-fiqh al-islami* (Cairo: part 1 about 1955; part 2, 1965). This citation is from part 1, page 172. See also Ibrahim Ahmad al-Waqfi, *tilka hudud Allah* (Qatar: Islamic year 1397; A.D. 1977), p. 269. Cf. *Der Koran. Arabisch-Deutsch. Übersetzung und wissenschaftlicher Kommentar von Adel Theodor Khoury*. (Gütersloh: Gütersloher Verlagshaus Gerd Mohn, 1991), Vol. 2, p. 94.

Sura 16:106 depicts God's "wrath" and "powerful punishment," which apostates must expect. Sura 2:217 urgently warns against leading Muslims to apostasy, since this crime is "worse than murder." Sura 3:86-91 characterizes the "payment" of the rebellious as receiving the curse of God, mankind, and the angels (Sura 9:68), leaving no possibility of redemption, intercession, or help for the recipients of this curse. Even God will not forgive traitors under any circumstances, for they are unbelievers (Arabic: *kuffar*) and inhabitants of the fires of hell. But even though the Koran describes such punishment in the afterlife, it does not prescribe any particular means of accusation, conviction and punishment in this life.

3.3 The tradition regarding defection: Prison and death

The demand that defectors are to be punished with death primarily arises from the Islamic tradition, not from the Koran itself. Here one finds demands such as, "Whoever changed his Islamic religion then kill him," (Arabic: *man baddala dinahu fa-qtuluhu*).¹³ and "He who secedes from you shall die."¹⁴ According to the reports in the tradition, Muhammad himself crippled and killed some rebels against Islam who had killed some of his people and chased away some of their camels; and he is reported to have done this in a lawless manner. There are also other traditions according to which, in the later part of his life, after the capture of Mecca, his ancestral home, Muhammad killed two apostates, one of whom had killed a Muslim; but the other was guilty of nothing more than apostasy.¹⁵

After Muhammad's death (A. D. 632), there arose a rebellion among some Arab tribes who regarded themselves as loyal to Muhammad but not to his successors; this rebellion (Arabic: *ridda*) was totally crushed with military means on the basis of this understanding of religious apostasy. According to available sources, it appears that the death penalty was applied to people who turned away from Islam in the era after the death of Muhammad.¹⁶ And even today the four Sunni schools of law agree with the Shiite school of law in

¹³ According to the account of one of the most important chroniclers of the tradition, Bukhari. *The Translation of the Meanings of Sahih al-Bukhari* (New Delhi: Kitab Bhavan, 1997), Vol. 9, p. 45.

¹⁴ Schacht, Katl, in *Encyclopedia of Islam*, Vol. IV (Leiden: E.J. Brill, 1990), p. 771.

¹⁵ Schacht, p. 771.

¹⁶ *Der Koran. Arabisch-Deutsch. ... von Adel Th. Khoury*. Vol. 2, p. 95.

demanding the death penalty for people who commit apostasy, blasphemy, or ridicule of Muhammad and the angels; of course, a complete legal process seldom precedes the implementation of such penalties.

3.4 Falling away from Islam in word and deed

Apostasy occurs when a previous testimony of faith is retracted, when a copy of the Koran is publicly defamed, or when “the ninety-nine most beautiful names of God” are ridiculed.¹⁷ Apostasy can also include any type of magic (though in popular Islam, the borders here are quite flexible) or the admiration of pictures of physical objects in a manner to be construed as idol worship. Belief in the migration of souls is also a type of apostasy according to most theological definitions, since such a belief implies disbelief in the resurrection and final judgment. Visiting a church or studying the Bible may also be defined as apostasy.¹⁸ Additionally, whoever suggests that Muhammad had a physical deformity, was incomplete in his knowledge, or denies the sufficiency of his virtue and morality is also considered to be apostate; or at least this is the official opinion of orthodox legal scholars.¹⁹ In the everyday practice of Islam, there are numerous exceptions, so that people are rarely officially accused of apostasy for matters such as neglect of the five pillars, intercessory prayers at the graves of the saints, or taking recourse to magic in a search for healing from illness.

Three of the Sunni legal schools, the Shafi’i, the Maliki, and the Hanbali, claim that women are as equally legally liable as men in matters of apostasy, whereas the more lenient Hanafi school of law (within the Sunni tradition) thinks only men should receive the death penalty for apostasy. The Hanafi and the Shiite schools of law argue (by analogy of Sura 24:2 with Sura 4:15) that a fallen woman (into apostasy) should be convinced of her sin by means of beatings or prison,²⁰ or perhaps even the sale of the fallen woman into slavery.²¹

¹⁷ See ‘Abd al-Rahman al-Djaziri, *kitab al-fiqh ‘ala l-madhahibi l-‘arba’a* (Cairo: 1934/1987-8). Also Ishak Ersen (pseudonym), Arabic to German translator, *Die Strafen für den Abfall vom Islam nach den vier Schulen des islamischen Rechtes* (Villach: Licht des Lebens, 1991), pp. 11-12.

¹⁸ See ‘Abd al-Rahman al-Djaziri, *kitab*, Vol. 5, pp. 422-440, cited by Ersen, p. 12.

¹⁹ ‘Abd al-Rahman al-Djaziri, *kitab*, Vol 5, cited by Ersen, pp. 13-14.

On the theoretical level, there is substantial agreement about the legal requirement of death for apostates; nevertheless in the different Muslim lands there is a wide divergence of concrete practices in regard to converts from Islam to Christianity. In some situations, these converts will come under such pressure that they cannot continue to live in that social environment; in other situations the pressure will not be so severe. But converts always have to fight against pressure, legal disadvantages, difficulties, discrimination, and the bending of the law against them, which exhausts them and can lead to despair, forcing them to “re-convert” back to Islam against their own convictions, as the only apparent way out of their difficulties. These so-called “pretence re-conversions,” in which converts from Islam are reported to have converted back to Islam, and which are sometimes used as evidence against these people when they apply for asylum in a western country, require special attention. In some cases converts seeking for asylum in the West were even told to officially return to Islam in their Islamic country of origin pretending to be Muslims again while keeping their Christian faith deep in their heart. This is an indication of cynicism and a lack of regard for individual decisions of conscience.

3.5 Defection and repentance

A lack of unity reigns among Muslim thinkers regarding all the questions related to warning defectors to return to the Muslim faith and to exactly how Muslim spiritual leaders must perform their duties. The majority of theologians and legal scholars affirm giving a warning and a designated amount of time (e.g., three days) during which the defector has the opportunity to show repentance (Arabic: *tauba*). But once again one encounters the principle that the Muslim who does not allow the defector time to repent should not face legal punishment, since defection from the faith and society is a sin of such extraordinary gravity. The Maliki school of law forbids beating the prisoner during this time for him to reflect on his sin; it also refuses burial in a Muslim cemetery for defectors from the faith who receive a death sentence.²² However, if the defector repents, he is once again to be treated as a Muslim. The question becomes much more difficult if a

²⁰ *Der Koran. Arabisch-Deutsch. Übersetzung und wissenschaftlicher Kommentar von Adel Th. Khoury*, Vol. 2, p. 96.

²¹ Schacht, *Katl.* p. 771.

person has defected from the faith multiple times and has repented multiple times. The Maliki and the Hanbali schools of law demand the death penalty on unconditional terms, regardless of a possible additional repentance, whereas the Shafi'i legal scholars are willing to accept any renewed repentance from defection as real repentance.²³

There is also disunity in Muslim theology regarding the question of whether or not a distinction must be made between a defector from the faith who was born a Muslim and the person who defected after converting to Islam. There is also disagreement on the question if repentance for defection should really cause the death penalty to be rescinded. According to the standard Shiite opinion, the death penalty for defectors cannot be rescinded on the basis of their repentance.²⁴ This is one of the reasons why Salman Rushdie's death sentence, which was issued by the leader of the Islamic Revolution in Iran, Ayatollah Khomeini, in the form of a *Fatwa* (legal opinion) on 14 February, 1989, in response to Rushdie's book *The Satanic Verses*, could not be rescinded after Rushdie's public repentance and apology for his writing. Rushdie was born a Muslim (in Bombay) and raised as a Muslim (in England), which according to Shiite theology and legal theory, means that he may never defect from Islam or express himself in a disparaging manner regarding Islam, the Koran, the angels, or Muhammad. If he does, he is guilty of falling into a state of legal apostasy which must be punished by death without exceptions or the possibility of pardon.

²² Abd al-Rahman al-Djaziri, *Kitab*, Vol. 5, pp. 422-440. Cited by Ersen, *Strafen*, pp. 17, 18.

²³ Abd al-Rahman al-Djaziri, *Kitab*, Vol. 5, pp. 422-440. Cited by Ersen, *Strafen*, p. 52.

²⁴ Abdoljavad Falaturi, "Abfall vom Islam," in *Lexikon der Islamischen Welt*, Klaus Kreiser and Rotraud Wielandt, editors (Stuttgart: W. Kohlhammer, 1992), pp. 17, 18.

4. Persecution and punishment: When Muslims become Christians

Although the Sharia unequivocally calls for the death penalty for every apostate, this is only seldom carried out in legal practice. But it can happen in Saudi Arabia, Iran, Pakistan, Yemen, Sudan, Qatar, Mauritania and Afghanistan. In the other Muslim lands, converts will probably face social consequences, not convictions in a court of law.

4.1 Persecution by the family

Even if the problem of apostasy is not addressed by a court of law, the defector will often be expelled from the family and have to flee abroad to avoid an honour killing in which the family seeks to cleanse itself from the “shame” of defection from the family and treason against society. If a case of apostasy comes before a court of law, the crime generally has to be confirmed by two male witnesses.²⁵ In order to evaluate the guilt or innocence of the accused, the judge can simply require the defendant to confess the Muslim creed (“There is no God except Allah, and Muhammad is his prophet.”). A refusal to confess this creed can be accepted as legal proof of guilt. But in order for this refusal to confess the Muslim creed to count as legal proof of apostasy, the person must be “in a state of sound mind.” Sometimes converts to Christianity are declared to not be of sound mind, so that they receive a status of being “mentally impaired.” Obviously this is not what we mean by “freedom of religion” in the West, but it may spare the life of the accused.

The convert must not have been under compulsion or under the influence of alcohol at the time of his desertion from Islam; otherwise his legal culpability is reduced. Children and the mentally impaired cannot be accused of apostasy, and women can be accused only under limited circumstances. Three of the main Sunni schools of law, the Shafi’i, the Maliki, and Hanbali, do not draw a principal distinction between the religious defection of a woman and that of a man. The Maliki school of law demands a postponement of sentencing for a woman who is guilty of religious defection if she happens to be pregnant or nursing at the time of conviction. This postponement lasts until the child is two years old. The Hanafi, which is the fourth Sunni

²⁵ Khoury, Vol. 2, pp. 95-96.

school of law, demands the death penalty in the case of religious defection only for male Muslims.

When Muslims become Christians, they mostly have to fear punishment from their own family (or from neighbours), since this punishment can easily come as soon as they announce their Christian faith, well before any legal hearing or public trial can occur. Additionally, public legal hearings attract undesired negative attention from the West in a way that is avoided by private executions, which are only reported as a murder statistic. Of course, an apostate is supposed to receive a fair trial, but in practice, a loyal Muslim who murders an apostate before the person has the opportunity to repent or to receive a public trial is not regarded as guilty of murder. He will only very rarely be officially accused of murder, even though he has broken the law. The “felt sense of justice” requires the death of the apostate; for that reason, the attacker could at most be criticized for excessive haste and for not waiting for an orderly application of the due process of law; but he will not be accused of murder, since killing an apostate is not a crime in itself.²⁶ At his own discretion, a judge can give the killer a legal warning or a minor penalty,²⁷ but this is only in theory; in practice, the killer is usually free from any criminal charges and will not have to be accountable for his actions in a court of law.²⁸

The situation can come to a similar resolution when an apostate person is brought to court but is not sentenced to death. It is not uncommon for converts to be murdered after they have been acquitted in a court of law; one of the relatives, or perhaps even an unrelated person, sees himself as obligated to carry out the prescriptions of the divinely given Sharia if human authorities have “falsely” set the apostate free. And in the opinion of many Muslim religious and legal authorities, the murderer of an apostate, even after the acquittal of the apostate, is only carrying out the demands of justice and is therefore

²⁶ According to Shaheed, the Maliki school of law is the only exception to this generalization. They regard the quick, private execution of apostates as a serious crime that requires payment of a fine. See Abdul Qader ‘Oudah Shaheed, *Criminal Law of Islam*, 3 volumes (New Delhi: International Islamic Publishers, 1991), vol. 2, p. 258.

²⁷ See Erwin Graf, “Die Todesstrafen des islamischen Rechts,” in *Bustan* (Wien), Volume 4/1962, pp. 8-22; and Volume 1/1965, pp. 9-22. Here, p. 15.

²⁸ This is confirmed by the Islamic legal dogmatician Shaheed. See his *Law*, Vol. 2, p. 257.

not guilty of a crime. For example, the Islamic legal theorist Abdul Qader 'Oudah Shaheed emphasizes that the implementation of the death penalty for apostasy is not only a general law but also a duty of every Muslim which cannot be abrogated.²⁹ *In legal theory only the state (in the person of the judge) is entitled to take the life of the offender; but in practice the life of the apostate can be easily taken by anybody holding the conviction that Sharia law must be followed under every circumstance.*

In spite of this clear legal determination coming from the Sharia, many converts away from Islam are not executed. They may be able to flee from the impending punishment, or they may live in a societal situation in which those threatening the punishment are not implementing the punishment (perhaps because of fear of the other family, because of outside political pressure, or because they do not want to take the law into their own hands). But in spite of escaping execution, the convert may have to endure significant social consequences.

4.2 Loss of family, home and possessions

Regardless of the possible eventual execution of the convert, there are almost always other serious steps which are taken against him. The confiscation of his possessions is one possibility. The different schools of Muslim law present different opinions on what to do if the person is not executed; for example, should the person forfeit all his possessions or only those possessions acquired after the former Muslim became an apostate?³⁰ And according to the Hanafī system of law, the apostate should have his possessions restituted if he converts back to Islam. Three of the schools of law say the convert's possessions must go to the state at the time of his death.³¹ Usually the betrayer of the faith and community will be fired from his job before any legal trial, since social pressure will require that no one employ him. The family of the convert will seek to lead the person away from his new faith by means of conversation, threats, beatings and magic. As a second step, a Muslim spiritual leader (a sheikh) may be summoned, who will seek to convince the person to reconvert back to Islam. On the one hand, financial incentives for re-conversion may be offered; on the other hand, failure

²⁹ Shaheed, *Law*, Vol. 2, pp. 258, 259.

³⁰ Shaheed, *Law*, Vol. 3, p. 59.

³¹ Abd al-Rahman al-Djaziri, *Kitab*. Vol. 5. Cited by Ersen, *Strafen*, p. 23.

to return to Islam may lead to a diagnosis of psychiatric illness and assignment to a psychiatric clinic. But if the convert endures or evades all of this “treatment” without returning to Islam, he may have to flee or be sent abroad and will probably be expelled from the family. The family may declare the person to be dead and forbid all further contact.

If the convert is married, his marriage is automatically annulled, since marriage to an apostate is an illegal marriage. By changing his religion, a man is suddenly guilty of adultery with his own wife, and if she does not quickly separate from him, she may be accused, or according to Sharia law, even stoned for her adultery, since a Muslim woman may not be married to a non-Muslim man. If he returns to Islam, it will be necessary for them to remarry with a new and legal wedding ceremony. The convert from Islam automatically forfeits his children, since a non-Muslim may not raise Muslim children. Further important but less consistent results may also occur with regard to the loss of inheritance rights and the loss of property for the defector.³² Normally a convert from Islam is stripped of his property, since the legal system proceeds on the principle that no non-Muslim may keep Muslim property or receive an inheritance from a Muslim. The person is regarded as dead within his homeland, and therefore his assets are assigned to his heirs.³³

4.3 Execution of apostates

Muslim theologians demand that the apostate must simply be decapitated with a sword, without any additional torture or affliction, once his guilt is proven. However, the death penalty may also be carried out in another manner, for example, by means of crucifixion. A tradition which is said to originate from Muhammad’s favorite wife, Aisha, prescribes that apostates should be killed, crucified, or exiled.³⁴ The second Caliph ‘Umar is reported to reputedly tie apostates to a post and then run them through with a lance.³⁵ Otto Spies mentions

³² Koran, Khoury translation, vol. 2, pp. 97-98.

³³ Gräf, *Todesstrafen*, p. 21.

³⁴ For detailed citations see Otto Spies, “Über die Kreuzigung im Islam,” in *Religion und Religionen: Festschrift für Gustav Mensching zu seinem 65. Geburtstag* (Bonn: Ludwig Röhrscheid Verlag, 1967), pp. 143-156; here especially p. 145. The sources cited by Spies include Nasa’i, *tahrim ad-dam*, Book 2, p. 169; *Qasama*, Book 13; and Abu Dawud, *Hudud*, Book 1.

³⁵ Spies, *Kreuzigung*, p. 145.

examples of crucifixion being practiced by Muslims. The most famous of these crucifixions is the execution of the mystic al-Hallaj, who was executed in Baghdad in A.D. 922 for heresy because of his unorthodox opinions.³⁶

However, crucifixion is not only to be used for apostates. Muslim law also prescribes this method of execution for crimes such as felony street robbery which occurs outside a town or village (Arabic: *qat' at-tariq*) if the robbery is conjoined with a murder. And rebels, rioters and heretics should be crucified.³⁷ But there is a difference of opinion among legal authorities about whether the criminal should first be executed and his body displayed publicly as a deterrent, or whether the criminal should be executed by means of being crucified while still alive.

Islamic legal theory assigns the heretic (Arabic: *zindiq*) to a position very similar to that of the apostate; according to the Islamic legal definition, the heretic is the person who pretends to be a Muslim but in reality is not a believer. The Maliki and Hanbali schools of law demand his execution, and that without offering the criminal the opportunity to repent and independent of whether or not he came to repentance before his execution; they regard the heretic as equivalent to the “hypocrite” (Arabic: *munafiq*), who is very specifically condemned by the Koran. In this sense, the punishment of the heretic is more severe than that of the apostate. However, if the heretic repents before his execution, he has the privilege of burial in a Muslim cemetery as a believer, for he is then regarded as a believer who was executed for the sacrilege of acting like a “hypocrite”, not for being an unbeliever.³⁸ The Hanafi and Shafi'i schools of law teach that the heretic should not be executed if he repents.³⁹

5. Moderate Muslim conceptions

Along with the generally applicable assertions on the topic of human rights in the Islamic world, there is one development that must not be

³⁶ Spies, *Kreuzigung*, p. 145 ff.

³⁷ Examples from Arabic literature are provided by Spies, *Kreuzigung*, p. 150 ff.

³⁸ ‘Abd al-Rahman al-Djaziri, *kitab*, Vol. 5, pp. 422-440. Cited by Ersen, *Strafen*, p. 25.

³⁹ ‘Abd al-Rahman al-Djaziri, *kitab*, Vol. 5, pp. 422-440. Cited by Ersen, *Strafen*, p. 27.

neglected; within the Islamic world, there is an intensive discussion underway which is hardly perceived in the western world. It is pertinent that within the Muslim lands there is also a more modern or secular perspective on human rights which is sometimes heard. This point of view would allow a greater harmonization with western conceptions of human rights and, to some degree, begin to regard matters of faith as an individual matter of conscience that does not have so much societal significance that defectors and apostates must be judged by the society or the state. Of course, officially and openly representing such a liberal or modern point of view is especially difficult within a society ruled by the Sharia, for the Sharia is most explicit about demanding the death penalty for those guilty of apostasy, and the public rejection of the death penalty for apostasy can itself be regarded by Islamists as an act of apostasy worthy of the death penalty. Such a modern or western conception of human rights implies the rejection or criticism of the full application of the Sharia.⁴⁰ The person who supports western notions of human rights may be regarded as a western anti-Islamic advocate or even a heretic himself.

It is also extremely difficult for moderate Muslim theologians and legal scholars to honestly combine two points of view which seem to most to stand in total contradiction. On the one hand, they must accept the unlimited application of the Koran, the authoritative Muslim tradition, and the Sharia in order to properly maintain the foundational consensus of the Muslim world; on the other hand, they must try to derive an expanded view of human rights from those authoritative texts and traditions. The extreme difficulty of this intellectual effort arises because of the quite detailed and explicit instructions regarding punishment for apostasy (as well as other human rights concerns such as the treatment of women) in all three authoritative sources, the Koran, tradition, and the interpretation of legal scholars of the 7th to the 10th century A.D., which form the Sharia. These authoritative sources allow very limited room for more liberal or flexible interpretations or applications of their foundational beliefs. At the present time, it would appear that these moderate

⁴⁰ On this topic see Lorenz Müller's discussion of "Muhammad al-Ghazali im Zusammenhang mit dem Prozeß über die Ermordung des berühmten ägyptischen Literaten Faraj Fouda" in *Islam und Menschenrechte: Sunnitische Muslime zwischen Islamismus, Säkularismus, und Modernismus* (Hamburg: Deutsches Orient-Institut, 1996), p. 150. These distinctions are those of Lorenz Müller.

Muslim points of view will at least not quickly gain wide acceptance within the Muslim world. Quite to the contrary, there is very noticeable and growing influence of rigorous Islamists in several countries and institutions, partly because of support from some countries and well-financed organizations whereas more and more advocates of human rights and religious freedom live and teach at universities in western countries. The very strict and politically applied interpretation of the Koran and the Sharia seems to be increasing at the present time, while there are also a considerable number of human rights activists and movements which at the same time fight for secularly defined human rights in Muslim countries.

6. Comments

It is difficult to escape from some very worrying conclusions after this review of Muslim thought on human rights. It is surely better to honestly confront these significant intellectual problems and not try to avoid them. Understanding may help reduce the practical societal and political problems that can cause so much suffering.⁴¹

1. There is a massive gulf between the classical Sharia position and western notions of human rights, and the Islamic conception of rights is so deeply rooted in the Koran, the tradition, and the Sharia, that any significant and rapid rapprochement is hard to imagine.
2. The differences between Sharia-defined and western notions of human rights are particularly clear in matters of freedom of religion, specifically the freedom of a person to change his or her religious beliefs and affiliation. According to any standard western notion, this right is fundamentally denied by classical Islamic theology and legal theory to any Muslim who wishes to change to a different religious loyalty.
3. When Muslim regimes come under diplomatic pressure to follow western definitions of religious freedom, they may perceive this as pressure to act as if they are not Muslims. When their political leaders give in to such pressure, they may be perceived by their people as being compromisers with western standards or hypocrites, a clearly

⁴¹ I thank Prof. Dr. Thomas K. Johnson, Prague, for his contribution to these comments.

defined religious category of sinners, who are themselves subject to serious threat.

4. As long as the history of Islam, Muhammad's example and the Sharia will not become a subject of a critical discourse, the attempt to develop a form of democracy which fully protects human rights within a land with a Muslim majority and tradition will face extreme difficulties, since much of the population will regard the government as disrespecting Islamic law because it does not meet the traditional Islamic definition of a legitimate government by not promoting the Sharia and thus enabling Muslims to live a life according to religious law.
5. If the punishments for apostasy and hypocrisy which are demanded by the Koran, the authoritative Muslim tradition, and the Sharia are not imposed by a court of law, these punishments can sometimes be expected to be imposed by the family or other members of the society affected. To outside observers, this may appear to be an unsolved murder.
6. Western human rights organizations which want to protect the rights of individuals within Muslim societies may need to give more serious consideration to assisting "apostates" from Muslim societies to relocate into other countries. Whether these people simply emigrate or officially receive asylum, some can expect to be regarded as "dead" to members of their families and to others from their original community.
7. Countries like Turkey and Indonesia, which have very large Muslim populations, but are attempting to maintain a separation of religion and state as part of a modern democracy will face significant long-term challenges.
8. When demographic transitions within the western democracies result in a very large Muslim population, very serious educational efforts will be required to successfully communicate a western understanding of human rights in order to gain acceptance by immigrants.

The human rights dilemma we face is significant. A western understanding of human rights leads us to affirm that orthodox Muslims have a moral and legal right to the full practice of their religion within western democracies or anywhere in the world. This includes the public, social practice of their belief system. Yet the full

practice of orthodox Islam includes a negation of one of the most basic human rights, that of the freedom to change one's religion. And the enforcement of the demands of the Sharia by Islamists within western democracies will be carried out within but also outside the framework of established courts, in a manner that will be understood by non-Muslims as a crime; this already occurs within Muslim countries. If the Muslim portion of a population in a non-Muslim country grows significantly, the western societies should be prepared to defend their case as there are already some voices of Muslim groups which claim the application of Sharia law in western societies. The dilemma is easy to state; solving it may not be so easy.

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The Spatial Dimension of Muslim-Christian Conflict in the Middle Belt of Nigeria

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Abstract

This paper intends to show the added value that the perspective of Political Geography and Geographic Conflict Research can contribute to the better understanding of inter-religious conflicts. Many of the facets of the root causes, power relations, dynamics, and progression of this type of multi-layered conflicts can be better understood when taking into account the specific spatial dimension.

In this paper, we attempt to explore the impact of socio-spatial segregation and partitioning within settlement areas on the development of the inter-religious conflict in Jos and the adjoining areas of the central Nigerian State of Plateau. Furthermore, the paper contends that the urban violence in some flashpoints in Jos and the recurrent guerrilla-style attacks on spatially isolated communities had tested the limits of the strategies of spatial segregation and partitioning, adopted by the Muslim and Christian communities, and the fortification of the city through military presence.

By tracking the incidence of such attacks over a period of one year and interrogating factors that regrettably contributed to their success, we came to grips with how perpetrators have repeatedly exploited the different spatial scales of vulnerability of the city of Jos and its rural environs, as well as the failure of government to put in place an appropriate security system that adapts to the socio-spatial challenges and dynamics of the conflict.

Keywords Nigeria, inter-religious conflicts, religious freedom, Muslim-Christian violence, mob and partisan terror, socio-spatial segregation, spatial vulnerability.

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1. Introduction and statement of problem

Religious liberty rights, determined by Article 18 of the 1948 Universal Declaration of Human Rights of the United Nations¹ as belonging to the basic human rights, are still an astonishingly neglected research topic within social science (Marshall 2008:11).

According to the Pew Forum's 2009 study "Global Restrictions on Religion", 70 % of the world population live in those 32 % of countries worldwide that are characterised by high or even very high restrictions on religion. Available data suggests that Christians are the most numerous belief group worldwide, suffering from systematic discrimination and persecution. There is uncertainty, however, about the exact number of people affected, as there is not even a common definition of the term "persecution" (Tieszen 2008). Estimations range between 100 and over 200 million Christians worldwide who presently face persecution (Hildmann 2007:5). Christians living in countries with a strong Muslim population face the severest degree of discrimination or persecution (Grim 2009a:38, Marshall 2009:27, and Pew Forum 2009a:14, 24).

Despite the suffering of millions of people in countries throughout the world, scholarly research on this challenging matter is scarce and in most social science disciplines almost nonexistent.² Even though a considerable number of scholars from the Global South are dedicating themselves to this issue, they are hardly heard by the scientific representatives and institutions of the "West", which dominate international academic discourse.

2. "Terror" as a possible transition stage to persecution?

Scholars focusing on the issue of discrimination along religious lines have not yet agreed on a common definition of the term "persecution" (Sauer 2008:29 and Tieszen 2008:68). We consider that "persecution"

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

² Sauer (2008:34-47) indicates possible contributions of various disciplines which could help to advance knowledge on the challenge of religious persecution.

implies a certain degree of severity and systematic intentionality,³ otherwise we would subscribe to Marshall's (1998:5) delineation of "discrimination" or "harassment". Yet, none of the terms parallels the case of the Nigerian Middle Belt⁴ and violent conflicts elsewhere of a similar kind. Religious persecution of Christians defined as "any unjust action of varying levels of hostility, perpetrated primarily on the basis of religion, and directed at Christians, resulting in varying levels of harm as it is considered from the victim's perspective" (Tieszen 2008:76), does not entirely capture the specificity of the situation of the so-called "Jos conflict" in Plateau State. Hence, we are employing the term "terror" to describe "deliberately targeted surprise attacks on arbitrarily chosen civilians, designed to frighten other people" (Keohane 2002:77). We understand religiously motivated terrorism as a phenomenon which may pave the way for complete territorial control through a government that has adopted a hegemonic religion as state religion (see also Heidenreich 2010:12 and Stump 2008:229). As conflicts are always provoked by several, mostly inter-related factors, there is always a specific set of other criteria, such as poverty, ethnicity, resource access, corruption and other forms of government dysfunction which play a role in the formation and development of a conflict that shows as common baseline the religious identification of the groups involved. We recommend the use of the term "persecution" when governments, in response to the pressure of hegemonic social and religious groups, show an authoritarian attitude towards adherents of other religions, thus creating a "religious violence cycle" (Grim 2009b:43)⁵. Persecution for us implies a systematic control and oppression of the subjugated religious groups, restricting their human and religious rights and trying, as the final goal, to demoralise and even eradicate that group physically, or at least its cultural heritage, within a delimited national territory, construed in public discourse as culturally homogeneous. Even though state sponsored religious

³ In this point we don't subscribe to Tieszen (2008:69) who suggests that, regardless of the "objective" severity of the event, all acts of discrimination against a religious minority should be considered as "persecution".

⁴ The Middle Belt is a human geographical term referring to the central Nigerian region, and extending beyond, which is inhabited by a greater number of minority ethnic groups who are predominantly Christians and animists.

⁵ Brian Grim (2009:40-41 and Pew Forum 2009a:6-26) has made a very valuable contribution to the scholarly work on religious freedom by introducing separate indicators for government and society-based restrictions.

persecution, as soon as it reaches a higher degree of severity, tends to replace the phenomenon of society-based, religiously motivated terrorism, both phenomena can coexist over a longer period of time.

3. The discursive construction of a purely “Muslim North”

In the twelve Sharia states of northern Nigeria, political and religious Muslim forces clearly exert homogenising territoriality and dominate the government system and public life. In political and public discourse, this region is generally portrayed as being a culturally monolithic Muslim bloc (Bergstresser 2010:80 and 199), revealing the strongly asymmetric discursive power relations (Foucault 2007:11) among majority and minority groups. It is also important to note that the politically instrumented “doubtful myth” of a purely Muslim North of Nigeria, neglecting the over 25 % of marginalised Christians who live in that area (Bergstresser 2010:188), has been deliberately sustained by the lack of reliable statistical data, as the population census in Nigeria is made without taking into account the religious affiliation of citizens⁶. From a perspective of critical geopolitics, the discursive creation of northern Nigeria as a purely Muslim territory leads to the assumption that the hegemonic religious actors and the respective political beneficiaries of that region subscribe to the traditional Islamist geo-religious agenda of inserting Nigeria into the “dar al-islam”, the “sacral geography” (Heidenreich 2010) of Islamic rule over an ever expanding territory. Growing international linkages to other Muslim countries, such as Afghanistan, Chad, Libya, Pakistan, Saudi Arabia, and Sudan, partly providing considerable financial support to build mosques and train imams (Ogbunwezeh 2009:116 and USCIRF 2010:84), may, besides generally growing inter-religious hostility after several decades of military interference of the West in Islamic countries, explain the radicalisation of Muslim groups in Nigeria since the 1970s (Bergstresser 2010:193, 196).

The struggle over the right to dominate the country, or at least great parts of it, is mirrored by the quarrel around the share of Muslim and Christian populations living in Nigeria and especially in the north.

⁶ Emmanuel Igah (2007) highlights some of the controversies that have always surrounded the results of census in Nigeria. Concerns about the manipulation of census, to advance a certain political agenda or to increase access to national revenues, are common.

Whereas Christian and Muslim populations are generally estimated to have roughly the same share (40-45 % each; Igah 2007:4), some sources state that Muslims already outnumber Christians at the national level (Pew Forum 2009:5 and CIA 2010). Consequently, the whole nation, which was made a member of the Organisation of Islamic Conference⁷ in 1986 and of the Islamic Development Bank in 2005 in defiance of previous public debate (Bergstresser 2010:202, Kukah 1993:230, Marshall 2008:310, and Ogbunwezeh 2009:112), is seen by Islamic leaders as being part of the construct of the “Muslim World”⁸. Yet, it is indisputable that the Muslim religion plays such a dominant role in all facets of political and public life of northern Nigeria (comparable to Saudi Arabia, in four of the twelve Sharia states there is even a religious police, the so-called “Hisbah”, in force; Bergstresser 2010:191, Marshall 2008:311, and USCIRF 2010:83)⁹ that one can refer to Islam as being the state religion, contravening clearly the constitution of the Federal Republic of Nigeria (Marshall 2008:310)¹⁰. Therefore, for the Muslim-dominated spatial construct of the “north of Nigeria”, it is duly justified to qualify the many subtle and severe restrictions Christian minorities face on a daily basis, as “persecution”. Of course, the degree of sophistication and rigidity may vary in space and time over the large region and is on average still distant from the degree of severity and persecution of that of a communist country like North Korea or an Islamic theocracy like Saudi Arabia¹¹.

⁷ For further information on the OIC, please refer to www.oic-oci.org.

⁸ The “status” of belonging to the “Muslim World” refers to national territories with a share of Muslim population above 50 %, regardless of their inherent religious pluralism. A list of Muslim-majority countries can be found in the study, “The Future of the Global Muslim Population” (Pew Forum 2011:156-157).

⁹ The local Muslim security group in Kano, Hisbah, has constituted itself, with the support of the State Government into a “religious police” with 9,000 officers (Marshall 2008:311) unleashing terror on residents. See the following newspaper reports: http://www.compassnewspaper.com/NG/index.php?option=com_content&view=article&id=30616:hisbah-non-indigenes-in-kano-raise-alarm-of-imminent-violence-&catid=43:news&Itemid=799 and <http://www.vanguardngr.com/2009/07/ethnic-communities-cry-out-over-attack-by-hisbah-operatives-in-kano/>

¹⁰ Chapter I, Part II, Section 10: “The Government of the Federation or of a State shall not adopt any religion as State Religion.”

4. Muslim-Christian violence in the Middle Belt

In the predominantly Christian Middle Belt region, to which the Plateau State with a Muslim population of an estimated 30 % belongs¹², the increasing suffering of non-Muslims cannot yet be qualified as systematic “persecution” according to the above definition. Religious persecution, as we understand it, requires a strong control of government power directly or indirectly exerted by the dominant religious or ideological group. For the repeated inter-religious, mainly anti-Christian, violence in Nigeria the appropriate term for us is “terror”. The attacks have so far led to the displacement of several hundred thousand refugees (Bergstresser 2010:211) and have generated a death toll of at least 12,000 since 1999 (USCIRF 2010:4; some sources even estimate 60,000, Marshall 2008:311)¹³. Terror, as we propose to use this term in inter-religious conflicts, is a geopolitical strategy of a religiously motivated group which aggressively follows an expansionist agenda, defining the territorial domination and eradication, or at least subjugation or conversion of the “religious other” in a certain territory as the final goal.

¹¹ The study “Global Restrictions on Religion” rates government restrictions on religion (GRI) in Nigeria for 2008-2009 as being 3.6 and in Saudi Arabia as 8.4 on a scale from 0 to 10 (Pew Forum 2009:51-52).

¹² Also Plateau State reflects the general Nigerian dispute over the total state population (determining the redistribution of national funding; Igah 2007) and the share of Muslim and Christian population (impacting the political rights). Whereas the United Nations Population Fund’s (UNFPA) “State Population and Development Programme” for Plateau indicates a Muslim population of 15 % (<http://nigeria.unfpa.org/unfpastates.htm>), considered as under-estimated by us, the Plateau Muslim Forum of the Peoples Democratic Party (PDP) claimed in 2007 that the share of Muslim population in this state amounted to 42 %, a number which has to be seen as exaggerated and obviously “political” (http://www.amanaonline.com/Articles/art_4000.html).

¹³ This great variation in the numbers of fatalities, caused by inter-religious conflicts in Nigeria, bears testimony to the difficulty in obtaining reliable information on such incidents. In some cases numbers are kept secret by police forces or are not circulated by the media to prevent further violence. In other cases false information is deliberately circulated by a conflict party through the media in order to provide a justification for violence or to minimise the damage caused to the opposing group. Moreover, it is sometimes unclear if the majority of victims have been injured through a religiously motivated attack itself or through subsequent police and even military response.

The “religious other”, conceptualised as a foreign religious minority, has been proposed by Sauer (2009:64-65) as a frame of analysis of the root causes of aggressions against religious minorities. However, we suggest that the concept of “otherness” representing a vulnerable minority coming from “outside” needs to be further differentiated to also remain valid for the case of religiously motivated violence against an autochthonous majority population, as is the case in Plateau State. Therefore, we hypothesise that neither the factor of provenance (“inside”/“outside”) nor the quantitative importance of the respective groups (“majority”/“minority”) must necessarily be key to explaining the basis of aggression against a particular group, or violence between different religious groups. Thus, it has to be assumed that it is rather the goals and characteristics of the politico-religious agenda of religions that determine their attitude and performance towards the “religious other”.

From the perspective of the people of Plateau State who have been victims of unabated violence in recent times, there is another strong reason to call the repeated aggressions “terror”: Apparently, the goal of the perpetrators of past and present attacks is, above all, to destabilise and demoralise targeted parts of society, in the long-term supposedly even the full domination of the respective territory, through destruction of lives and properties as well as livelihoods. As government bodies, police and military, have not made serious efforts to bring to justice the perpetrators so far, the “culture of impunity” encourages further attacks that can happen at any time (USCIRF 2010:82).

The more the city of Jos is fortified through military patrols and road blocks¹⁴, the greater the danger seems to grow for the selective urban “flash points of inter-religious violence” and, in a centrifugal spill-over effect, for all unprotected villages and scattered settlements in rural areas, even only a few miles (mostly of hardly accessible dirt road) away from the state capital: the new “vulnerable spaces” of religiously motivated terror attacks in the so-called “Jos conflict”. The traditional small-scale farmers, mainly Christians, of Dogo Nahawa, Mazah, Rawhinku, Kwata, Rukwe Chongwuru¹⁵ and numerous other threatened villages who are deprived of sleep in their clay huts,

¹⁴ Getting from Abuja to the centre of the state capital Jos, in August 2010 one had to pass a minimum of five military checkpoints within the urban area alone.

without electricity in the completely dark and unprotected night-time countryside, belong to the most vulnerable groups living in constant fear and directly feeling the impact of this type of “terror”.

The terror affecting the most vulnerable, above all the socio-economically and/or spatially marginalised people of Jos and other parts of Plateau State, can be further categorised according to the spatial setting in which such incidents usually occur:

- “Mob terror” is a rather spontaneous urban phenomenon which is usually perpetrated by large numbers of marginalised youth that can easily be revolutionised by religious leaders, local politicians or other economically influential sponsors through hate speech, spreading of rumours, bribery or specific incidents that are interpreted as provocation or “insult”;
- “Partisan terror” is a planned and, presently in Plateau State, mainly rural phenomenon. It affects the spatially most vulnerable areas of the state with complex topography and dispersed settlement structures. It involves well equipped and trained aggressors who usually launch orchestrated attacks on scattered and therefore unprotected villages and who retreat in a well prepared manoeuvre;
- “Hate crime” is a spontaneous phenomenon which can occur both in urban and rural areas. This category comprises any kind of attacks on individuals or small groups committed without a systematic plan but within the general context of hostility towards threatened religious groups. The lines between “hate crime” and regular, non-religiously motivated crime are often blurred.

The following discussion on Muslim-Christian violence is based on the analysis of different reports on the human rights situation in Nigeria, site visits during a field research stay in Plateau State in August 2010, meetings with victims of violence in the villages and on the results of a variety of expert interviews that have been conducted with different representatives of Christian communities and NGOs actively engaged in peace building. It is the purpose of this paper to shed light especially on the characteristics of the inter-religious

¹⁵ For a more comprehensive list of Christian villages near Jos which have been attacked in 2010 see table 1.

conflicts and their impacts on socio-spatial processes, as perceived from the perspective of affected Christians.

5. Daily life of Christians in spaces of insecurity and places of fear

The life of Christians and other non-Muslim groups in Plateau State (approx. 70 % of the total population) and the state capital Jos, has changed dramatically in the past decade. The constantly looming threat of further destruction of Christian neighbourhoods, including mass killings, has altered public discourse patterns by prescribing rules of “religious correctness” for public debate. In order to better understand the situation Christians are confronted with in Plateau State on a daily basis, it is important to show the whole bandwidth of repressions non-Muslims face nowadays in the Middle Belt and especially in northern Nigeria. The listing of acts of discrimination and violence given below reflects the character, quality and severity of oppression that Christians in these most affected parts of Nigeria have reported in recent years (Backes 2005:104-121, CMG 2010:9-27, Marshall 2008:311-312, Ogbunwezeh 2009:113-116, Stephanos Foundation 2010:52-53, and USCIRF 2010:81-84)¹⁶:

- Denial of burial ground and of building permits for churches and schools, as well as demolition of existing structures;
- Obstruction of Christians from land ownership;
- Strongly discriminatory access to public services, including water, electricity, and roads;
- Denial of equal access to public media;
- Forced wearing of headscarf and use of gender-segregated public transport;
- Kidnapping and forced conversion of youth, as well as forced marriages of young girls;
- Denial of religious education in public schools;

¹⁶ These complaints have been gathered by Jos based Stephanos Foundation in countless interviews with Christian victims of religiously motivated violence. Due to its precise empirical research work, exhaustively covering all major conflicts in Jos and the surrounding areas, the reports of this NGO have sometimes even been used as evidence by government bodies and courts.

- Discrimination in access to higher education;
- Discrimination in job appointments and promotion in public administration, universities, police, military, and public contract award;
- Denial of posts in government and schools;
- Discriminatory applications of Sharia also against Christians;
- Regular terror strikes against believers, church buildings and Christian neighbourhoods;
- Judicial inactivity, in some cases even subtle government, police and military complicity, in the murders and strikes.

The abovementioned threats show that the Muslim-Christian conflict in the Middle Belt and North of Nigeria is characterised by a clear asymmetry in the power relations and in the degree and extent of aggressiveness. However, there are also reported acts of self-defence and of violent retaliation by Christians in regions affected by inter-religious attacks (CMG 2010:41-44). In the majority of Christian areas of southern Nigeria a certain degree of usually non-violent discrimination against Muslims (USCIRF 2010:84) calls for further investigation as well.

6. Background of the Plateau conflict: from a “Home of Peace and Tourism” to a segregated city

A modicum of history will be required in order to understand Christian-Muslim relations in the Middle Belt and in particular on the Jos Plateau. Jos is the capital of Plateau State in central Nigeria.¹⁷ Since 2001 a cycle of sectarian violence involving Muslims and Christians has taken place in the state. Until this time, Jos had been referred to as the most peaceful cosmopolitan city in Nigeria, which was why it was christened “Home of Peace and Tourism”. It was also variously described as the “melting pot of ethnic nationalities”, “Tin City”, “microcosm of Nigeria” and “the nerve-centre of Christian evangelism in Nigeria” (Ibrahim n.d.).¹⁸ Demographically, Plateau

¹⁷ Bergstresser (2010:185) estimates that Jos has 800,000 inhabitants.

¹⁸ Maurice Archibong 2006, “Many Allegories of Jos”, *Daily Sun*, 7 September 2006.
<http://www.sunnewsonline.com/webpages/features/travels/2006/sept/07/travels>

State is unique because it is a mainly Christian state bordering on the predominantly Muslim North of Nigeria.

In pre-colonial times, the autochthonous peoples of Plateau, comprising relatively small ethnic groups, were used to having contact and interactions with ethnic groups from other parts of the country and co-existing peacefully with those who settled among them (Kukah 1993). The Islamic Jihad led by Usman dan Fodio¹⁹ from 1804 to 1808 to create a Muslim state in northern Nigeria and its concomitant proselytising and expansionist tendencies brought about further change in the demography of the Middle Belt, including the Jos area. The majority of the autochthonous ethnic groups of the Middle Belt, particularly around the Jos Plateau, resisted the Islamic proselytisation. Thus, the Middle Belt provided safe havens for many people, including even the Hausa-Fulani,²⁰ who were escaping from the invading forces of the Jihad (Best and Abdulrahman 1999). Apart from its religious and geopolitical dimensions, the Jihad also manifested significant sociological consequences, which nurtured a dominance-subjugation relationship between the Hausa-Fulani and minority groups in the northern part of Nigeria. Yusufu Turaki (2010:62) noted the seeming disjuncture that emanated from Jihad:

Although the stated primary objectives of waging a jihad are to make unbelievers Muslims and to establish an Islamic state, in practice the Caliphate used jihad for slavery and colonialism. In fact, large numbers of free people rapidly became slaves and the machinery of their enslavement was bloody and ruthless. Thus there was a religious contradiction in the Caliphate between the injunctions of Islam and the practices of the Caliphate that undermined the legitimacy of the Caliphate's holy war. The religious goal of Islamization through the jihad was overshadowed by the emphasis on slave raiding, slave trading and slavery, on looting of property, colonizing and subjugating peoples, and on exacting yearly taxes and tributes of slaves.

The characteristics of the Jihad described by Yusufu Turaki continue to have implications for inter-ethnic and inter-religious relations in northern Nigeria up to today. The failure of the Jihad to achieve a

-07-09-2006-001.htm – Retrieved 22 Nov. 2010

¹⁹ Usman dan Fodio (1754-1817) was a Fulani religious and political leader from Sokoto Caliphate who led the Islamic Jihad in northern Nigeria (Turaki 2010:51-52).

²⁰ Hausa-Fulani is a hybrid term referring jointly to the Hausa and Fulani ethnic groups of Nigeria (Parris 1996).

significant level of success in the Middle Belt, also referred to as “North Central”, as it did in the “North West” and “North East”, to a large degree created what today is referred to as the “Christian-Muslim fault line” in Nigeria. This “fault line” lies between a majority Christian South and a majority Muslim North.²¹ It may be important to clarify here that there are millions of Christians in the northern parts of Nigeria and millions of Muslims in the southern parts as well. As stated earlier, the exact proportions of Muslims and Christians in Nigeria and their distribution in the north and south are subject to contestation (Pew Forum 2010:64).

There is a perplexing difference in Christian-Muslim relations between the northern and southern regions of Nigeria. Two major historical factors contribute to this difference. In spite of its drawback, as noted earlier, the 19th century Jihad caused Islam to make further inroads in parts of northern Nigeria, as mentioned above. The second factor was the British application of two distinct systems of rule in the regions. While in the south the British imposed “Direct Rule”, they adopted “Indirect Rule” in the north, with its associated policy of maintaining traditional Islamic governance structures and restricting Christian missionaries from interfering in Muslim areas (Backes 2005:113, Bergstresser 2010:191 and 198, Blench 2010:1, and Turaki 2010:113-115).

Modern tin mining during the colonial period, which began around 1902, facilitated the influx of labour migrants to Jos from across the country. The Muslim Hausa-Fulani were among the ethnic groups that came in large numbers and settled in Jos to work as labourers in the booming tin industry (USAID 2010). As a result of this development, Jos became a home to diverse ethnic and religious groups. The “indigenous” ethnic groups in Jos, the Afizere, Anakuta, Berom, Jarawa and the rest of the autochthonous peoples of Plateau, who were mostly adherents of traditional religions and Christianity, accommodated these migrant communities. For many years, Jos attracted people from all over the country and beyond. Many wealthy Nigerians from different parts of the country owned homes in Jos

²¹ The terminology “fault line” may be seen as a representation of the perception of both religious groups who have witnessed repeated outbursts of violence along religious lines in the past decades. Some scholars from the region even call for a reassessment of Huntington’s theory of the “Clash of Civilizations” (see also Stump 2008:294).

because of the serenity, moderate climate and the cosmopolitan nature of the city. It was also a place close to the hearts of Christians in northern Nigeria because of the preponderance of Christian ministries, church headquarters, theological seminaries, and Christian hospitals.

In the last two decades the relations between Muslims and Christians in Jos, as in other parts of northern Nigeria, took a downturn with occasional violent outbursts. Many scholars and peace researchers have attempted to analyse and interrogate the causes of these inter-religious conflicts in Jos. Numerous factors have been suggested to precipitate these conflicts: “Indigene-Settler Divide”, tussle over “ownership” of Jos, rising religious extremism, poverty and inequality, resource competition, pre-colonial and colonial history, political corruption, and the adoption of the Sharia legal system in twelve northern states (IPCR 2002, Ostien 2009, USAID 2010, USCIRF 2010).

6. Spatial aspects of “life under terror”: segregation of settlements along religious lines

Our preoccupation in this paper is with the impacts of socio-spatial segregation in Jos as a result of incessant sectarian violence. One of many ways that people respond to recurrent disaster is to get away from the hazard as much as possible. This implies recognition that vulnerability to a disaster is partly a function of one’s distance to the location of the particular hazard. However, moving away from a place where one has lived for a long time or spent an entire lifetime is not an easy decision. There is more to a “home” than just members of one’s household and the building. The natural endowments of the environment, neighbours and the neighbourhood are all part of what makes us develop topophilia (“love of a place”) for where we live. Protracted inter-religious violence in the central Nigerian city of Jos and its environs forced thousands of people to abandon their original homes and relocate to “safe havens”. The resultant effect of this is the bifurcation, or even ghettoisation, of the city into Christian and Muslim neighbourhoods. This process implies the construction of socio-spatial boundaries and the labelling of certain neighbourhoods as “no go areas”. The evolving topophobia (“fear of a place”) is accompanied by a strong exhibition of territoriality by the two communities on a day-to-day basis. Thus a twofold strategy emerged –

people try as much as possible to avoid the so-called “no go areas” and fortify the security of their neighbourhoods through communal and individual efforts.

7. The 2001 crisis and prior violent incidents

Christians and Muslims, who had lived side by side in Jos for years, became locked in conflict, developed mutual suspicion, and became mentally, and over the course of time also spatially, polarised. Between 1991 and 2010 there were several incidents of inter-religious violence in the Jos area. In 1994 violence along religious lines erupted as a result of a dispute over who was to be the chairman of Jos North Local Government. The Christian and Muslim communities still remained together. Until 2001, there was nothing such as an exclusively Christian or Muslim neighbourhood. Large scale violence broke out on 7 September 2001 and lasted for several days. The trigger was a purported attempt by a young lady to pass through a road in her neighbourhood, Congo-Russia, blocked by Muslim worshippers on Friday, and the subsequent reaction of the Muslim group.

Prior to that, there had been disagreement over the appointment of the National Poverty Eradication Programme Coordinator for Jos North Local Government, which was a manifestation of the tussle over the ownership of Jos Township between the autochthonous ethnic groups, the Berom, Anaguta, and Afizere, who are predominantly Christians, on the one hand, and the Hausa and Fulani, who are predominantly Muslims, on the other hand.²² This incident led to the first major inter-religious crisis in Jos, with hundreds of people killed and property worth millions of dollars destroyed. The number of internally displaced persons (IDPs) was alarming (USCIRF 2010:81). Some people migrated from Jos, others simply returned to their homes after some time. Those whose houses were destroyed tried to rebuild them.

The violence of 2001 took a debilitating toll of the city and most residents thought they had seen the last of it. To their dismay, in less than one year, on 2 May 2002, violence again erupted during a

²² Federal Ministry of Information and National Orientation’s “Report on Internal Conflicts in Nassarawa, Benue, Plateau, Taraba, Kaduna, Adamawa and Bauchi States”, submitted at the Conference on Internal Conflicts held at the Institute for Policy and Strategic Studies (NIPSS), Kuru, Nigeria, 23-26 January 2002.

political party congress. The scale and magnitude of the crisis were even greater than in the previous conflict. Despite the major extent of the violence, it did not spread to all parts of the city of Jos.²³ Tragically, some of the victims were those who had returned after fleeing in 2001.

8. The crises of 2002-2004 and the State of Emergency

The 2002 violence led to increased feelings of insecurity among residents of Jos, particularly those living in the neighbourhoods that had become “flashpoints of inter-religious violence”. As a result, Jos became more segregated and partitioned along religious lines. Although the violence did not spread to all parts of the city of Jos, as corpses were taken for funerals in the victims’ villages of origin, it triggered reprisals and the violence reverberated for about two and a half years across the southern parts of Plateau State. This development, drawing attention from the international mass media, prompted the Federal Government of Nigeria to impose a State of Emergency²⁴ on Plateau State for six months (Plateau State Government 2004 and Marshall 2008:311).

A series of peace workshops, seminars, and other activities, aimed at building confidence and fostering reconciliation, were organised by state and non-state stakeholders. The Plateau State Government convened a month long Plateau Peace Conference,²⁵ which adopted several far-reaching resolutions, which were later disowned by the Hausa-Fulani Muslims community (Plateau State Government 2004:124). Nevertheless, there was widespread acknowledgement that spatial segregation was detrimental to the process of reconciliation. Between November 2004 and November

²³ The neighbourhoods where intense violence occurred included *Anguwan Rogo, Anguwan Rimi, Anguwan Rukuba, Bauchi Road, Dilimi, Yan Taya, Gangare, Jentan Adamu, Zololo Junction, Anguwan Congo-Russia, Tudun Wada, Abattoir/Dogon Karfe, Zaria Road, Farin Gada, Rock Haven/Utan, Ali Kazaure, Katako, Busabuji, New Market/Kwararafa, Konan Shagari, and Eto Baba*.

²⁴ The Plateau State Governor, Mr. Joshua C. Dariye, his deputy, Mr. Michael Bot-Mang, as well as the state legislature were suspended for six months and an Administrator, Major General Chris Alli (Rtd), was appointed.

²⁵ Plateau Peace Conference, held from 19 August - 21 September 2004, was convened by the Plateau State Government and endorsed by the Federal Government of Nigeria.

2008 there was a semblance of peace, and a few people returned to the neighbourhoods they had deserted and dared to hope that they had seen the last of the carnage.

Still most of the so-called “flashpoint” neighbourhoods mentioned above remained mostly segregated throughout this window period. Within most mixed neighbourhoods there was partitioning between Christian and Muslim houses.²⁶ The “window period” ended on 28 November 2008 when violence broke out as a result of a disputed local government election in Jos North. Hundreds of people were killed, particularly those living as minorities in the so-called “flashpoints”. Those who had succeeded in eradicating the minorities or the “enemies” in their area organised themselves and attacked parts of adjoining neighbourhoods. Once again, the attention of the international media was attracted by the scale of the destruction and the claims by each side to be the victim. Some international media agencies were quick to accept such claims without determining their veracity.

9. The January 2010 crisis

About one year later, on 17 January 2010, another spate of violence broke out in the *Nassarawa Gwom* neighbourhood and spread like wildfire across the city of Jos and its environs. The day was Sunday and Christians had gathered in several churches for the usual Sunday service. As usual, there were conflicting versions of the “trigger”. Muslims alleged that an attempt by one of them to rebuild his destroyed house met with stiff resistance from Christian youths. Christians argued that the said person mobilised about 200 youths to come and rebuild his destroyed house during Sunday service as a deliberate attempt to disrupt the fragile peace in the city and that the Muslim youths began to throw stones at worshippers, besides daring anyone to stop them from rebuilding the house. The Christians claimed that, when Christian youths from the church came out to challenge those throwing stones at the church, a situation that started as a disagreement turned into full blown violence, with every reason for one to think that it was well orchestrated.²⁷ The violence extended

²⁶ Many families in the Middle Belt and also North of Nigeria have members that adhere to the different faith groups.

²⁷ Our informants were eyewitnesses who attended Sunday service around the area that was attacked and managed to escape.

to more areas than during the attacks in 2008.²⁸ Following this violence, residential segregation and partitioning between Christians and Muslims became the socio-spatial defining feature of Jos.²⁹

10. The “no go areas” and their implications for security

The so-called “no go areas” are neighbourhoods that have effectively “removed”³⁰ members of the “other” faith groups from their midst and as such are perceived as too dangerous by the “other”. This perception is built as a result of the memories that people have about the acts of aggression in the form of collective violent behaviour that had taken place in the so-called “no go areas” during the crisis. Memories of the ordeal people experienced during the attacks are transmitted in the form of contradicting narratives of the violence shared by Christians and Muslims. Consequently, Christians and Muslims maintain a mutual distrust and feeling of insecurity towards neighbourhoods occupied exclusively by the “other”.

Since different groups give different meanings to a place for different purposes (Knox and Pinch 2006 and Stump 2008) and as the feeling of insecurity, even though it may be shared collectively, is always perceived individually, we have to admit that the mental cataloguing of a neighbourhood as a “no go area” is subjective, though very “real” in the minds of those involved.³¹ However, investigating how people socially construct a “place”, and the spatial characterisation of conflicts, can provide important insights into relations between disputants and their security concerns. It was also observed that segregation and territoriality go hand in hand. The degree of territoriality varies with the level of segregation. Although

²⁸ The list of flashpoints increased by the addition of the following neighbourhoods: *Anglo-Jos*, *Abattoir/Dogon Karfe*, *Dadin Kowa (Sabon Abuja)*, *Rusau-Student Village*, *Bisichi*, *Kuru Jenta*, *Dutse Uku*, *Nassarawa Gwom*, *Yan Trailer*, *Mai Adiko-Rayfield*, and *Bukuru*.

²⁹ In August 2010, we undertook fieldwork in Jos and collected data through observation, interviews and filming of some of the affected areas.

³⁰ People were eliminated, forced to flee or decided of their own volition to relocate to other places.

³¹ We identified the following neighbourhoods in Jos as being perceived as “no go areas”: *Anguwan Rogo*, *Anguwan Rukuba*, *Eto Baba*, *Jenta Adamu*, *Congo Russia*, *Jentan Mongoro*, parts of *Rikkos*, *Anguwan Rimi*, *Gangare*, parts of *Bukuru Kasuwa* and parts of *Anguwan Doki*.

most neighbourhoods in Jos exhibited some degree of territoriality through mounting civil check-points (before the deployment of the military), establishing vigilante groups, holding communal security meetings and being overtly or covertly suspicious of strangers, it was more pronounced in the flashpoint areas. This situation also impedes the services of state utility companies and maintenance agencies, and seems to create an impression of discriminative neglect of such neighbourhoods by the state and local governments.

In general, due to limited access and interaction among Christians and Muslims the mutual suspicion keeps growing, rumours about attacks planned by the “other” have become part of everyday life in the city. Imagination, besides real life experience, is very powerful in these circumstances and it is the screen on which the mental maps of places of segregation and fear are drawn.

11. The mixed neighbourhoods

There are still a few mixed neighbourhoods in the city of Jos where Christians and Muslims live together without any form of partitioning.³² These areas share certain characteristics. By and large, they fall within the Christian parts of the city, where population-wise Muslims are the minority. They are also better-off residential areas where generally direct violence had not taken place throughout the period of 2001-2010. The majority of the inhabitants can be considered well educated and middle class. Christians and Muslims work together to prevent spill-over of crises into these areas. It is hard to judge whether residents of these neighbourhoods are more peace-loving than those of the areas where violence has occurred. Certainly as a matter of life choices, they show a higher degree of concern with their personal comfort, as most of them live in high-fenced or gated houses. From the interviews we found that they equally share their religious groups’ sentiments about the conflict and privately express adversarial opinions towards the “other”. Hence, the difference between the mixed and segregated neighbourhoods is to a large extent attributable to their variance in spatial vulnerabilities correlating with the prevailing level of socio-economic well-being. Nevertheless, people

³² Some of these neighbourhoods include *State Low-Cost*, *Federal Low-Cost*, *Rayfield*, *GRA/Apollo Crescent*, *University of Jos Staff Quarters*, and *Millionaires’ Quarters*.

living here have the potential to facilitate interface with their religious communities across segregated neighbourhoods to open the channel for peace interventions.

12. Attacks on spatially isolated villages near Jos

As residents of Jos became more watchful and government concentrated security within the city, the predominantly Christian farming settlements in the countryside, which until then were calm, came under persistent guerrilla-style attacks of the most unimaginably gruesome nature. Cutter, Richardson and Wilbanks (2003:2) consider such a shift of strategy as a rational response of the aggressors to maintain public anxiety: "Terrorism is an adaptive threat which changes its target, timing, and mode of delivery as circumstances are altered." Heidenreich (2010:8) stresses that spatial aspects cannot be seen as a negligible factor in jihadist "partisan war": "It requires mountains, natural or urban masses of stone, spaces of shelter and the local population which can make the warrior invisible and from which he can attack."³³

The Christian villages affected are dispersed across the hills and plains of Jos. They would be attacked in the night by unidentified assailants who would descend on the small community with guns and machetes. The attackers would open fire on the victims, set houses ablaze and use machetes on those at close range. Since 7 March 2010 when this pattern of terror strikes emerged, hundreds of people, mainly from the most vulnerable group of women and children, have been killed. These episodic attacks, constituting a new trend in the ongoing inter-religious conflict in Plateau State, have further revealed the spatial dimension of vulnerability. Between January 2010 and February 2011, numerous isolated attacks on Christian villages have taken place under the watch of the Special Task Force (STF) on the Jos crisis, "Operation Safe Haven".³⁴ The situation is compounded with the STF admitting its helplessness due to the difficult topography of Plateau State³⁵. The table below gives a

³³ Translation by the authors.

³⁴ For further information see <http://www.specialtaskforceonplateaustate.gov.ng/> - Retrieved 7 Dec. 2010).

³⁵ The STF Commander, Brig. Gen. Hassan Umaru, admitted their inability to stop the frequent attacks on Christian villages to what he referred to as Plateau's "very terrible terrain, full of hills, rocks, gullies". See report of "The Nation" on this: <http://thenationonline.net/web3/news/20712.html> - Retrieved 7 Dec. 2010).

breakdown of the dispersal of attacks that followed the January 2010 mass violence in Jos.

Table 1: The spatial dispersion of terror attacks along religious lines in Jos and the adjoining rural areas from January 2010 - February 2011³⁶

S/ N	Location	Date of attack	No. of people killed (estimate)
1	Jos, Bukuru (Jos North and South)	17 -19 January 2010	326
2	Dogo Nahawa, Ratsat, Zot (Jos South)	7 March 2010	400
3	Byei (Riyom)	17 March 2010	13
4	Rim (Riyom)	19 April 2010	2
5	Mazah (Jos East)	17 July 2010	8
6	Rawhinku (Bassa)	26 October 2010	6
7	Kwata (Jos South)	26 November 2010	3
8	Rukwe Chongwuru (Bassa)	2 December 2010	10
9	Angwan Rukuba, Kabong bombing (Jos North)	24 December 2010	86
10	Chaha Kuru (Jos South)	28 December 2010	3
11	Gokohong Vwang (Jos South)	31 December 2010	8
12	Bauchi Road/Dilimi (Jos North)	8 January 2011	50
13	Wereng Kuru (Jos South)	11 January 2011	17
14	Dorowa in Fan District (Barkin Ladi)	11 January 2011	3
15	Nyarwai Village (Barkin Ladi)	11 January 2011	5
16	Nding Rayidi (Barkin Ladi)	11 January 2011	6
17	Fed. College of Soil Conservation in Kuru (Jos South)	11 January 2011	5
18	Terminus Area (Jos North)	15 February 2011	12
19	Labare village in Fan District (Barkin Ladi)	22 February 2011	18
		17/01/2010 – 22/02/2011	Total of 1,055

13. Urban violence and the flashpoints within the flashpoints

Another disturbing dimension of spatial vulnerability is the intermittent occurrence of violence in areas we categorised as

³⁶ Source: various police and media reports, reports of human rights organisations, humanitarian NGOs in Plateau State, and expert interviews. The list is not exhaustive as unverified reports have not been included.

“flashpoints”. Despite the presence of the STF in the whole of the city of Jos, occasional violent clashes have been taking place. The most recent of such episodes took place in *Bukuru/Anguwan Doki, Bauchi Road, Terminus Area, Farin Gada, Anglo-Jos, Anguwan Rukuba and Kabong-Gada Biyu*. It takes great efforts on the part of the security forces to contain the violence in these areas due to the fierceness of the fighters and the amount of small and light weapons in their possession, the very nature of “urban warfare” and security lapses.

Two bombs exploded in Anguwan Rukuba and Kabong-Gada Biyu, both mainly Christian neighbourhoods, on the eve of Christmas 2010, killing 86 people. This further revealed the spatial vulnerability of the flashpoints as well as a new trend in the unfolding inter-religious violence. As a result, it became obvious that spatial segregation and partitioning cannot provide the “safety-net” around neighbourhoods when the tactics of terror are employed in inter-communal violence.

14. Conclusions and domains for further research

This paper has focused on the spatial dimensions of inter-religious conflict and the socio-spatial segregation along religious lines in the central Nigerian city of Jos. Spatial dimensions inevitably exist in conflict situations in the “real” or in the “symbolic” world. The specific spatial processes and patterns in the Christian-Muslim conflict in Jos include socio-spatial segregation and partitioning, territoriality, avoidance of places perceived as insecure and the construction of mental maps of certain neighbourhoods as “no go areas”. These socio-spatial orientations to the inter-religious conflict in Jos among the Christian and Muslim communities evolved an adaptive strategy by which each party relates with the “other” and deals with its fear and concern for safety.

No doubt, this strategy helped those who had, as a result of their religious identity, suffered and/or survived repeated violent aggressions of their neighbours to seek refuge elsewhere. It also helped them to move to areas where they share group solidarity and forge a common defence. However, this strategy has some limitations.

The major drawback of socio-spatial segregation is its exposure of the differential spatial vulnerabilities of neighbourhoods across

segregated settlement areas. The efforts of each party to maintain personal security through territoriality and mental mapping of “no go areas” and the concentration of security in the city by the deployment of a STF, made geographically dispersed, small Christian communities especially prone to intermittent partisan terror. Also, within the city of Jos neighbourhoods categorised as flashpoints continue to experience sporadic violence. Two simultaneous bombings in two separate mainly Christian neighbourhoods on the eve of Christmas 2010 also showed the trajectory of “spatial vulnerability”.

If we consider that each conflict has its specific “life cycle” (Verstegen 2001:10), we have to assume that the inter-religious conflicts of the Middle Belt and other parts of northern Nigeria are likely to still be in the escalation phase unless adequate steps are taken by all stakeholders, including the Federal Government, to address their root causes.³⁷ Taking into consideration the aspirations of Nigeria to become a permanent member of the UN Security Council (Igah 2007:7) and considering also the projected near doubling in population to 289,1 million by 2050 (UNFPA 2010:103) the immediate relevance of the ongoing inter-religious conflict, not only for the African continent, but also for Europe, becomes evident.

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³⁷ The Global Peace Index 2010 ranks Nigeria already as no. 137 out of 149 assessed countries worldwide (<http://www.visionofhumanity.org/gpi-data/#/2010/scor>).

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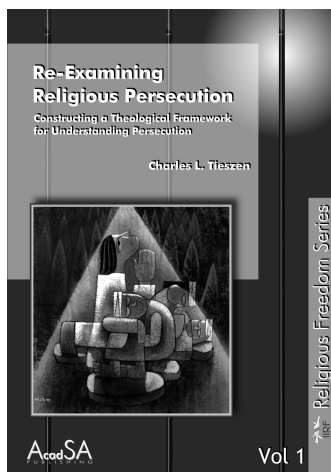
Re-Examining Religious Persecution

Constructing a Theological Framework for Understanding Persecution

Charles L. Tieszen

This innovative study examines the shortcomings evinced by many modern studies of religious persecution. Noting the gaps in current theological reflection, Tieszen offers a theological framework in which the religious persecution of Christians can be properly and theologically understood and responded to. Perhaps most importantly, a definition of persecution is put forth that seeks to incorporate necessary and often overlooked elements.

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Codes of conduct for religious persuasion: the legal framework and best practices

Matthew K Richards, Are L Svendsen, Rainer Bless*

Abstract

Attempts by people of faith to persuade others to their beliefs, while a protected human right, can spark conflicts in communities intent on protecting their privacy and identity. A possible solution lies in voluntary codes of conduct for missionary activities. Such codes are more likely than governmental regulations to prevent or resolve cross-cultural and inter-faith conflicts relating to religious persuasion. This article analyzes nineteen voluntary codes to identify which types have greatest potential for conflict-resolution. Effective codes are compatible with international law norms, respectful of multiple traditions, and addressed to a general audience. Codes drafted by intra-faith or ecumenical groups – while appropriate for the group's internal purposes – are less likely to prevent or resolve cross-cultural or inter-faith conflicts and should not be viewed as universal standards by which to judge the missionary activities of all faiths.

Keywords Religious persuasion, codes of conduct, freedom of conscience, proselytism, right to manifest, mission, ecumenical, inter-faith, freedom of religion, freedom of belief.

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1. Introduction

It is no secret that religious persuasion sparks controversy. Those who engage in religious persuasion often do so because they feel compelled by conscience. And fundamental human rights clearly protect the practice: The right of conscience, the right to “manifest” religion or belief through “teaching, practice, worship and observance”, and the right to free expression all secure the freedom to attempt to share deeply held beliefs with others.¹ However, from the perspective of communities targeted by mission activities, “[t]he proselytizer violates boundaries and disrupts traditions”.²

Proselytism can be mercenary and can exploit ignorance, poverty, and emotional loneliness. It can interrupt or damage existing family and social relationships and disrupt communities of faith. In states with historically dominant religious traditions, the arrival of foreign missionaries can trigger severe reactions within those traditions, sometimes with the support of the state.³

Moreover, rights protecting religious persuasion stand in conflict with countervailing rights, such as “the right to hold opinions without interference,” the right of indigenous peoples to protect their cultures from external forces, and a growing expectation of privacy.⁴

¹ Universal Declaration of Human Rights (adopted 10 December 1948) G.A. Res. 217A (III), Article 18 (UDHR); International Covenant on Civil and Political Rights (ICCPR) (adopted 16 December 1966, entered into force 23 March 1976) G.A. Res. 2200A (XXI), Articles 18 and 19; Declaration on the Elimination of all Forms of Discrimination Based on Religion and Belief (proclaimed 25 November 1981) G. A. Res. 36/55, Article 1. Notably, the freedom of conscience includes the right of a target to “change his religion or belief” or “to have or to adopt a religion or belief of his choice”.

² Martin E. Marty, ‘Proselytizers and Proselytizees on the Sharp Arête of Modernity’, in John Witte, Jr. & Richard C. Martin (eds), *Sharing the Book: Religious Perspectives on the Rights and Wrongs of Proselytism* (Orbis Books, London 1999) 2.

³ Thomas Farr, *World of Faith and Freedom* (OUP, USA 2008) 21-24.

⁴ ICCPR (n 2) Article 19.1; Declaration on the Rights of Indigenous Peoples (DRIP) (adopted by General Assembly Resolution 61/295 on 13 September 2007) <http://www.un.org/esa/socdev/unpfii/en/drip.html> (Accessed 26 October 2010); Joel A Nichols, ‘Mission, Evangelism, and Proselytism in Christianity: Mainline Conceptions as Reflected in Church Documents’ (1998) 12 *Emory Int’l L. Rev.* 563,565; Fernando Volio, ‘Legal Personality, Privacy and the Family’ in Louis Henkin (ed), *The International Bill of Rights: The Covenant of Civil and Political Rights* (Columbia University Press 1981) 190-193 (the

The tension that arises from competing rights and interests is not mere polemics, but can rise to violence. Sobering studies document the potential for conflict. In 126 of 198 countries (64%) evaluated in December 2009 by the Pew Forum on Religion and Public Life, public tensions among religious groups involved physical violence; in 49 countries (25%), private individuals or groups used force or threat of force to compel adherence to religious norms.⁵ Even more recently, sociologists Brian Grim and Roger Finke found that “violent religious persecution is pervasive. Of the 143 countries with populations of two million or more, between July 1, 2000, and June 30, 2007, 86 percent (123 countries) have documented cases of people being physically abused or displaced from their homes because of ... *religious persecution*.”⁶

This article analyzes nineteen voluntary ethical standards or codes of conduct for religious persuasion developed, at least in part, to address this tension. We assess the codes’ effectiveness for preventing or resolving conflicts.

We first note that voluntary codes of conduct are a viable alternative to governmental regulations, with even greater potential than government regulations to avert conflicts related to religious persuasion. Next, we sketch the boundaries set by international law, concluding that codes that violate these boundaries are ineffective for conflict-resolution. We then briefly compare and contrast the various codes of conduct, and outline best practices, gleaned from our analysis, that predict which codes are most likely to be effective. We highlight these best practices in recognition of a recent trend – as evidenced by the *Christian Witness in a Multi-Religious World: Recommendations for Guidelines* published in this volume and the *Recommended Ground Rules for Missionary Activities* produced in 2009 by the Oslo Coalition on Freedom of Religion or Belief – to call upon individual religious organizations and mission networks to draft their own internal ethics codes.⁷

zone of privacy “is a zone of freedom,” “a zone of isolation, a legal cloister for those qualities, wishes, projects, and life styles which each individual man, woman, or child wishes to enjoy or experience”).

⁵ Pew Forum, ‘Global Restrictions on Religion’ (Pew Forum) (17 December 2009) <http://tinyurl.com/6fd6etp> (Accessed 12 October 2010); see also *IJRF* 3 (2010) 33-46.

⁶ Brian J. Grim & Roger Finke, *The Price of Freedom Denied* (2011) 18.

Our central conclusion is that the most effective codes are rooted in international law, respect the missionary activities of multiple traditions, and address a general (rather than internal) audience. These codes are excellent tools for preventing or resolving conflicts relating to religious persuasion, as well as promoting the social wellbeing that derives from a robust religious freedom. Others – typically ecumenical codes – are not likely to be helpful for these ends because they are inwardly focused, may become cartel-like, and serve primarily as a form of advocacy to their own constituencies.

2. Voluntary codes of conduct as an alternative to governmental regulation of religious persuasion

Governments and private stakeholders alike have grappled with ways to resolve tensions related to religious persuasion. For most governments, the answer is regulation. Many of these governments consider religion and culture the exclusive domain of the state. Others use religion as a means to legitimize an undemocratic rule. Yet others, including some of those historically most protective of religious freedom, regulate the means and methods of “manifesting” or “expressing” religion or belief, in order to protect public safety, order, health, morals or other competing rights.

The result among states is a patchwork of regulations ranging from modest to severe, including excluding or restricting foreign missionaries,⁸ constraining the ability of minority religious groups to gather for worship,⁹ limiting use of media,¹⁰ and curtailing

⁷ The conclusions we discuss are based on research to be presented more comprehensively in a companion article to be published in a forthcoming issue of *Religion and Human Rights*.

⁸ E.g., limiting the number, conditioning on stringent criteria, or denying visas at the whim of state officials (Mexico); restricting in-country travel or transfer from one ecclesiastical unit to another (Ukraine); and curtailing foreign participation in religious activities (Belarus, Azerbaijan).

⁹ E.g., capping the size of gatherings (Eritrea), requiring prior state approval (Zambia), requiring meetings only at registered sites (China), or restricting the types of meeting that can be held (Zimbabwe).

¹⁰ In addition to restricting access to state-controlled media, states are developing ways to control new media technologies. Countries like China, Saudi Arabia, Egypt, Iran and Tunisia control internet content through surveillance, prosecutions, and extralegal threats and harassment; China, Iran and Tunisia

humanitarian aid or other charitable activities by religious organizations.¹¹ A significant number of countries – fully 38 percent of countries evaluated by the Pew Forum – have rigid laws that directly or indirectly prohibit religious persuasion.¹² Mauritania, for example, imposes the death sentence upon any Muslim who abandons his or her faith and does not repent within three days.¹³

But several handicaps inhibit any government's ability to craft regulations that account for differences among religious traditions and fairly balance competing human rights:

- Any balancing of rights is context-driven, requiring a flexible application to the particular facts;
- states lack expertise as to the motives and methods of religious persuasion;
- they have no basis on which to make religious judgements;
- regulations are inherently reactive;
- regulators often lack staff and funding and are limited in jurisdiction; and
- top-down regulations seldom motivate compliance by regulated individuals and groups, especially those for whom religious persuasion is compelled by conscience.¹⁴

have implemented systems to monitor and restrict internet content; and China filters mobile phone text messaging. China, Russia and Tunisia each hire commentators to actively guide or influence online discussions. Karin Deutsch Karlekar and Sarah G. Cook, 'Access and Control: A Growing Diversity of Threats to Internet Freedom' (Freedomhouse, 30 March 2009) <http://tinyurl.com/5w5jph5> Annual Report of the United States Commission on International Religious Freedom, May 2009 (2009 Report) www.uscirf.gov (Accessed 18 October 2010) 88.

¹¹ Gospel for Asia 'Crackdown on Churches in Myanmar' (24 February 2009) <http://tinyurl.com/6d2kbq8> (Accessed 14 October 2010).

¹² See *Pew Forum* (n 6). The Pew Forum identifies 75 countries.

¹³ Tad Stahnke, 'Proselytism and the Freedom to Change Religion in International Human Rights Law' (2001) *BYU L Rev* 251, 283-84, 287.

¹⁴ Saule T. Omarova, 'New Paradigms for Financial Regulation in the United States and the European Union: Co-Sponsored by Brooklyn Law School Dennis J. Block Center for the Study of International Business Law: Rethinking the Future of Self-Regulation in the Financial Industry' (2010) 35 *Brooklyn J Int'l L* 665, 672-73 (discussing forms of self-regulation, like codes of conduct)

Much more concerning, the brunt of government restrictions invariably falls upon religious minorities, which can radicalize those minorities and potentially further exacerbate violence. In other words, protectionist state restrictions can spark, rather than quell, further conflict:

If the goal is to create more peaceful and rights-oriented societies, one group cannot have total control over the definition of culture and the amount of religio-legal integration in the State; to do so will inspire permanent division in society and perpetuate violent power struggles between groups as repressed minorities attempt to find a way to gain the respect they need and deserve.¹⁵

A state may succeed temporarily in clamping down on freedom of expression or choice, but a clampdown can drive proselytizing groups underground for a time, only to emerge later as even more divisive. To some religious minorities who feel backed into a corner, “violence [can seem] the only way to effectuate change in society” or to claim rights “already established under international law”.¹⁶ Conversely, state restrictions designed to protect dominant religions or ideologies can embolden the *dominant society* to aggression or violence against the minority.¹⁷ Brian Grim and Roger Finke describe this pattern as the “religious violence cycle,” which occurs as “social restrictions on religious freedom lead to government restrictions on religious freedom and the two act in tandem to increase the level of violence related to religion – which in turn cycles back and leads to even higher social and government restrictions on religion”.¹⁸

To the question of whether voluntary codes of conduct for religious persuasion adopted by religious communities, inter-faith

¹⁵ S I Strong, ‘Law and Religion in Israel and Iran: How the Integration of Secular and Spiritual Laws Affects Human Rights and the Potential for Violence’, 19 Mich J Int’l L (1997) 109,217; *Pew Forum* (n 6).

¹⁶ Strong (n 16) 110-13, 203, 215, 217.

¹⁷ Shima Baradaran-Robison, Brett G Scharffs & Elizabeth A Sewell, ‘Religious Monopolies and the Commodification of Religion’, 32 Pepp L Rev 885, 888, 936-37.

¹⁸ Brian J. Grim, ‘Religious Freedom: Good for What Ails Us?’ (2008) Faith & Int’l Affairs, 3 (describing the “religious violence cycle”) <http://tinyurl.com/6g3b38t> (Accessed 12 October 2010). See also Baradaran-Robison, Scharffs and Sewell (n 18) 930-31 (citing Derek H. Davis, ‘Religious Persecution in Today’s Germany: Old Habits Renewed,’ in *Religious Liberty in Northern Europe in the Twenty-First Century* (Derek H. Davis ed, 2000) 107, 110-12).

groups, mission networks or non-governmental organizations are a viable alternative to government regulation, we answer yes. “Self-regulation as a form of social organization has a long history, which can be traced back to religious fraternities and medieval merchant and trade guilds.”¹⁹ Just as voluntary codes of conduct help ensure professional ethics in law and medicine, promote social and environmental responsibility among corporations, maintain standards of truth and accuracy in advertising, encourage transparent operations in museums and nonprofits, govern the humanitarian responses by NGOs to natural disasters and conflicts, and bolster a variety of accreditation and certification schemes, codes of conduct can be an effective tool for regulating religious persuasion as well.

For a host of reasons, voluntary codes are better suited than government regulations to prevent or resolve cross-cultural and inter-faith conflicts relating to religious persuasion. First, missionary codes can set ethical standards of behaviour and performance that are adaptable, informed, targeted and context-appropriate. Self-regulation in general is more prompt, flexible, and effective than government regulation, and can bring to bear the accumulated judgment and experience of all stakeholders on an issue that is particularly difficult for the government to define with bright line rules.²⁰

Second, codes are inherently more efficient, less costly and less complicated than government regulation.²¹ Cooperation by NGOs, inter-faith groups, mission networks, individual religious organizations, and individual actors themselves allows for more rapid responses to developments affecting the balances of competing rights or the methods of religious persuasion, for instance, adapting to changing modes of communications.²²

¹⁹ *Omarova* (n 15) 671

²⁰ Robert Pitofsky, ‘Self Regulation and Antitrust’ (Remarks prepared for the D.C. Bar Association Symposium, Washington D.C., 18 February 2005) 1, 2 <http://www.ftc.gov/speeches/pitofsky/self4.shtm> accessed 11 November 2010.

²¹ *Omarova* (n 15) 674.

²² Brent D. Showalter, ‘Steroid Testing Policies in Professional Sports: Regulated by Congress or the Responsibility of the Leagues?’ (2007) 17 *Marq Sports L Rev* 651, 676-77.

Third, because these codes both stimulate and draw upon the internal morality of those engaged in religious persuasion,²³ they can minimize both the resistance that naturally follows top-down government regulation as well as the likelihood of conflict. Participating in the cooperative process fosters shared values for all stakeholders, regardless of worldview or relative political power. It legitimizes all voices and also cultivates a sense of ownership that facilitates voluntary compliance with the resulting standards.²⁴

The involvement of regulated firms in self-regulation is said to result in a higher level of compliance. Some of this is derived from the psychological “buy in” to regulation that they have had a hand in developing and for which they are responsible. Regulatory compliance is also likely to be higher where there is a clear understanding of both the rationale for regulation and the rules themselves. In a self-regulatory structure, the regulated firms are more likely to be conscious of the goals of regulation and be aware of its advantages ...²⁵

In contrast, “[s]ocial norm theorists have shown that individuals will ignore or attempt to circumvent efforts to influence their conduct when they consider those efforts illegitimate or philosophically inconsistent with their beliefs and values”.²⁶ This potential for collaborative “buy-in” represents perhaps the greatest advantage of the codes over governmental regulations for preventing or resolving conflicts, provided the circle of participants developing the code is sufficiently inclusive.

Fourth, voluntary codes invite higher levels of standards than a government could impose in keeping with established religious freedom rights. Religiously neutral government regulations cannot address some of the subtleties of religious behaviour. But, by not being bound by any set law, self-regulated organizations can tailor

²³ *Omarova* (n 15) 674.

²⁴ Center for Financial Market Integrity, ‘Self-Regulation in Today’s Securities Markets’ (2007) <http://www.cfapubs.org/doi/pdf/10.2469/ccb.v2007.n7.4819> (Accessed 11 November 2010), 5-6; *Omarova* (n 15) 674; *Showalter* (n 23) 676-77.

²⁵ Margot Priest, ‘The Privatization of Regulation: Five Models of Self-Regulation’ (1997-98) 29 *Ottawa L Rev* 233, 270; see also Gail. B. Agrawal, ‘Resuscitating Professionalism: Self-Regulation in the Medical Marketplace’ (2001) 66 *Mo L Rev* 341, 396.

²⁶ *Agrawal* (n 26) 393.

behaviour beyond what is merely legal, toward what is beneficial for all.²⁷

Fifth, accepting the missionary codes provides an opportunity to religious groups to establish or enhance their reputations for ethical conduct.²⁸ Acceptance represents a moral commitment that facilitates trust and credibility and may thereby enhance performance.²⁹ And sixth, precisely because religious groups care about their reputations,³⁰ the codes provide an important point of leverage on those groups. This happens in two ways. On the one hand, code drafters can be criticized if a code is limited in scope and coverage. Alternatively, those who ascribe to more meaningful codes are open to claims of hypocrisy if they fail to implement those standards.³¹

Detractors who dismiss voluntary compliance schemes as toothless underestimate the extent of the reputational benefits stakeholders can derive “from being able to show that they have complied with a code or standard”.³² This is particularly so among nonprofits, including religious organizations, that obtain their funding

²⁷ *Center for Financial Market Integrity* (n 25) 5-6.

²⁸ *Pitofsky* (n 21) at 1.

²⁹ *Agrawal* (n 26) 383-84; Alnoor Ebrahim, ‘Accountability in Practice: Mechanisms for NGOs’ (World Development, Vol. 31, No. 5, pp. 813-829, 2003) 819-21 <http://tinyurl.com/6kxpyvp> (Accessed 11 November 2010) (citing examples, such as the Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs) 821.

³⁰ David Graham & Ngaire Woods, ‘Making Corporate Self-Regulation Effective in Developing Countries’ (World Development, Vol. 34 No. 5, pp 868-883, 2006) 870, 871-73 (“Risks to reputation are increasingly recognized as important”; providing multiple examples) <http://tinyurl.com/6312jru> (Accessed 11 November 2010).

³¹ Rhys Jenkins, ‘Corporate Codes of Conduct: Self Regulation in a Global Economy’ (United Nations Research Institute for Social Development, Programme Paper Number 2, April 2001), at iv <http://tinyurl.com/63ruo5d> (Accessed 11 November 2010) 28-29.

³² David Brereton, ‘The Role of Self-Regulation in Improving Corporate Social Performance: The Case of the Mining Industry’ (Presented to Australian Institute of Criminology Conference on Current Issues in Regulation: Enforcement and Compliance, Melbourne, September 2002) 14 http://www.csr.uq.edu.au/docs/brereton_2002_1.pdf (Accessed 11 November 2010); Mark Sidel, ‘The Guardians Guarding Themselves: A Comparative Perspective on Nonprofit Self-Regulation’ (2005) 80 Chi.-Kent L. Rev. 803, 829.

through donations or otherwise derive value from their public perception.³³

Finally, seventh, as discussed more fully below, the missionary codes of conduct can influence the interpretation of human rights norms, establish trends, and work cumulatively to reinforce ethical standards. Often, “the issue is not whether any particular scheme is or is not effective, but rather, the sum effect of all these schemes”: While codes may differ in detail, if they generally emphasize similar underlying principles they have an important reinforcing effect. “[T]he sheer weight of the message makes it difficult to ignore.”³⁴

Of course, there are limitations to the effectiveness of missionary codes of conduct. Besides enabling watchdogs to hold religious groups accountable to the public by publishing failures to abide or subscribe to the standards, the codes lack concrete enforcement mechanisms. And there is a danger, discussed below, that codes can become monopolistic, exclude or devalue minority religious groups, and thereby engender the same “religious violence cycle” that can result from aggressive state regulations. “[C]artel-like arrangements of self-regulatory bodies can work against the public interest” by limiting choice, hindering innovation, improperly skewing perceptions of new or unfamiliar religious practices, or distorting the balance of competing human rights.³⁵ As a whole, however, we can expect the codes to have the same potential for success as other voluntary codes in analogous circumstances. As one commentator said of corporate codes of conduct: “Notwithstanding the limitations of codes, they can and have generated positive benefits for stakeholders.”³⁶

In general, then, missionary codes of conduct are indeed a viable alternative to government regulation. Moreover, because they secure participants’ buy-in, harness reputational self-interests and can be adapted to context-specific applications, they also are better suited than state regulations to avert conflicts resulting from the clash of competing rights.

³³ *Sidel* (n 33) 829; *Graham and Woods* (n 31); *Agrawal* (n 26) 383-84.

³⁴ *Brereton* (n 33) 14; *Jenkins* (n 32) 28-29.

³⁵ *Priest* (n 26) 269.

³⁶ *Jenkins* (n 32) iv.

3. International law as the framework

For codes of conduct to be effective in helping resolve conflicts they must be legitimate across cultures in a pluralistic world. A key to legitimacy is compliance with accepted international law norms.³⁷ Universal human rights, backed by political commitments, provide a common platform for cross-cultural discussion. And while rights relating to religious persuasion are in tension, an effective code of conduct cannot trumpet certain rights to the exclusion of others, but must strike a balance or lose legitimacy in the minds of significant populations. Codes that are inconsistent with fundamental rights of religious freedom and expression are ultimately unhelpful to conflict resolution and, like aggressive state regulations, may in fact further exacerbate violence.³⁸ Therefore, before comparing the various existing codes, we emphasize that international law norms set a critical framework for effective codes.

To be sure, a particular religious institution or network may elect to take a “high road” and regulate (or curtail) its own mission activities beyond what is required by international law norms. Indeed, as noted, there is strong incentive for religious groups to self-police to avoid backlashes, enhance their reputation and build public trust. For the stability of their own communities, religious leaders naturally act to curb abuses and may voluntarily withdraw from even benign forms of religious persuasion, even when international law norms do not require a withdrawal.³⁹ Some religious communities act more aggressively in this regard than others, recognizing that missionary

³⁷ “In addition to its affinity to consensus, legitimacy is closely related to a number of other international norms.” Legitimacy is a composite of, and an accommodation between, legality, morality and constitutionality. Ian Clark, *Legitimacy in International Society*, 207 (OUP, New York 2007).

³⁸ “The norms-based view of why self-regulation might work relies on arguments about legitimacy and socialization. [Stakeholders] will abide by rules and norms regulating social and environmental conduct because [those norms] are perceived to be ‘legitimate’ and appropriate.” International law norms are “perceived as possessing legitimacy, ‘a property ... which itself exerts a pull toward compliance.’” *Graham and Woods* (n 31) 870 (citation omitted; ellipsis in original).

³⁹ See e.g. Marv Newell, ‘Is Evangelism Ever a Sin? Ethical Evangelism in a Watching World’ (CrossGlobal Link, June 2009) 2 (CrossGlobal Link, Is Evangelism Ever a Sin) <http://tinyurl.com/6xg4b9u> (Accessed 13 October 2010).

activities perceived to be culturally offensive or politically naïve can needlessly exacerbate religious persecution and lead to even tighter restrictions on religious persuasion.⁴⁰ Moreover, it is perfectly acceptable for a religious group to warn its flock against what it perceives as “wolves in sheep’s clothing.”

However, codes of this nature tend not to be helpful in preventing or resolving *cross-cultural* and *inter-faith* conflicts and should not be viewed as best practices or enforced as customary law incumbent *upon all confessions*. If advanced as universal guidelines by which to judge all those engaged in religious persuasion, such codes can (sometimes deceptively) skew general expectations about the exercise of fundamental rights, and, like aggressive state regulations, spur retaliations.⁴¹

3.1. Major international law instruments relating to religious persuasion

Numerous international covenants have been adopted relating to freedom of religion or belief. We focus on the major instruments cited most frequently by the international community in the field of public international law.⁴²

The *Universal Declaration of Human Rights* (“UDHR”), adopted by the United Nations General Assembly in 1948, provides in Article 18:

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.⁴³

⁴⁰ Robert Seiple, ‘From Bible Bombardment to Incarnational Evangelism’ (2009) 7 Faith & Int’l Affairs 29.

⁴¹ Grim, *Religious Freedom* (n 19) 5 (describing the “religious violence cycle”).

⁴² Other important instruments include the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981), the Vienna Declaration and Programme of Action (1993), the Declaration of Principles on Tolerance (1995), Resolution adopted by the UN General Assembly 52/122 on Elimination of All Forms of Religious Intolerance (1998), and the American Convention on Human Rights (1969).

⁴³ The WCC’s Commission of the Churches on International Affairs urged the incorporation of article 18 into the UDHR. World Council of Churches (WCC), ‘Towards Common Witness’ 5 (WCC, Towards Common Witness) <http://tinyurl.com/6apmm6h> (Accessed 18 October 2010) 4, point 3.

While not legally binding in itself, the UDHR “reflect[s], to a large extent, customary law as recognized by a majority of the international community”.⁴⁴ Moreover, it has been the foundation for an array of national constitutions and legally binding international instruments, including the *International Covenant on Civil and Political Rights* (“ICCPR”).

The ICCPR has been ratified by 167 states and, like the UDHR, has influence even beyond those ratifying states as customary law.⁴⁵ Article 18(1-3) provides:

- 1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
- 2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
- 3) Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.

The regional instruments with most global influence come from Europe, primarily because of the influence of the European Court of Human Rights. Two major instruments are the *Charter of Fundamental Rights of the European Union* (the “EU Charter”) and

⁴⁴ Natan Lerner, ‘Proselytism, Change of Religion, and International Human Rights’ (1998) *Emory Int’l L Rev*, 478, 556-57; Carolyn Evans, ‘Time for a Treaty? The Legal Sufficiency of the Declaration on the Elimination of All Forms of Intolerance and Discrimination’ (2007) 3 *BYU L. Rev.* 617, 627-36. As evidence of its ubiquity, the UDHR is one of the most frequently translated secular documents in the world in 370 languages and dialects. Office of the High Commissioner for Human Rights, ‘The Universal Declaration of Human Rights is the Most Universal Document in the World’ <http://www.ohchr.org/EN/UDHR/Pages/WorldRecord.aspx> (Accessed 13 October 2010). Of course, some states reject these international norms. See Felix Corley ‘The Former Soviet Union’ in Paul Marshall, ‘The Range of Religious Freedom’ in Paul Marshall (ed), *Religious Freedom in the World* (Rowman and Littlefield, Lanham 2007) 37, 41 (quoting a Kazakh jurist stating that “international agreements are nothing to us”).

⁴⁵ United Nations Treaty Collection, <http://tinyurl.com/6gcxdhc> (Accessed 13 October 2010)

the *Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms*, also known as the *European Convention on Human Rights* ("European Convention").⁴⁶ The EU Charter was adopted by the three main European Union institutions (Council, Commission, and Parliament) in 2000, but came into force with the Treaty of Lisbon on 1 December 2009. Under the Treaty of Lisbon, the EU Charter has the status of European Community law and is legally binding on the Union, its institutions, and 27 member states as regards the implementation of Union law. The EU Charter's Article 10(1) says:

Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

The European Convention applies to all 47 member states of the Council of Europe, including non-EU countries such as Russia and Turkey. Pursuant to its Article 9(1-2),

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, 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.

Importantly, all of these provisions essentially mirror each other. They all enshrine an inviolable freedom of conscience and affirm the right to freedom of religion or belief, including the right to "manifest" religion or belief through teaching, practice, worship and observance.⁴⁷ Similarly, both European compacts and the UDHR

⁴⁶ European Convention on Human Rights, 213 UNTS 222 (entered into force 3 September 1953) (European Convention).

⁴⁷ See *Kokkinakis v Greece* (App no 14307/88 (1993) ECHR 20, 11; UN Human Rights Committee, General Comment No. 22 (48) (Article 18), adopted by the UN Human Rights Committee on 20 July 1993, UN Doc CCPR/C/21/Rev.1/Add.4 (1993), reprinted in UN Doc HRI/GEN/1/Rev1

safeguard the right of a target of missionary activities to “change his religion or belief,”⁴⁸ and, while a source of controversy among Muslim states, the ICCPR protects the right “to have or to adopt a religion or belief of his choice”.⁴⁹ The UN Human Rights Committee interprets the freedom to “have or adopt” a religion or belief “necessarily [to] entail[] the freedom to choose a religion or belief, including, *inter alia*, the right to replace one’s current religion or belief with another or to adopt atheistic views, as well as the right to retain one’s religion or belief”.⁵⁰

3.2 Key decisions of the European Court of Human Rights impacting freedom of religion or belief

The European Court of Human Rights oversees implementation of the European Convention, but the Court’s influence extends beyond Europe. Given the virtually identical language of all major human rights instruments with respect to the freedom of religion and belief, the reading of one instrument inevitably influences the interpretation of others. The European Court’s judgments, thus, acquire a universal dimension.⁵¹

The Court has addressed the issue of religious persuasion in three key cases, which we discuss next. These cases speak directly to the conflict of rights, and by authoritatively interpreting the relevant human rights norms, they map the outer boundaries within which the codes of conduct legitimately can self-regulate.

(1994), 35, 208 (UN Human Rights Committee) (“[T]o prepare and distribute religious texts” is “integral to the conduct by religious groups of their basic affairs.”).

⁴⁸ UDHR, (n 2) Article 18.

⁴⁹ ICCPR, (n 2) Article 18; see also *Declaration on the Elimination of all Forms of Discrimination Based on Religion and Belief* (n 2). Notably, the language “to have or to adopt” in the ICCPR was a political compromise resulting from Islamic objections to explicit reference to a right to “change” one’s religion or belief. However, the compromise was balanced by Article 18 (2) in the ICCPR, which provides that “No one shall be subject to coercion which would impair his freedom to have or adopt a religion or belief of his choice,” which was intended to prevent coercive measures that would forestall conversion. See generally Paul Taylor, ‘Freedom of Religion: U.N. and European Human Rights Law and Practice’ (CUP, New York 2005).

⁵⁰ *UN Human Rights Committee* (n 48) para 5.

⁵¹ Lerner (n 45) 114 (discussing the impact of the *Kokkinakis* case).

3.2.1 *Kokkinakis v. Greece*

The first major case is *Kokkinakis v. Greece* (1993), which involved the prosecution by Greece of a Jehovah's Witness engaged in door-to-door canvassing.⁵² Mr. Kokkinakis had been arrested more than 60 times for "proselytism," and was once again convicted, this time for calling at the home of an Eastern Orthodox cantor. Greek law proscribed "proselytism," defined as "any direct or indirect attempt to intrude on the religious beliefs of a person of a different religious persuasion, with the aim of undermining those beliefs, either by any kind of inducement or promise of inducement or moral support or material assistance, or by fraudulent means or by taking advantage of his inexperience, trust, need, low intellect or naivety".⁵³

In overturning the conviction, the Court reiterated that the freedom of religion or belief includes the freedom to "manifest" one's religion:

While religious freedom is primarily a matter of individual conscience, it also implies, *inter alia*, freedom to "manifest [one's] religion." Bearing witness in words and deeds is bound up with the existence of religious convictions.

According to Article 9 [of the European Convention], freedom to manifest one's religion is not only exercisable in community with others, "in public" and within the circle of those whose faith one shares, but can also be asserted "alone" and "in private;" furthermore, it includes in principle the right to try to convince one's neighbour, for example through "teaching," failing which, moreover, "freedom to change [one's] religion or belief," enshrined in Article 9 (art. 9), would be likely to remain a dead letter.⁵⁴

The Court held that "it may be necessary to place restrictions on this freedom in order to reconcile the interests of the various groups and ensure that everyone's beliefs are respected,"⁵⁵ but concluded that government restrictions will only be consistent with the freedom of religion or belief as long as they do not hinder proper methods of religious persuasion.⁵⁶ In the particular case, while the Court did not elaborate on what would constitute improper missionary conduct, it

⁵² *Kokkinakis* (n 48).

⁵³ *Kokkinakis* (n 48) 16, 17.

⁵⁴ *Kokkinakis* (n 48) 31.

⁵⁵ *Kokkinakis* (n 48) 33.

⁵⁶ *Kokkinakis* (n 48) 48.

held that Mr. Kokkinakis did not use force or other improper methods.⁵⁷

3.2.2 *Larissis and Others v. Greece*

Larissis and Others v. Greece (1998) involved military officers convicted under the same anti-“proselytism” law at issue in *Kokkinakis* for sharing their Pentecostal faith with subordinates and civilians. The Court reiterated that the right to manifest necessarily includes the “right to try to convince one’s neighbour, for example through ‘teaching,’” but in contrast to *Kokkinakis* upheld the convictions for missionary activities directed toward military subordinates because of “the particular characteristics of military life and its effects on the situation of individual members of the armed forces”.⁵⁸

[T]he Court notes that the hierarchical structures which are a feature of life in the armed forces may colour every aspect of the relations between military personnel, making it difficult for a subordinate to rebuff the approaches of an individual of superior rank or to withdraw from a conversation initiated by him. Thus, what would in the civilian world be seen as an innocuous exchange of ideas which the recipient is free to accept or reject, may, within the confines of military life, be viewed as a form of harassment or the application of undue pressure in abuse of power. It must be emphasized that not every discussion about religion or other sensitive matters between individuals of unequal rank will fall within this category. Nonetheless, where the circumstances so require, States may be justified in taking special measures to protect the rights and freedoms of subordinate members of the armed forces.⁵⁹

Importantly, the convictions were “more preventative than punitive” because no penalties were enforceable unless the applicants reoffended within three years.⁶⁰

Emphasizing the importance to the Court’s decision of the unique characteristics of military life, the Court overturned the convictions with regard to civilian targets even though (1) the applicants told the civilians that they (the civilians) “were possessed by the devil” and “worshipped idols and demons,” (2) the applicants took advantage of

⁵⁷ *Kokkinakis* (n 48) 49, 50.

⁵⁸ *Larissis and Others v. Greece* (App no23372/94) ECHR 24 February 2008 45, 50.

⁵⁹ *Larissis* (n 59) 51.

⁶⁰ *Larissis* (n 59) 54.

both their apparent power over a “delirious” co-religionist (who was foaming at the mouth but became calm upon the applicants’ arrival) and the civilians’ “inexperience in religious matters” to importune the civilians to convert to the Pentecostal faith, and (3) one of the targets distressed by the breakdown of her marriage “developed psychological problems”.⁶¹

The Court finds it of decisive significance that the civilians whom the applicants attempted to convert were not subject to pressures and constraints of the same kind as the airmen.⁶²

3.2.3 *Nolan and K v. Russia*

In *Nolan and K v. Russia* (2009) the European Court of Human Rights addressed the question whether a missionary could be denied re-entry to Russia in connection with his exercise of the right to freedom of religion or belief. Russia’s Federal Security Service concluded that Mr. Nolan, a member of the Unification Church founded by Reverend Sun Myung Moon, presented a “threat to national security,” which Russia defined to include “the protection of its . . . spiritual and moral heritage” as well as “opposing the negative influence of foreign religious organisations and missionaries.”⁶³

The national security basis of Mr. Nolan’s exclusion restricted the evidence Russia could present; nonetheless, the Court held there was no evidence of any allegedly improper conduct by Mr. Nolan or others in the Unification Church apart from “spreading their doctrine and guiding their followers in the precepts of Rev. Moon’s spiritual movement,” which were primarily religious activities. Thus, in the absence of any objectionable non-religious conduct and in consideration of the general policy as to national security, the Court concluded that “the applicant’s banning from Russia was designed to repress the exercise of his right to freedom of religion and stifle the spreading of the teachings of the Unification Church”.⁶⁴

⁶¹ *Larissis* (n 59) 11, 12, 17, 19, 59.

⁶² *Larissis* (n 59) 59 (alterations in original).

⁶³ *Nolan and K v. Russia* (App no 2512/04) 2009, 12, 39 (quoting letter from Federal Security Service alleging that the Unification Church among other groups established a network to gather information about events in Russia, indoctrinate citizens and incite separatist tendencies: “Missionary organizations purposefully work towards implementing the goals set by certain Western circles” to undermine national identity).

⁶⁴ *Nolan* (n 64) 63-66.

In finding a violation, the Court reiterated that exceptions to the freedom of religion and belief listed in the international conventions must be narrowly interpreted, “for their enumeration is strictly exhaustive and their definition is necessarily restrictive”.⁶⁵ Moreover, the Court provided a discrete list of state aims that can justify exceptions – “the interests of public safety, the protection of public order, health or morals, and the protection of the rights and freedoms of others” – which list did not include “national security”.

3.4. Lessons from the cases

These cases are seminal on many fronts. First, underlying all the cases is a fundamental commitment to the sanctity of the freedom of thought, conscience and religion, which *Kokkinakis*, *Larissis* and *Nolan* all describe as “one of the foundations of a ‘democratic society’”:

It is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it.⁶⁶

Indeed, the Court in *Nolan* cited precisely this basis to explain its restrictive reading of the list of permissible exceptions to the freedom of religion and belief:

Far from being an accidental omission, the non-inclusion of [national security as a ground for limitation under Article 9 of the European Convention] reflects the primordial importance of religious pluralism as “one of the foundations of a ‘democratic society’ within the meaning of the Convention” and the fact that a State cannot dictate what a person believes or take coercive steps to make him change his beliefs.⁶⁷

The international human rights instruments presuppose the universality and equality of the human spirit in the exercise of conscience. Recognizing this fact, the European Court of Human Rights promotes a robust marketplace of religious (and non-religious) ideas.⁶⁸ The ability to freely decide matters of conscience presumes unfettered access to a range of viewpoints. Missionaries offer a choice

⁶⁵ *Nolan* (n 64) 73.

⁶⁶ *Kokkinakis* (n 48) 36; *Larissis* (n 589 38; *Nolan* (n 64) 61; see also *Serif v. Greece* (App no 38178/97) ECHR 14 December 1999, 39.

⁶⁷ *Nolan* (n 64) 73 (citations omitted).

in the market. So, the same freedom of conscience that gives listeners the right to accept or reject ideas according to their beliefs gives missionaries the right to manifest their religious beliefs according to theirs.⁶⁹

Second, the cases illustrate the balance to be achieved among potentially competing human rights. In *Kokkinakis* and *Larissis*, Greece's aim in criminalizing "proselytism" was to protect the rights and freedoms of others, but the Court held that generalized notions of privacy yielded to the right to manifest religion (including "the right to try to convince one's neighbour") in the absence of a showing of improper conduct.⁷⁰ The right to manifest and the right to have or adopt a belief of one's choice are inextricably linked as aspects of the underlying freedom of conscience – a freedom that can never be abridged.⁷¹ According to the Court, the right to manifest can be limited only when the methods of religious persuasion are "improper" – that is, when the missionary's conduct "is not compatible with respect for freedom of thought, conscience or religion of others".⁷²

Third, while the Court in *Kokkinakis* declined to define "improper" conduct in the abstract, the cases begin to provide some general direction. Obviously, some limitations are appropriate and needed. The state – or religious institutions or networks themselves –

⁶⁸ Baradaran-Robison, Scharffs and Sewell argue that "religious pluralism vivifies religion and thus 'politically active religious citizens, and even those willing to support their favoured coercive laws on the basis of their parochial religious commitments, have a vested interest in refusing coercively to impose their favoured religious orthodoxy on a diverse population.' Citing numerous other scholars, [there is] a 'convergence of voices . . . in support of the claim that religious communities benefit from pluralism and thus from a political regime that protects the religious freedom from which pluralism ensues.'" (n 18) 931 (citing Christopher J. Eberle, *Religious Conviction in Liberal Politics* (2002) 26-27, 44-45, as well as examples).

⁶⁹ Kevin Seamus Hasson, *The Right to Be Wrong* (Encounter Books, New York 2005) 33.

⁷⁰ *Kokkinakis* (n 48) 49.

⁷¹ *Kokkinakis* (n 48) 33; ICCPR (n 2) article 18 (3).

⁷² *Kokkinakis* (n 48) 48-49. The negative freedom of religion is clearly violated by coercion and force, but it is questionable whether the simple manifestation of freedom of religion without coercion or force can ever violate this negative right; See Niraj Nathwani, 'Islamic Headscarves and Human Rights' (2007) Netherlands Quarterly of Human Rights, Vol 25 no 237.

are entitled to proscribe coercion and manipulation that overwhelm a target's freedom of choice, which the Court stated might include "the use of violence or brainwashing," "exerting improper pressure on people in distress or in need," and "offering of material or social advantage or the application of improper pressure with a view to gaining new members for a Church".⁷³

As *Larissis* makes clear, the state is also entitled to protect those, like military subordinates, whose ability to choose is diminished by their particular circumstances. Presumably, this rule would extend to others in formalized hierarchical relationships, incapacitated persons (e.g., minors in school) and captive audiences (e.g., inmates in prison). There are reasons to give a higher level of protection to particular groups than to society as a whole since those groups are more vulnerable to conversion attempts and might find it difficult to exercise freedom of thought, conscience and religion in the context of their surroundings.⁷⁴

Finally, the cases highlight the difficulty of defining boundaries. *Kokkinakis* in particular illustrates the controversy, discussed above with respect to differences in the codes, over what constitutes improper "coercion". In that case the missionary encounter lasted ten to fifteen minutes and consisted of Mr. Kokkinakis coming to the cantor's home, being admitted by the cantor's wife, reading from scripture, encouraging her to change her Orthodox beliefs, and then leaving when he concluded his message.⁷⁵ The majority opinion held there was no coercion in this essentially voluntary exchange, but dissenting judges strenuously disagreed, stating that Mr. Kokkinakis's conduct amounted to the "rape of the belief of others" and was "fanatic[al]," "coercive" and "unacceptable psychological techniques".⁷⁶ Both the Court's internal disagreement and the refusal to define generally applicable standards highlight the significant grey

⁷³ *Kokkinakis* (n 48) 48; *Larissis* (n 59) 45.

⁷⁴ *Nathwani* (n 73) 238; see also Barry Lynn, Marc D Stern, Oliver S Thomas (eds) *The Right to Religious Liberty* (Southern Illinois University Press, Carbondale 1995) 21-22.

⁷⁵ *Kokkinakis* (n 48) 7, 10.

⁷⁶ *Kokkinakis* (n 48) 38; *Lerner* (n 45) 553; Tad Stahnke, 'The Right to Engage in Religious Persuasion' in Tore Lindholm, W. Cole Durham jr., and Bahia G. Thazib-Lie (eds) *Facilitating Freedom of Religion or Belief: a Deskbook* (Martinus Nijhoff Publishers/Brill Academic, The Hague 2004) 635, 645-46.

zone that remains about the degree or kind of pressure needed to constitute “coercion”.⁷⁷

At a minimum, however, it is clear from *Larissis* (where missionaries berated civilians, took advantage of their weaknesses, and importuned them to convert) that in the absence of unusual circumstances (e.g., military hierarchy) the Court is reluctant to find coercion where the conduct does not unduly restrict his or her free choice.⁷⁸ Moreover, restrictions must be proportionate to the legitimate aims of the state and leave open ample, meaningful opportunities of manifestation.⁷⁹ According to the Court in another important case, a state may fear hostility among competing groups in society but the role of authorities is “not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other”.⁸⁰

3.5. Right to freedom of expression

Naturally, alleged violations of the right to manifest one’s religion or belief also raise questions about the freedom of expression since manifesting religion or belief through teaching necessarily includes expressing an opinion. The European Court of Human Rights, like the international instruments it interprets,⁸¹ has repeatedly underscored the high value of freedom of expression in various cases. For example, in *Feldek v. Slovakia*⁸² (2001) the Court stressed that

According to the Court’s case-law, freedom of expression constitutes one of the essential foundations of a democratic society and one of the

⁷⁷ *Lerner* (n 45) 526.

⁷⁸ *Larissis* (n 59) 59.

⁷⁹ *Kokkinakis* (n 48) 49; *Larissis* (n 59) 46; see also General comment (para 8) to the ICCPR (art 18). In assessing proportionality, “the Court must weigh the requirements of the protection of the rights and liberties of others against the conduct of which the application [stands] accused.” *Kokkinakis* (n 48) 47. The nature and severity of the punishment is relevant to this analysis. *Larissis* (n 59) 54.

⁸⁰ *Serif* (n 67) 53 (discussing tensions between Muslims and Christians and between Greece and Turkey).

⁸¹ See *European Convention* (n 47) Article 10 (1).

⁸² *Feldek v. Slovakia* (App no 29032/95) (2001) 72; see also *Handyside v. The United Kingdom* (App no 5493/72) ECHR 7 December 1976) judgment of 7 December 1976, Series A no 24, p 23, 49.

basic conditions for its progress and for each individual's self-fulfilment. Subject to paragraph 2 of Article 10 [of the European Convention], it is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. Article 10 protects not only the substance of the ideas and information expressed, but also the form in which they are conveyed.

As with the freedom of religion or belief, states can prescribe laws that limit the freedom of expression only when certain enumerated exceptions "necessary in a democratic society" are satisfied and exceptions must be "construed strictly".⁸³

Just as a person can freely advocate his or her political views, there should not be any question about the right of believers to share their religious views. The protection of the right to free expression (both speech and press) should be the same regardless of speaker or subject. As the Council of the European Union emphasized in November 2009, the freedom of religion or belief is intrinsically linked to freedom of opinion and expression which is necessary to create pluralist, tolerant, broad-minded and democratic societies.⁸⁴

However, the European Court of Human Rights has not yet applied this jurisprudence in the context of religious persuasion. Rather, in cases raising both freedom of religion or belief and freedom of expression, the Court has so far declined to address alleged

⁸³ *European Convention* (n 47) Art.10 (2); *Feldek* (n 84) 72; however, "a certain margin of appreciation is generally available to the Contracting States when regulating freedom of expression in relation to matters liable to offend intimate personal convictions within the sphere of morals or, especially, religion." *Gündüz v. Turkey*, (App no 35071/97) ECHR 4 December 2003, 37, 51. *Gündüz* and the cases *Otto-Preminger-Institut v. Austria* (App no 13470/87) ECHR 20 September 1994, Series A no. 295-A, 49 and *Wingrove v. United Kingdom* (1997) 24 EHRR 1 (ECHR 1996-V, 25 November 1996), 52, affirm some limits on religious expressions based on the enumerated exceptions.

⁸⁴ Council conclusions on freedom of religion or belief, 2973rd General Affairs Council meeting, Brussels, 16 November 2009; *Cf. Capitol Square Review and Advisory Board v. Pinette*, 515 US 753, 760, 767 (1995) (plurality opinion) ("[F]ar from being a First Amendment orphan," religious speech "is as fully protected ... as secular private expression"; indeed, "religious speech [is not] simply as protected by the [United States] Constitution as other forms of private speech," but "receives preferential treatment" under the First Amendment").

violations of the freedom of expression when the matter could be decided solely under the freedom of religion or belief. Thus, while the freedom of expression remains a potent source of protection for missionary activities, it appears that the Court for now defers to a freedom of religion or belief analysis – balancing competing rights in furtherance of an immutable freedom of thought, conscience or religion.

3.6. The role of codes of conduct in relation to international law norms

While international instruments and jurisprudence fence the outer boundaries within which effective codes of conduct can self-regulate, there is still significant wilderness. Questions remain as to precisely which forms of religious persuasion are proper or improper, and much greater precision is needed in assessing what other rights can counterbalance the right to engage in religious persuasion. Effective codes of conduct can map these contours, as *Kokkinakis* itself illustrates.

Though *Kokkinakis* declined to define in the abstract what constitutes improper religious persuasion, the court cited in passing a 1956 report issued by the World Council of Churches that distinguished “improper proselytism” from “Christian witness,” and noted that the Greek law at issue in *Kokkinakis* appeared generally consistent with the report’s definitions.⁸⁵ Indeed, the concurring opinion of Judge Pettiti explicitly suggested the use of codes of conduct as tools to help “define any permissible limits of proselytism”: According to Judge Pettiti, codes can provide “positive material for giving effect to the Court’s judgment in the future and fully implementing the principle and standards of religious freedom”.⁸⁶

Indeed, codes can elucidate a range of issues relating to religious persuasion where international law remains unresolved, such as what types of conduct constitutes coercion or manipulation; what groups (beyond military subordinates) need special protection to ensure their freedom of thought, conscience and religion; whether indigenous peoples are entitled to greater protection; how to reduce the risk of

⁸⁵ *Kokkinakis* (n 48) 48.

⁸⁶ *Kokkinakis* (n 48) 26.

offence to a target's religious sensibilities without unduly compromising the missionary's right to share his or her beliefs; what charitable activities and in what circumstances constitute improper inducements; and how internationally guaranteed rights interact with local customs.

But again, codes of conduct lose legitimacy if they venture beyond the boundaries set by international law and are no longer "compatible with respect for freedom of thought, conscience or religion".⁸⁷ If a code is biased or skewed, then a measure relying on that code would be biased or skewed as well. Implicitly recognizing this reality, all of the codes of conduct evaluated herein pay homage to fundamental human rights, and many specifically cite to the human rights supporting the right to engage in religious persuasion. Nonetheless, as discussed below, some codes contain provisions that are incompatible with those rights.

4. Comparison of the codes

The nineteen codes of conduct we evaluate were developed over a period of more than thirty years by many different groups. (See the Appendix for a list of codes analyzed.) Some codes were drafted collaboratively by parties from multiple worldviews ("*inter-faith codes*"); others were drafted by faiths or networks representing a single worldview ("*intra-faith codes*") or by non-governmental organizations ("*NGO codes*"). We find that the type of drafting body directly correlates with the purpose and audience of the code. The purpose and audience, in turn, bear significantly on the ultimate utility of the code in preventing and resolving conflicts. We also note important differences in the codes as to their rhetorical framework and their level of prescriptiveness.

4.1 The relationship between drafters and code effectiveness

While a forthcoming article will more fully detail our findings, we illustrate the direct relationship between drafter and ultimate effectiveness with three case studies that are each representative of several other codes. The first two studies exemplify codes drafted by NGOs and inter-faith groups. NGOs have a well-recognized role in

⁸⁷ Kokkinakis (n 48) 48-49.

facilitating self-regulatory schemes.⁸⁸ Inter-faith groups also naturally put aside distinctive dogmas to find a common ground.

Example 1: Oslo Coalition on Freedom of Religion or Belief,

Recommended Ground Rules for Missionary Activities

A 2007 academic conference in Norway discussed the philosophies and methods of “Christian and Muslim Mission”. Discussions highlighted the controversy that surrounds religious persuasion and prompted calls for a code of conduct to help reduce conflicts through increased awareness of human rights standards on religion or belief. The Oslo Coalition (an international network of representatives from religious and other life-stance communities, NGOs, international organizations and research institutes) undertook the challenge.⁸⁹

The resulting code, published in 2009, is founded upon international human rights, and proffers itself as a tool for balancing competing rights and interests relating to religious persuasion.⁹⁰ To highlight the importance of human rights, the Oslo Coalition also released a reference paper analyzing those rights: “The right to try to convince the other: Missionary activities and human rights”.⁹¹ Both code and paper call upon organizations and networks engaged in religious persuasion to reflect on their own conduct and consider the wider context, as defined by international conventions, when setting their internal standards.

⁸⁸ Tanja A. Borzel and Thomas Risse, ‘Public-Private Partnerships: Effective and Legitimate Tools of International Governance?’ (Prepared for the Edgar Grande/Louis W. Pauly (eds.), *Complex Sovereignty: On the Reconstitution of Political Authority in the 21st Century*, Berlin, Germany) 9 <http://tinyurl.com/6yhrjas> (Accessed 11 November 2010).

⁸⁹ Oslo Coalition, *Missionary Activities and Human Rights: Aims and Objectives* http://www.oslocoalition.org/mhr_aims.php (Accessed 6 March 2011).

⁹⁰ Oslo Coalition, *Missionary Activities and Human Rights’ Recommended Ground Rules for Missionary Activities* (OC, Recommended Ground Rules) <http://tinyurl.com/6d9z72l> (Accessed 18 October 2010) 373-74; *see* IJRF 3 (2010) 113-122.

⁹¹ *The Right to Try to Convince the Other: Missionary Activity and Human Rights* <http://tinyurl.com/65fl2j8> (Accessed 6 March 2011).

Example 2: Christian Muslim Forum, Ethical Guidelines for Christian and Muslim Witness in Britain

Since its beginning as a small group of Muslims and Christians responding to the Archbishop of Canterbury's 1997 call for more structured dialogue between Christians and Muslims, the Christian Muslim Forum has blossomed into a major inter-faith initiative in Britain. Among other areas of work, the Forum has tackled issues relating to religious persuasion. According to Dr Musharraf Hussain OBE, past Chair and Vice-Chair of the Christian Muslim Forum, the effort began in scepticism and mistrust, but ended in cooperation. Even the act of preparing a code produced a new sense of understanding and brotherhood.⁹² While acknowledging the deep faith commitments of both Christians and Muslims, the resulting code avoids expressing the “theology of Christian evangelism or Muslim Da’wah,” and aims to bridge “diverse attitudes and approaches amongst us which can be controversial and raise questions” to offer “guidelines for good practice” for “the common good”.⁹³

As Examples 1 and 2 demonstrate, both NGO and inter-faith codes address wide audiences and tend to accommodate unfamiliar traditions and methods of religious persuasion. As a result, these types of codes are likely to help reduce conflicts by promoting a peaceful plurality of religions and beliefs.

In stark contrast to the bridge-building aims of NGO and inter-faith codes, *intra*-faith or ecumenical codes have a distinctly insular focus: They tend to look inwardly to their own constituencies, and thus are typically less suitable for general application or to resolve cross-confessional conflicts. While these codes may be prepared collaboratively by many participants, all participants share a common worldview – usually mainline Christianity – and, far from promoting pluralism, their purpose is to unite constituents around a common, consensus-driven philosophy of mission.

⁹² Comments of Dr. Musharraf Hussain, OBE DL, at Oxford Conference on Law and Religion, 8 June 2010, at Oxford University, Balliol College.

⁹³ Christian Muslim Forum, ‘Ethical Guidelines for Christian and Muslim Witness in Britain’ (“[W]e will accept people’s [religious] choices without resentment.”) (London, 24 June 2006) 1 (Christian Muslim Forum, Ethical Guidelines) <http://tinyurl.com/66ynf6j> (Accessed 16 March 2011).

**Example 3: World Council of Churches, Towards Common Witness –
a Call to Adopt Responsible Relationships in Mission and
to Renounce Proselytism**

Western missionaries descended upon Eastern Europe after the fall of the Soviet Union. Orthodox Christianity interpreted the missionary onslaught as an assault on Orthodoxy. In 1992 and again in 1996, patriarchs of the Armenian Orthodox Church

accused these foreign groups of unfairly “taking advantage of the principle of religious freedom,” lately enshrined in the new Armenian law on religious conscience. They explained that the Armenian Church was in a weakened condition and needed time to regain its strength after seventy years of Soviet rule. The patriarchs took umbrage at the notion that Armenia was a field ripe for proselytism. “Armenia is not a mission-field for Christian evangelism,” they insisted. It is not ‘a heathen world and therefore a field for mission work in the generally accepted meaning of this word.’” They “described the activities of Jehovah’s Witnesses, Pentecostals, Nazarenes, Mormons, and others as self-serving and ignorant of Armenian faith and culture. They spoke of proselytizing as “soul stealing,” the illicit conversion of Christians from one confession to another within an already Christianized nation. Their “purpose is not to provide spiritual care for already existing members or followers (factually non-existent); their clear aim consists in ‘winning’ adherents,” in gaining “converts.” . . . This activity is “a threat to Christian unity . . . and to national unity.”⁹⁴

As a result, in 1997 Orthodox clerics participated with the World Council of Churches in drafting a code whose goal was:

(1) to make churches and Christians aware of the bitter reality of proselytism today; (2) to call those involved in proselytism to recognize its disastrous effects on church unity, relationships among Christians and the credibility of the gospel and, therefore, to renounce it; and (3) to encourage the churches and mission agencies to avoid all forms of competition in mission and to commit themselves anew to witness in unity.⁹⁵

In the view of most (but not all) ecumenical codes, religious persuasion promotes discord and schism, and should be restrained. In some respects, these codes are like the bylaws of cartels that encourage conformity to a common vision and stifle competition from

⁹⁴ Vigen Guroian, ‘Evangelism and Mission in the Orthodox Tradition’ in *Witte and Martin, Sharing the Book* (n 3) 231, 231-34; see also *Farr* (n 4) 145.

⁹⁵ *WCC, Towards Common Witness* (n 44) 3.

in-fighting or new or unfamiliar voices.⁹⁶ They evidence the observation that “[e]stablished religions ... often act to curtail competition from new religious groups by preventing proselytism, restricting conversion, and putting up barriers that make it difficult for new religions to gain a foothold.”⁹⁷ These codes encourage agreements among the churches to define canonical territories and by implication marginalize groups that fail to live by their lofty standards.

As noted, intra-faith codes can be appropriate as means of regulating internal affairs, warning the faithful, or enhancing the faith’s reputation among those who hold similar views. But as illustrated by Example 3 they are not likely to be useful for resolving tensions with other faiths or worldviews that do not share their vision of unity. They also lack cross-cultural legitimacy because, by discouraging new or emerging voices or over-restricting mission activities, they curtail the marketplace of ideas that is so critical to the freedom of thought, conscience and religion. And, as with aggressive state restrictions, “the attempt to restrict fair religious competition results in more violence and conflict, not less.”⁹⁸

Importantly, while we have not yet analyzed the newly-released *Christian Witness in a Multi-Religious World: Recommendations for Guidelines* published in this volume, it appears that the World Council of Churches and its collaborators have realized the limitations of earlier codes that were highly suspicious of missionary activities and now better accept the reality of religious persuasion. Also, we note that two intra-faith codes included in our analysis were prepared by groups whose purposes differed diametrically from that of the code in Example 3. The drafters of both these codes are minority faiths evangelising in states where the dominant culture is highly sceptical of

⁹⁶ See Baradaran-Robison, Scharffs & Sewell (n 18) 930 (“[A] religious monopoly may become oppressive and with state aid stifle minority religions.”). To obtain the buy-in of minority religious groups a code of conduct cannot disproportionately benefit some stakeholders at the expense of others. *Center for Financial Market Integrity* (n 25) 19. “[C]artel-like arrangements of self-regulatory bodies can work against the public interest” in a multiple ways. *Priest* (n 26) 269.

⁹⁷ *Grim, Religious Freedom* (n 19) 5. The Pew Forum found that public tensions between religious groups were reported in the vast majority (87%) of countries between mid-2006 through mid-2008. See *Pew Forum* (n 6).

⁹⁸ *Grim, Religious Freedom* (n 19) 5.

religious persuasion.⁹⁹ Both codes aim to assuage concerns, and therefore, do not present the concerns illustrated by Example 3. These two codes evidence an important exception to the observation that intra-faith codes are less likely to be effective for conflict-resolution.

In summary, there are significant differences among the codes due to drafters, audience and purpose, and those differences largely predict a code's likely effectiveness in preventing or resolving conflicts. These differences highlight the importance when interpreting any code of assessing its scope and purpose to recognize inherent limitations.

4.2. Differences in the rhetorical framework and prescriptiveness of the codes

Other differences among the codes are in their rhetorical framework and prescriptiveness. Perhaps not surprisingly, codes focused on a faith's or network's own adherents are more likely to be founded on the faith's scripture than international human rights norms,¹⁰⁰ but a faith-specific framework alone can delegitimize the code for those of other worldviews. Moreover, our analysis reveals that while most NGO and inter-faith codes generally direct that those engaged in religious persuasion be fair, truthful and respectful of the feelings of targets, intra-faith codes are more likely to include sometimes stringent guidelines for what types of conduct are improper.

⁹⁹ Evangelical Fellowship of India, 'Statement on Mission Language,' (EFI, Statement on Mission Language) (1-3 June 2000) <http://www.ad2000.org/re00620.htm> 1; Christian Federation of Malaysia, 'An Affirmation of Christian Witness' (CFM, Affirmation of Christian Witness) (19 December 1996).

¹⁰⁰ See e.g. Conference of European Churches & Council of European Bishops' Conferences, 'Charta Oecumenica,' 3 (Charta Oecumenica) <http://tinyurl.com/6zszudr> (Accessed 18 October 2010) 2; World Vision, 'The Ministry Policy on Witness to Jesus Christ,' (Issued 14 September 2006) 3 (World Vision, Ministry Policy) <http://tinyurl.com/6dopklv> (Accessed 13 October 2010); CFM, *Affirmation on Christian Witness* (n 100); Anglican Communion Network for Inter Faith Concerns, 'Generous Love: The Truth of the Gospel and the Call to Dialogue, An Anglican Theology of Inter Faith Relations,' (containing the Anglican "ground rules for productive social life" in "religious plurality") (Anglican Consultative Council, London 2008) 1 (NIFCON, Generous Love) <http://tinyurl.com/6dlmgjb> (Accessed 18 October 2010).

Specifically, some codes (mainly intra-faith) describe certain conduct as inappropriate that other codes characterize as acceptable, with descriptions generally reflecting the drafting group's particular perspectives of mission. As examples:

- Two ecumenical codes characterize as a “scandal” “presenting one’s church or confession as ‘the *true* church’ and its teachings as ‘the *right* faith’”.¹⁰¹ This stance contrasts sharply with the Oslo Coalition’s recognition that “[m]aking truth claims is inherent in missionary activities”.¹⁰²
- Several codes denounce disparaging or even criticizing others’ beliefs.¹⁰³ Again this contrasts with the Oslo Coalition code, which provides: “In the interest of freedom of intellect, criticism of other religions cannot be prohibited, but should be limited to well-reasoned, persuasive critique and rational comparison between alternative faiths,” and “Hostility and ridicule are unacceptable, but well-reasoned, persuasive critique should never be so.”¹⁰⁴
- *Towards Common Witness* portrays some forms of house calls and media campaigns as coercive, whereas other codes endorse “door-to-door canvassing,” provided it “is done in ways that respect the right to privacy and are also acceptable according to local social norms”,¹⁰⁵ and the responsible use of media.¹⁰⁶

¹⁰¹ WCC, *Towards Common Witness* (n 44) 3-5; see also *Charta Oecumenica* (n 101) 2.

¹⁰² *OC, Recommended Ground Rules* (n 91) para 2.1.1.

¹⁰³ WCC, *Towards Common Witness* (n 44) 5; *CrossGlobal, Is Evangelism Ever a Sin?* (n 40) 3 (‘Evangelism is sin when it is insensitive to peoples’ feelings’); see also The Inter Faith Network for the United Kingdom ‘Building Good Relations with people of Different Faiths and Beliefs (1993) 2 (Inter Faith Network, Building Good Relations) <http://tinyurl.com/63f2oag> (Accessed 18 October 2010) 2; WCC & Pontifical Council for Interreligious Dialogue, ‘Report from Inter-Religious Consultation on Conversion: Assessing the Reality,’ (15 May 2006) 2 (WCC, Assessing the Reality) <http://tinyurl.com/5s8twcq> (Accessed 13 October 2010) 2; *Christian Muslim Forum, Ethical Guidelines* (n 90) 1; Global Connections, ‘Gracious Christian Responses to Muslims in Britain Today,’ 2 <http://tinyurl.com/6gaed3> (Accessed 18 October 2010) 2.

¹⁰⁴ *OC, Recommended Ground Rules* (n 91) 375.

¹⁰⁵ *OC, Recommended Ground Rules* (n 91) 375.

¹⁰⁶ ‘Code of conduct for Danish Missionary Council’ (Dansk Missionsraad), *International Review of Mission* (2007) 371-376, 372 <http://tinyurl.com/6d9z721>

- And a number of codes direct cultural sensitivity and respect for local traditions;¹⁰⁷ however, others are unbending in their commitment to the right to manifest religion through teaching, and indeed, support undercover or extralegal missionary activities when necessary.¹⁰⁸

We note that all these highlighted limitations on religious persuasion are to a degree inconsistent with international law. As discussed above, the European Court of Human Rights cases outline the degree and type of pressure needed to constitute “coercion.” Door-to-door canvassing was not coercive in *Kokkinakis* because the visit was essentially voluntary. Likewise, *Larissis* overturned the conviction of Pentecostal military officers who (1) berated their civilian targets, (2) criticized Orthodox Christian beliefs, and (3) importuned the civilians to convert at a time when they were particularly vulnerable. “The Court finds it of decisive significance that the civilians whom the applicants attempted to convert were not subject to pressures and constraints of the same kind as the airmen.”¹⁰⁹ Further, the cases recognize a baseline, as the Oslo Coalition Code recognizes, that claims of truth and criticism of other religions cannot be prohibited.¹¹⁰ As stated in *Kokkinakis*, the right to manifest may be limited only when missionary activities are “not compatible with respect for freedom of thought, conscience or religion of others”.¹¹¹

Of course, the international compacts and European Court of Human Rights cases recognize a need to balance competing human rights, and significant grey zones remain. As the right of privacy expands to prevent any intrusions into the private sector, it

(Accessed 18 October 2010); Norwegian Council for Mission and Evangelism (NORME, Codes of Conduct) 3 (Oslo, March 1 2001) <http://norme.no/om-norme/vedtekter/> (Accessed 18 October 2010).

¹⁰⁷ *Cross Global, Is Evangelism Ever a Sin?* (n 40) 3; *World Vision, Ministry Policy* (n 101), para 23; *NORME, Codes of Conduct* (n 107) 1-2; *Dansk Missionsraad* (n 107) 371; *EFI, Statement on Mission Language* (n 100).

¹⁰⁸ *NIFCON, Generous Love* (n 101) 10; The Lausanne Covenant (Lausanne, Switzerland 1974) 7 para 13 (Lausanne Covenant) <http://tinyurl.com/63w57up> (Accessed 23 September 2010); *OC, Recommended Ground Rules* (n 91) 375, para 2.1.2.

¹⁰⁹ *Larissis* (n 59) 59 (alterations in original).

¹¹⁰ *OC, Recommended Ground Rules* (n 91) 5 (emphasis added).

¹¹¹ *Kokkinakis* (n 48) 48-49.

increasingly threatens to limit traditional missionary methods. It may come to embrace the right to maintain one's own opinions without interference – a right to be left alone and, in the Buddhist tradition, to pursue the quest for harmony.¹¹² Other rights (e.g., the right of indigenous peoples to preserve their cultures) have a similar impact. Yet, *Kokkinakis* clarifies that, in the absence of a showing of coercion or manipulation, the balance ought to favour the right to manifest and the right to have or adopt a belief of one's choice, as aspects of the inalienable freedom of conscience.¹¹³

In particular, for instance, a number of European Court of Human Rights cases have affirmed the ability of states to restrict “expressions that seek to spread, incite or justify hatred based on intolerance, including religious intolerance,” because “expressions that seek to spread, incite or justify hatred based on intolerance, including religious intolerance, do not enjoy the protection afforded by Article 10 of the Convention.”¹¹⁴ Preserving one's “freedom from injury to religious feelings” (the infliction of which is criminalized in Austria) and prohibiting blasphemy (as in the United Kingdom and Iran) have been upheld as sufficient basis for restrictions on religious expressions.¹¹⁵ However, an offence must be more than eggshell sensitivity. Undergirding the Court's jurisprudence is the bedrock principle that liberty can be limited only if its exercise harms others: Being offended is different from being harmed, and harm should be established objectively.¹¹⁶ As UN Special Rapporteurs on Freedom of Religion or Belief and on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance stated in a Joint Report, “the right to freedom of religion or belief, as enshrined in relevant international legal standards, does not include the right to

¹¹² *Stahnke* (n 14) 280 (footnotes omitted); *Lerner* (n 45) 484-85 (discussing Articles 17 and 19(1) of the ICCPR and Article 12 of the Universal Declaration).

¹¹³ *Kokkinakis* (n 48) 33.

¹¹⁴ *Gündüz* (n 84) 37, 51; see also *Otto-Preminger-Institut* (n 84) 18-19, 49; *Wingrove* (n 84) 1956, 52.

¹¹⁵ See *Stahnke* (n 14) 290-99, 307-28 (listing interests and providing examples from Malaysia, China, Ukraine, India, and Western Europe); see also Niraj Nathwani, ‘Religious Cartoons and Human Rights’ (2008) EHRLR Issue 4, 495.

¹¹⁶ See John Stuart Mill, *On Liberty*, (1859), (Penguin Classics, London, 1985) 76.

have a religion or belief that is free from criticism or ridicule”.¹¹⁷ Effective codes of conduct can discourage hostility, ridicule, unfair comparisons or dishonesty, but in the end may not preclude a missionary from sharing his or her faith, including making comparisons with other faiths, because the teachings might offend.

In short, perhaps predictably, the codes that tend to violate international law norms are the same codes (e.g., Example 3: *Towards Common Witness*) whose drafters and purpose make them less effective for cross-cultural and inter-faith conflict resolution. The intra-faith codes (especially the ecumenical codes) – grounded in their faith’s own dogma instead of international law norms – tend to overly restrict missionary activities without regard to international guarantees of rights. By contrast, the NGO and inter-faith codes are much more likely to both rely on and comply with these norms.

5. Best practices

Based on the foregoing, we turn to the practices most likely to result in effective codes of conduct. Again, for purposes of this article, we measure effectiveness in terms of likelihood to prevent or resolve conflicts relating to religious persuasion.

5.1. Inclusivity of drafting committees

Given the direct correlation of NGO and inter-faith codes with effectiveness, it is an obvious best practice that codes should be drafted by representatives from multiple worldviews. Not only are the tone and content of inclusive codes most likely to balance the interests of multiple traditions, they are also most likely to secure the voluntary buy-in of otherwise competing stakeholders, promoting voluntary compliance. As the Christian Muslim Forum case study illustrates

¹¹⁷ Asma Jahangir, the Special Rapporteur on Freedom of Religion or Belief, and Doudou Diene, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Joint Report, UN Doc A/HRC/2/3 (20 September 2006), para 36. Similarly, the UN Special Rapporteur on the Right to Freedom of Opinion and Expression concluded that charges of “insulting Islam” brought by Iranian courts “‘lack any objective criteria’ and are open to ‘subjective and arbitrary interpretation by judges interpreting them.’” 2009 Report (n 11) 36.

(Example 2 above) even the act of drafting a code can result in understanding and respect among different groups.

5.2. Consideration of the impact of the code on multiple worldviews

Even if a single faith or mission network prepares a code, addressing a general (rather than parochial) audience increases the likelihood of effectiveness. Drafters should consider the impact of their code on other communities (including minority groups), avoid provocative language or a one-sided view of the rights (or wrongs) of mission, and anticipate possible controversies. Regulation of religious choices according to a single worldview risks delegitimizing the codes in the minds of significant populations. If promoted as universal best practices, as opposed to house rules for the particular confession, internally focused codes like aggressive state restrictions can perpetuate the religious violence cycle by marginalizing minority voices.

5.3. Recognition and affirmation of human rights

Effective codes of conduct expressly affirm the fundamental human rights relevant to religious persuasion, recognizing that these rights transcend culture or confession. In contrast, basing a code exclusively on a faith's own scripture risks alienating those of other worldviews (including those with different interpretations of the cited scripture) because an assertion grounded on one's understanding of the commands of God

convinces only those who share the insight itself. It's positively hopeless against . . . people who have no doubt that God's will is something completely different. In fact, it seems almost self-defeating: it likely will fail to convince the very "paganish" and the "antichristian consciences" it is destined to attract.¹¹⁸

5.4. Avoidance of over-prescriptiveness

An attempt to itemize every missionary activity that offends, like any needle-threading exercise, invites conflicts with international law and risks undermining the code's legitimacy. Effective codes of conduct tend to be more general in aspiration, avoiding specific limitations that

¹¹⁸ Hasson (n 70) 64.

could be construed to violate the boundaries established by international compacts and jurisprudence.

5.5. Focus on the grey areas of international law

In defining certain forms of religious persuasion as proper or improper, drafters should focus on issues where international law is unresolved. In this way, the code helps balance competing interests while preserving fundamental freedoms. Questions ripe for interpretation are listed above.

Codes can also suggest time, place or manner guidelines for missionary activities that do not materially impact the marketplace of ideas but minimize conflicts among those of different views, for example, abstaining from distributing literature in the vicinity of others' places of worship or at their religious festivals or celebrations;¹¹⁹ being honest about beliefs and allegiances and straightforward about intentions;¹²⁰ respecting the rights of parents and local laws regarding the age of maturity;¹²¹ entering a person's home only at the person's convenience and welcome;¹²² and safeguarding all personal information or addresses as required by data privacy rules.¹²³

5.6. Draft with openness toward yet-developing norms

As Judge Pettiti noted in *Kokkinakis*, codes of conduct have the potential to help states and international actors interpret fundamental rights, many of which are still developing. Drafters of codes should recognize this potential. Indeed, religious issues are increasingly critical to national and foreign affairs and diplomacy.¹²⁴ At least one diplomat has called for greater engagement by NGOs and faith-based groups to enable states to

¹¹⁹ CFM, *Affirmation of Christian Witness* (n 100) 2.

¹²⁰ *Inter Faith Network, Building Good Relations* (n 104) 2; see also WCC, *Assessing the Reality* (n 104) 2; CFM, *Affirmation of Christian Witness* (n 100) 2; OC, *Recommended Ground Rules* (n 91) 5, 6; *Lausanne Covenant* (n 109) 1; NORME, *Codes of Conduct* (n 107) 3; *Christian Muslim Forum* (n 94); *Dansk Missionsraad* (n 107) 372.

¹²¹ OC, *Recommended Ground Rules* (n 91) 6-7; *Christian-Muslim Forum* (n 94); WCC, *Assessing the Reality* (n 104) 3.

¹²² CFM, *Affirmation on Christian Witness* (n 100) 2; OC, *Recommended Ground Rules* (n 91) 5.

¹²³ *Dansk Missionsraad* (n 107) 372; NORME, *Codes of Conduct* (n 107) 3.

¹²⁴ *Farr* (n 4) 35 (quoting various authors).

“anticipate events rather than merely respond to them” and “think more expansively about the role of religion in foreign policy and about their own need for expertise,” emphasizing that the concerted efforts of these groups are much more likely to succeed “in fostering reconciliation” than those of any government.¹²⁵

5.7. Promotion of the benefits of an open religious marketplace

Codes of conduct that are compatible with international law, respectful of the missionary activities of multiple traditions and address a general audience not only aid in the implementation of international law, but can promote significant social benefits that derive from religious freedom. In contrast to the “religious violence cycle” perpetuated by close restrictions on missionary activities, Brian Grim and Roger Finke describe the “religious freedom cycle” that flows from preserving a robust marketplace of ideas and allowing “religious competition”. According to Grim and Finke, there is not only a statistical *correlation* of religious freedom with better social outcomes, but a demonstrated *causal* relationship: “A growing body of research supports the proposition that the religious competition inherent in religious freedom results in increased religious participation; and religious participation in turn can lead to a wide variety of positive social and political outcomes,” including fewer incidents of armed conflict, better health outcomes, higher levels of literacy and earned income, better educational opportunities for women, and higher overall human development.¹²⁶

¹²⁵ Madeleine Albright, ‘Faith and Diplomacy’ (2006) 4 Faith & Int’l Affairs 3, 4, 8; see also Marshall (n 45) 11 (noting the rising profile of religion in international affairs); Farr (n 4) 9. The codes offer the hope of success achieved collaboratively by faith-based groups and NGOs in crafting the ‘South African Charter of Religious Rights and Freedoms’ <http://academic.sun.ac.za/theology/religious-charter/> (Accessed 16 March 2011). The Charter, presented for public endorsement in October 2010, asks the South African government to enact further protections of that fundamental right pursuant to a process allowed by the country’s constitution.

¹²⁶ Grim, *Religious Freedom* (n 19) 4-5 (footnotes omitted); see also Marshall (n 45) 42, 43; Brian J. Grim & Roger Finke, ‘Religious Persecution in Cross-National Context: Clashing Civilizations or Regulated Religious Economies?’ (2007) 72 Am Sociological Rev 633, 636.

5.8. Honesty in scope

Finally, if a code aims primarily to address a faith's or network's own constituents, drafters should be honest about that purpose and scope, and should not advance the code (or adopt language that would allow it to be interpreted) as something more or different than it is. It is dishonest to trumpet such a code as a tool for cross-cultural conflict resolution.

6. Conclusion

What makes successful codes powerful is that they express universal rights that are grounded in the human experience and not dependent on any one cultural or religious frame of reference. They advance an energized, inclusive pluralism that integrates all members of society,¹²⁷ provide a platform for cross-cultural dialogue and diplomacy, motivate voluntary compliance, and set appropriate expectations with regard to missionary activities. For all the reasons discussed above, we conclude that codes of conduct are effective tools for preventing or resolving cross-cultural and inter-faith conflicts relating to religious persuasion when the codes are compatible with international law, respectful of the missionary activities of multiple traditions and address a general audience. These codes promote a robust pluralism necessary to freedom of religion and belief, and indeed, to democracy. By contrast, codes of conduct that are inwardly focused on a faith's or network's own constituency – while perhaps useful for other purposes – tend not to be helpful for preventing or resolving conflicts because they tend to advocate a particular worldview, are sectarian rather than neutral, and sometimes fail to conform to international law.

¹²⁷ Ensuring fair competition for all religions within a society “results in a rich pluralism where no single religion can monopolize religious activity, and all religions can compete on a level playing field.” *Grim, Religious Freedom* (n 19); see also J. Clifford Wallace, ‘Challenges and Opportunities Facing Religious Freedom in the Public Square’ (2005) *BYU L Rev* 597.

Appendix

Nongovernmental Organizations	
➤ <i>Recommended Ground Rules for Missionary Activities</i> , the Oslo Coalition (2009)	➤ Guiding Principles for the Responsible Dissemination of Religion or Belief, International Religious Liberty Association (2000)
Single-Faith and Ecumenical (Intra-faith)	
➤ <i>Is Evangelism Ever a Sin? Ethical Evangelism in a Watching World</i> , CrossGlobal Link (2009)*	➤ <i>Ecumenical considerations for dialogue and relations with people of other religions</i> , World Council of Churches (2004)
➤ <i>Generous Love: The Truth of the Gospel and the Call to Dialogue. An Anglican Theology of Inter Faith Relations</i> , Anglican Communion Network for Inter Faith Concerns (2008)	➤ <i>Code of Conduct for The Danish Mission Council (Dansk Missionsraad)</i> , The Danish Mission Council (2003)
➤ <i>Gracious Christian Responses to Muslims in Britain Today</i> , unidentified Christians involved in ministry to Muslims (2008)	➤ <i>Charta Oecumenica</i> , Conference of European Churches and the Council of European Bishops' Conferences (2001)
➤ <i>Ministry Policy on Witness to Jesus Christ</i> , World Vision (2006)	➤ <i>Statement on Mission Language</i> , The Evangelical Fellowship of India (2000)
➤ <i>Codes of Conduct – for Norwegian Mission Organisations with international involvement</i> , Norwegian Council for Mission and Evangelism (2005)	➤ <i>Towards common witness – A call to adopt responsible relationships in mission and to renounce proselytism</i> , World Council of Churches (1997)
	➤ <i>An Affirmation of Christian Witness</i> , Christian Federation of Malaysia (1996)
	➤ <i>The Lausanne Covenant</i> , International Congress on World Evangelization (1974)**
Inter-faith	
➤ <i>Ethical Guidelines for Christian and Muslim Witness in Britain</i> , Christian Muslim Forum (2009)	➤ <i>Report from inter-religious consultation on "Conversion: Assessing the Reality"</i> , World Council of Churches & Pontifical Council for Interreligious Dialogue (2006)
➤ <i>Joint Declaration on the Freedom of Religion and the Right to Conversion</i> , Islamic Council of Norway and the Church of Norway Council on Ecumenical and International Relations (2007)	➤ <i>Striving Together in Dialogue, A Muslim-Christian Call to Reflection and Action</i> , World Council of Churches (2000)
	➤ <i>Building Good Relations with People of Different Faiths</i> , The Inter Faith Network for the United Kingdom (1993)

*Some debate whether this document constitutes a code of conduct, as it was not adopted as an authoritative document by delegates of the network's members but published informally by its leaders. We include it in this study because it expresses at least the leaders' view

regarding the propriety of mission activities.

**The Third Lausanne Congress on World Evangelization in October 2010 produced the Cape Town Covenant (www.lausanne.org/ctcommitment), which reaffirms a commitment to “make the gospel known among every people and culture everywhere”. <http://www.lausanne.org/ctcommitment#p1-7> (Accessed 16 March 2011). “We renew the commitment that has inspired The Lausanne Movement from its beginning, to use every means possible to reach all peoples with the gospel.” *Id.* We have not separately evaluated the Cape Town Commitment for purposes of this article.

Increasing the effectiveness of religious freedom advocacy: a perspective from the U.S.

Eric Patterson*

Abstract

For the United States and its Western allies religious freedom is a fundamental right, inextricably linked to a variety of other notions of freedom. Although surveys indicate that citizens around the world aspire to some form of religious liberty, nonetheless it and other human rights are constrained for at least 60% of the world's population. Since 1998 the U.S. has committed itself to championing the religious liberty of people around the world, but at the same time indicators by Freedom House and other organizations suggest the world is becoming "less free." With this context in mind, the U.S. and its partners need to redesign a forward-looking strategy of religious freedom advocacy that includes, at a minimum, developing an academic sub-discipline of international religious freedom studies, engaging big business, and building partnerships with other governments.

Keywords religious freedom, International Religious Freedom Act, human rights, United States of America, Department of State, U.S. Commission on International Religious Freedom, academics, business, diplomacy.

For the United States and many of its closest allies, religious freedom is a fundamental right, inextricably linked to a variety of other notions of freedom: worship, conscience, speech, press, assembly, and the like. In addition, religious freedom is uniquely a part of America's founding narrative and the U.S. continues to be a consistent champion of religious liberty both at home and abroad. From the perspective of

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most U.S. citizens, it is simply impossible to conceive of a situation in which basic human rights were observed without religious freedom and it is similarly doubtful that one can imagine a community where true religious freedom exists – including the right to change or leave religion – while other human rights are in jeopardy.

The U.S. is not alone. A recent Pew Global Attitudes survey found that over 90% of the people in the forty-six countries surveyed say that religious freedom is important to them.¹ Religious freedom is a fundamental liberty: that the individual can believe in and make choices about matters of faith. A decade after the U.S. committed to championing religious freedom abroad, it is necessary to revisit a forward-looking strategy of religious freedom diplomacy. Three elements of a twenty-first century strategy to more effectively influence the global balance in favor of religious freedom are developing an academic sub-discipline of international religious freedom studies, engaging big business, and building partnerships with other governments.

1. Existing U.S. international religious freedom policy

Citizens in the U.S. tend to see religious freedom as an inherent right, one that is expressed and protected in the First Amendment of the Constitution: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” The U.S. also has a long tradition of supporting religious freedom within the modern human rights framework, most notably as a nation that has adopted the Universal Declaration of Human Rights (UDHR), the 1966 International Covenant of Civil and Political Rights (ICCPR), and the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Furthermore, because almost every country has adopted the UDHR (not legally binding) and

¹ Pew Global Attitudes Survey (2007). The Survey included numerous countries with large Muslim populations, including Nigeria, Indonesia, Pakistan, and others. The Pew Survey was broken into a number of subsidiary reports, the most pertinent being available at: <http://pewglobal.org/2007/07/24/a-rising-tide-lifts-mood-in-the-developing-world/>.

the ICCPR (a legally binding treaty), the U.S. sees its promotion of religious and other civil liberties as simply calling other countries to live up to their commitments. Article 18 of the ICCPR commits countries to the following:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

In addition to its multilateral commitments, the U.S. has undertaken concrete actions to promote religious liberty worldwide for nearly four decades. Significant efforts in that period include the concern for the plight of Soviet Jews and later Soviet Pentecostals during the Cold War. In 1974 Congress passed the Jackson-Vanik Amendment, which linked trade relations with the Soviet Union to the freedom of Jews and others to emigrate. The following year, the Helsinki Accords resolved the territorial status of the Soviet Union, linking that issue to a substantive human rights agenda that included religious freedom.

Two decades later, and after intense lobbying and political maneuvering, President Clinton signed the International Religious Freedom Act of 1998 (IRFA),² which

1. Declared, "The right to freedom of religion undergirds the very origin and existence of the United States...as a fundamental right and as a pillar of our Nation...Freedom of religious belief and practice is a universal human right and fundamental freedom..."

² For a detailed history of the political debate at the time and the establishment of IRFA, see the summer 2008 issue of *Review of Faith and International Affairs*, 6(2), especially the following essays: Nina Shea, "The Origins and Legacy of the Movement to Fight Religious Persecution" and Laura Bryant Hanford, "The International Religious Freedom Act: Sources, Policy, Influence." These essays derived from the Georgetown University symposia discussed below.

2. Established a permanent, statutory Ambassador at Large for International Religious Freedom at the U.S. Department of State, leading an Office of International Religious Freedom.
3. Created an independent U.S. Commission on International Religious Freedom (USCIRF) to make recommendations to the President and Congress.
4. Mandated an Annual Report on International Religious Freedom to include every country in the world.
5. Provided a menu of options for U.S. government action to name, shame, and punish violators of religious freedom, with a special focus on “Countries of Particular Concern³.”
6. Called for institutionalized training, programming, and recognition for U.S. diplomats engaged in this work.⁴

The designation of “Countries of Particular Concern” (CPC) is of particular interest. The Secretary of State may designate as a CPC a government that is an egregious violator of religious freedom. Under IRFA, this allows the U.S. government to move beyond quiet diplomacy and public shaming to more robust forms of punishment, including economic sanctions (though these are rarely employed for solely religious freedom justifications). It is noteworthy that in 2000 the Department of State labeled the following countries as CPCs: Afghanistan (Taliban), Burma, China, Iran, Iraq, Serbia, and Sudan.⁵

³ The designation by the Secretary of State (under authority delegated by the President) of nations guilty of particularly severe violations of religious freedom as “Countries of Particular Concern” under the International Religious Freedom Act of 1998 (H.R. 2431) and its amendment of 1999 (Public Law 106-55) is one of the instruments of the IRF Office. Nations so designated are subject to further actions, including economic sanctions, by the United States.

⁴ 2008 was the tenth anniversary of IRFA becoming law, and a series of activities marked the milestone including a special issue of the journal *Review of Faith and International Affairs*, the publication of a book on U.S. foreign policy and religious liberty by the former director of the Department of State’s Office of International Religious Freedom, and three symposia on IRFA hosted by Georgetown University and synthesized into a policy recommendations brief for the Obama Administration titled by Thomas F. Farr and Dennis Hoover as *The Future of US International Religious Freedom Policy*. Available at: <http://tinyurl.com/4tmnmb1>.

⁵ It is also noteworthy that USCIRF, in testimony to the U.S. Congress, criticized the Department of State for not listing the following countries as CPCs: Laos, North Korea, Saudi Arabia, and Turkmenistan. See “State Department Annual Religious Freedom Report for 2000,” available at: <http://uscirf.gov/component/>

The most recent list of CPCs (2010) included: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan.⁶

More recently, President George W. Bush promoted democracy and human liberty, including religious freedom, as part of his global “freedom agenda.” During the Bush era important work on behalf of persecuted religionists of various faiths worldwide occurred, largely due to the consistent advocacy of the Department of State. However, religious freedom did not appear to be a key policy priority as it was rarely linked in an explicit fashion by Administration officials to the rhetoric and policies of the Freedom Agenda. A brief examination of the situation under the current presidency gives an ambiguous impression. When President Obama entered office he fulfilled a campaign promise by making a major speech to the Muslim world from the Muslim world, more specifically from Cairo, the epicenter of Sunni scholarship. In that speech, President Obama asserted, “Freedom in America is indivisible from freedom to practice one’s religion,” and later made religious freedom one of seven priority areas of challenge for the Muslim world. The president argued, “People should be free to choose and live their faith based upon the persuasion of the mind and the heart and the soul,” and he approvingly cited the ways that religious freedom is good for a society: respect for others, tolerance for diversity, interfaith dialogue, and “interfaith service... [such as] combating malaria in Africa, or providing relief after a natural disaster.”⁷ Furthermore, President Obama referred directly to the plight of non-Muslim religious minorities under pressure, such as the Maronites and Copts, and specifically highlighted religious freedom not only as an American ideal, but as a fundamental human right. Broadcast viewers of the speech saw and heard the thunderous applause that greeted this point of the speech. Nonetheless, observers of Muslim-majority countries note major disparities between Obama’s conception of religious liberty and realities on the ground in Saudi Arabia, Pakistan, Egypt, and elsewhere. In addition marked efforts have been observed to downgrade the Office for International

content/article/232-ct2000/1987-september-7-2000-qstate-department-annual-report-on-international-religious-freedom-for-2000q.html.

⁶ The designees can be found in the Department of State’s annual report, available at: <http://www.state.gov/g/drl/rls/irf/2010/148659.htm>.

⁷ Thomas F. Farr and Dennis Hoover as *The Future of US International Religious Freedom Policy*. Available at: <http://tinyurl.com/4tmnmb1>.

Religious Freedom since the Obama administration.⁸ This begs the question: after a decade of IRFA, why have we not seen more success?

Why isn't it more successful?

A decade after IRFA's passage, where has the U.S. been successful in convincing other governments and other societies to structurally and systematically change their religious freedom policies? Another question may be, why has the U.S. not been more successful in facilitating substantive global change? These questions recurred time and again at three symposia on IRFA's past, present, and future hosted by Georgetown University's Berkley Center for Religion, Peace, and World Affairs in 2008-2009.⁹ When speaking of past successes, advocates at the symposia argued that the institutionalization of U.S. international religious freedom policy in U.S. code as well as in the Department of State and a high-level commission was a success in and of itself. A second form of "success" described by participants is those discrete cases where an individual or family was released from prison and/or allowed to emigrate (or was driven out of the country) due to U.S. pressure. Each of these interventions is a human rights success, and often is a matter of individual life or death. Finally, it is noteworthy – though little known outside of government – that in discrete cases the U.S. was able to influence other countries to modify laws, customs and practices as well as extremist or anti-Semitic religious views, such as in elementary school textbooks.

Nevertheless, in my opinion there seems to be little or no change in the general domestic or international climate with regard to this issue.¹⁰ Indeed, by Freedom House's measurement, the world is

⁸ Thomas F. Farr, Obama administration sidelines religious freedom policy, Washington Post, Friday, June 25, 2010. Available at: http://www.washingtonpost.com/wp-dyn/content/article/2010/06/24/AR2010062405069_1.html.

⁹ The author edited the symposia findings, "Report of the Georgetown Symposia on International Religious Freedom Policy," The Berkley Center for Religion, Peace & World Affairs, Georgetown University (2009), available at: <http://berkeleycenter.georgetown.edu/publications/report-of-the-georgetown-symposia-on-us-international-religious-freedom-policy>.

¹⁰ Others maintain that in addition to a heightened U.S. government focus there is now more NGO and church attention to the issue. In some countries, like in Germany, observers note an increased policy and press attention to religious freedom and persecution.

generally becoming “less free” in recent years rather than “more free.”¹¹ The Department of State’s list of Countries of Particular Concern and the Commission’s “watch list” of violators remain remarkably stable – indeed, they have grown over the past decade. Again the question, how can U.S. international religious freedom policy become more successful?

Rather than finger-pointing at institutional friction (USCIRF vs. Department of State), eyeballing modest staffs and budgets, or other “insider” technical factors, attention should be focused on why large parts of the world are not changing with regard to religious freedom, and especially, under what conditions they would change.

First, the U.S. may have unrealistic expectations about global change on the religious freedom issue. Advocates of international religious freedom want other societies to “see the light” on this and related human rights issues, without there being a fundamental systemic change in those societies. In other words, American expectations may be unrealistic, or simply ridiculous, if they assume that other societies will evolve in this narrow area – legally and culturally respecting religious difference and practice – with no simultaneous change in wider patterns of culture, regime, and regard for human rights. Indeed, it may be that the places where religious freedom has most quickly matured in the past two decades are those societies which have faced significant, often wrenching, changes in the structure of the policy.

Certainly this was the case for post-Warsaw Pact Eastern Europe in the 1990s, and some of these countries still struggle on the issue of religious freedom.

Issues of religious liberty, diversity, and public practice are intertwined with a wider set of political and cultural issues, including a sense of national identity, the relationship of an established church to the state, immigration and entry of foreigners, financial remittances, the character of development and humanitarian assistance, and the like. This does not mean the U.S. should not champion religious freedom; rather, this is an observation that such complexities are often poorly understood or disregarded by Western diplomats and human

¹¹ Freedom House. (2010) “Freedom in the World 2010: Global Erosion of Freedom.” It must be kept in mind that this list includes many facets of freedom and is not focusing on religious freedom only.

rights organizations (particularly secular ones). At times the complexities were used as an argument in order not to raise religious freedom as an issue in and of itself. Hence, what is needed is a better integration of the wider network of issues related to religious freedom, particularly in the training of U.S. diplomats as they engage other countries on human liberty. Such issues include the intersection of economic growth, support for democratic institutions, and national happiness with religious and associated freedoms. A savvy, twenty-first century diplomat should be able to make the case for religious freedom in a way that locates it in broader arguments about the host government's national interests, public goods, and global norms of human liberty.

Of course, national interests are the critical lever in at least two ways. First, one of the reasons that government elites have neglected religious freedom policy is because it does not neatly fit into the *realpolitik* (political realism) mindset to which many in the security and diplomatic corps subscribe. Of course, such a view is wrong-headed because clearly it is in the U.S. national interest to see fundamental human liberties enshrined within the rule of law worldwide. National interests are a critical lever in a second way: the United States should behave in ways that make it clear it is in the interest of their partners to embrace religious freedom. To date, however, diplomacy and moral persuasion has been the U.S. government's primary vehicle for promoting international religious freedom. What has not been done effectively in my opinion is to change the structure of global norms, either by duress or winsome diplomacy. To be more precise, few countries have found it in their interest to change their laws, customs, and practices with regards to religious freedom since IRFA took effect. Indeed, most countries have signed on to the ICCPR and have religious freedom protections enshrined in their constitutions, but this does not stop the Afghans, the Saudis, the Chinese, or others from repressing minority faiths within their borders.

Moreover, unlike the lobby for some issues in the U.S., like the environment, there is no consolidated constituency of voters and donors to punish Capitol Hill and the Executive Branch for failure in the field of international religious freedom. The situation is compounded by a poor understanding of the issues both by citizens and by foreign policy experts, such as those government officials who

wrongly think religious freedom advocacy violates the Establishment Clause of the U.S. Constitution. In short, what is needed is a retooling of international religious freedom promotion in the areas of academia, business, multilateral partnerships, and domestic outreach.

2. International Religious Freedom Studies as an academic discipline

In the 1980s a group of scholars, some of whom would later become known as the Copenhagen School, began to increasingly focus on threats to “human security” rather than solely focusing on superpower rivalry as the *sine qua non* of international security. With the fall of the Soviet Union and the rise of ethno-nationalist civil war, particularly in the Balkans, with all of the attendant threats to human life and property (e.g. landmines, small arms proliferation, disease, banditry), a sub-discipline known as “human security” was launched.¹² Human security today is more than a sub-discipline; in fact, it has sired its own set of sub-disciplinary research agendas on small arms/light weapons, migration, refugees, and the like. In fact, today one can earn a Masters degree or graduate concentration in human security from major universities in Europe, North America, and Asia. How could a similar discipline or sub-discipline of international religious freedom studies be launched?

An academic sub-discipline of international religious freedom studies would revolve around the shared research agenda of an interdisciplinary network of scholars across multiple colleges and universities. That network would publish original research on international religious freedom and its relationship to other disciplines, including international law, economics, development, comparative politics, cultural anthropology, and the like. Leading scholars would direct graduate research and dissertations on international religious freedom and would publish in both popular and academic publications. From the outset, a peer-reviewed venue devoted to international religious freedom research should be established in the U.S., just as the human security field has created its own set of

¹² One historical account of this is Karina Paulina Marczuk’s “Origin, Development, and Perspectives for the Human Security Concept in the European Union,” published by the Social Science Research Council (2007) and available at: <http://ssrn.com/abstract+997246>.

publications: *Journal of Human Security*, *Human Security Journal* (for graduate students), *Praxis*, and others. Such a publication, *The Journal of International Religious Freedom Studies*, should start by engaging scholars and practitioners in cutting edge, future-oriented thinking on religious freedom promotion, such as the recent work of sociologists Brian Grimm and Roger Finke, political scientists Daniel Philpot, Alfred C. Stepan, and Timothy Samuel Shah, former U.S. diplomat-turned professor Thomas F. Farr, and others. Interestingly, the first such journal appeared in 2008 in South Africa, affiliated with the International Institute for Religious Freedom of the World Evangelical Alliance (*International Journal for Religious Freedom*), and this is a positive first step. However, additional venues for research, particularly affiliated with a major American university, will further spur research.

Academic teaching and discussion must take place in undergraduate courses as well. Hence, international religious freedom studies should be the primary theme of some college classes and can be a secondary theme in many others, just as has been the case with human security studies, creating a wider awareness among undergraduates and rooting the study in academic departments and curriculum rather than solely at think tanks and advocacy centers. With the growth of teaching and student interest, I envisage that some universities will take the lead in developing more formal academic programs on international religious freedom, such as an undergraduate minor, post-graduate certificate, or master's concentration. Over time it is desirable that the discipline will develop as a semester-length course at dozens of schools and as a component of hundreds of distinct syllabi. In addition institutions are needed that will provide critical homes for vigorous study and teaching, including at the Masters and Ph.D. levels, perhaps schools like Georgetown University (based in Washington, DC) or Baylor University (based in Waco, Texas and home of the *Journal of Church and State*).

Furthermore, scholars must take their findings and teaching strategies to academic conferences such as the annual conventions of the International Studies Association, the American Political Science Association, the American Sociological Association, and others. Today, all of those venues have specific "human security" panels and discussions; the same could be true in five years for international religious freedom studies.

Finally, to root an academic discipline for the future requires financial nourishment. Scholars working in the field should already be seeking grants from existing foundations which might be interested in emerging international religious freedom research due to the quality of the research question (not the breadth of the sub-discipline). Scholars will have to seek general institutional research monies, and thus compete with their colleagues in the marketplace of ideas, based on the quality of their research design and novelty of their theses. Scholars will have to convince government funding agencies, such as the U.S. Institute of Peace, that this topic is worthy of support and must do the same with private foundations focused on supporting foreign policy and human rights research. A first, important step in this area is the recent establishment of the Joseph R. Crapa Fellowship by the U.S. Commission on International Religious Freedom, which provided its first support to outstanding scholars on religious freedom research in 2009. With intellectual, institutional, and financial resources a new generation of thinking and understanding to champion international religious freedom will emerge.

3. Engaging the business community

Nike is the world's largest premiere sportswear manufacturer, and its symbols (the Swoosh, "Just Do It") and reputation are truly global. In recent years Nike has consistently worked to develop and maintain a pro-environment image. For instance, in 2007 Nike joined Canon and Unilever at the top of a list of environmentally-friendly businesses.¹³ Thus, September 30, 2009 was a powerful but not shocking moment: Nike resigned from the Board of the U.S. Chamber of Commerce, issuing the following statement, "We fundamentally disagree with the U.S. Chamber of Commerce on the issue of climate change and their recent action challenging the Environmental Protection Agency [.....] is inconsistent with our view that climate change is an issue in need of urgent action."¹⁴ Nike committed to retaining its organization

¹³ Deborah Zaborenko, "Canon tops the list of climate-friendly companies," (June 19, 2007). Available from Reuters at <http://www.reuters.com/article/id/USN1840883720070619?feedType=RSS>.

¹⁴ Matthew Presuch, "Nike leaves U.S. Chamber of Commerce over climate policy," in *The Oregonian* (September 30, 2009). Available at: http://www.oregonlive.com/environment/index.ssf/2009/09/nike_leaves_us_chamber_of_comm.html

membership in the Chamber, however, in order to change its policy; the Chamber had publicly criticized the EPA's plan to require mandatory reporting on greenhouse gases from sectors across the entire U.S. economy.¹⁵

There are several possible reasons that Nike and other businesses would choose to be eco-friendly; one of them is the lessons learned from a different yet related set of controversies in the 1990s over sweatshops. During the 1990s, as apparel makers increasingly moved their production lines overseas, Nike was repeatedly hammered with criticisms of sweatshop conditions, human rights violations, and environmental concerns at its factories in Asia. Time and again the company had to respond to public allegations, usually made by Western activists and investigative reporters, of poor working conditions, environmental concerns, child labor, repressive management, and the like. Nike (and other athletic attire producers) was hit among its most critical target demographic – university students – when the “sweat-free campaign” began in the 1990s, ultimately resulting in a Workers Rights Consortium and a pledge by dozens of major university bookstores and athletic departments to adhere to a Designated Suppliers Program.¹⁶ Parallel efforts by NGO's, such as Oxfam's NikeWatch, collaborated in pressuring Nike through bad publicity.

According to a recent article in *Business Ethics*, Nike represents a “tipping point” in corporate responsibility, particularly in the areas of workers' rights and the environment. A case in point is Nike's Corporate Responsibility Report, 176 pages detailing its commitments and activities to corporate responsibility. In fact, Nike CEO Mark Parker writes in the report's introduction, “This report is published at a tipping point. It's time for the world to shift...We see sustainability, both social and environmental, as a powerful path to innovation, and crucial to our growth strategies.” Moreover, in 2008 sixty-six of the Standard & Poor 100 companies published a corporate responsibility report, up from forty-nine the previous year.¹⁷

¹⁵ The EPA did issue such a rule in 2010. See the EPA's website for details at <http://www.epa.gov/climatechange/emissions/ghgrulemaking.html>.

¹⁶ See for instance, the Students United Against Sweatshops official site at <http://usas.org/about-us/>.

¹⁷ Michael Connor, “Nike: Corporate Responsibility at a “Tipping Point”” in *Business Ethics* (January 24, 2010). Available at: <http://tinyurl.com/4dltdtg4>.

In sum, Nike represents one story out of hundreds in the American corporate community where ethically-informed activism, and some government scrutiny, is changing corporate behavior. It is in Nike's interest to compete in the global marketplace with competitively-priced products. This explains their move from North American to off-shore production over the past quarter century. Nonetheless, corporations like Nike have been challenged on issues of environmental sustainability and workers' rights, often to the benefit of those working at factories in Latin America and Asia. Moreover, companies like Nike often go the next step by partnering with non-profit organizations and local communities through media-reported charitable giving, such as through Nike's partnership with the RED campaign (AIDS funding).¹⁸ What might the international religious freedom community learn from the anti-sweatshop and pro-environment campaigns, or other successful campaigns raising money and awareness on AIDS, breast cancer, dolphin-free tuna fishing, and the like?

The international religious freedom community should engage big business in terms of its interests: positive publicity, respect for human rights and the rule of law, and profit. And this is important for religious freedom activists because there are many places where American companies may have levers of influence as strong as those of the U.S. government, due to the numbers of people working in their factories and the ease of moving that infrastructure out of the country in a globalized economy. Thus, it is incumbent on religious freedom advocates to demonstrate to big business how it is in their interests to be publicly supportive of religious freedom.¹⁹

How does one demonstrate that it is in the interests of the business community to explicitly support religious freedom? By linking religious freedom to a wider human rights agenda – topped by religious freedom – and making the issue publicly visible to major corporations. At first this should be done in the spirit of partnership, notifying major corporations that they are working in environments of state-sanctioned religious persecution and repression. Over time such efforts may include a more confrontational approach, such as public calls for companies to make a public stand on religious freedom as a

¹⁸ For details on Nike's charitable giving, see http://www.nikebiz.com/responsibility/community_programs/.

¹⁹ This is in fact action called for by IRFA (sec. 701).

human right and/or to threaten to move their production lines to environs with better human rights records (e.g. from Vietnam and Cambodia to elsewhere). Companies do not want sustained negative publicity that results in decreased consumer demand, particularly if the issue is tacit support to authoritarian governments violating the fundamental rights of their people.

Simultaneously, religious freedom advocates must develop a broader public constituency at home. Americans overwhelmingly support religious freedom, but it is not usually seen as a major foreign policy issue for the U.S., not even among the highly-religious segments of the American public. Hence, efforts to generate public support – particularly among young adults – will be critical in demonstrating the public interest and the will of the citizenry to major corporations, who will in turn see it as being in their interest to support religious freedom and associated human rights.

Is it possible that existing U.S. institutions – the independent U.S. Commission on International Religious Freedom – play a convening role in moving forward a public-corporate agenda on international religious freedom? The Commission’s credentials, network of past and present commissioners, and Washington DC location make it possible as a forum for introducing business leaders to international religious freedom thought leaders.

4. International and multilateral partnerships

When it comes to religious freedom, it often seems that the U.S. is “going it alone.” When one reads the press releases of USCIRF or the Department of State’s IRF Office, very little is said about bilateral or multilateral partnerships on behalf of international religious freedom.²⁰ Similarly, a careful read of the history of the Department of State’s efforts to promote religious freedom through 2005, Thomas F. Farr’s *World of Faith and Freedom*, records little bilateral or multilateral partnership to promote international religious freedom.²¹ This is not to

²⁰ However they are explicitly addressed in multiple sections of IRFA defining U.S. policy on this issue. It must also be conceded that a lack of a press releases does not equate with a lack of action.

²¹ Thomas F. Farr. *World of Faith and Freedom: Why International Religious Liberty Is Vital to American National Security*, New York: Oxford University Press, 2008. – However omission from the scope of this book does not yet prove that no meaningful work has been done in this area.

say that the U.S. does not want partners, but that the international environment is often unfriendly toward international religious freedom. In fact, it seems that the U.S. government has to be constantly vigilant to keep the international community from backsliding, such as watch-dogging the UN as the General Assembly and the Human Rights Council consistently pass “Defamation of Religions” resolutions, sponsored by the Organization of Islamic Conference, that in effect abrogate individual religious freedom and related liberties of speech, press, and assembly. A look at the U.S. government entities that do this work, and a consideration of their future, suggests avenues for de-conflicting efforts and maximizing partnerships.

4.1 The U.S. Commission on International Religious Freedom

The question we will return to is how the U.S. can better develop synergistic bilateral and multilateral partnerships to promote international religious freedom abroad. First, a look at the U.S. government’s two entities who do this work. The USCIRF is a champion for religious freedom. It is made up of nine distinguished appointees (commissioners) who work part-time for the Commission (e.g. a couple of days a month plus trips abroad during the year) and are served by a staff of religious freedom and human rights experts. The Commission wisely selected a new Executive Director in late 2009 with substantive foreign policy experience.

A look at the activities and publications of the Commission suggests that it primarily sees its role as a watchdog²² – not only of egregious religious freedom violators abroad, but also of the U.S. Department of State, which USCIRF clearly has seen in the past as being weak in pushing, or punishing, governments for religious freedom violations. The Commission consistently calls to account, with a critical edge, other governments – from Switzerland to China to Saudi Arabia – for violations of religious freedom. The Commission’s press releases for the past eighteen months make it clear that the commissioners feel most comfortable as a critical voice, though they did praise one government (the Dutch) for supporting international religious freedom and did engage in meetings with the Organization of Cooperation and Security in Europe (OSCE). They also took an active

²² This is not what the USCIRF was established to do.

stand against the “Defamation of Religions” resolutions and publicly supported UNESCO’s decision to not name a religious freedom violator to a senior post.

Much of the USCIRF professional staff’s time is spent developing its own annual report on the state of religious freedom worldwide. In other words, the U.S. government publishes two reports annually. One is the Department’s of State Annual Report on International Religious Freedom, mandated by the IRF Act to cover the status of religious freedom in each foreign country and including U.S. actions taken to promote religious freedom. The other is by USCIRF, required by the IRF Act to review the facts of religious freedom violations internationally and to present policy recommendations each year to the U.S. government. Both entities are required by their founding legislation to provide an annual report, but it is clear from the legislation’s language that the original intent was not for USCIRF to spend its time duplicating the work of the Department of State. Indeed, the original authorizing legislation for USCIRF (which many felt explicitly expected the Commission to fade after a single four-year authorization), mandated the following from the USCIRF report:

- (1) the annual and ongoing review of the facts and circumstances of violations of religious freedom presented in the Country Reports on Human Rights Practices, the Annual Report, and the Executive Summary, as well as information from other sources as appropriate; and
- (2) the making of policy recommendations to the President, the Secretary of State, and Congress with respect to matters involving international religious freedom.²³

Certainly, at close to 400 pages, the most recent USCIRF report is more than simply a hard-hitting analysis of the material in the Department of State’s “Annual Report on International Religious Freedom”. Is a better division of labor possible between USCIRF and the Department of State that will help the U.S. government better develop bi- and multilateral alliances on behalf of international religious freedom? What might that division of labor look like with regards to USCIRF? The Commission could focus a greater amount of its attention on the U.S. public: informing, educating, and mobilizing public support at home (and abroad) for a vigorous religious freedom

²³ This is taken from Title II of The International Religious Freedom Act of 1998 (Public Law 105-292); Available at: http://www.uscifr.gov/index.php?option=com_content&task=view&id=349&Itemid=45.

policy. At the same time, the Commission could continue to make policy recommendations, including for multilateral coalitions, pushing the Department of State and the Administration to elevate promotion of religious freedom in U.S. diplomacy.

4.2 The Department of State's Office for International Religious Freedom

The Department of State's Office of International Religious Freedom likewise is staffed with smart, talented people although very few are from the Department's cadre of Foreign Service Officers, suggesting that the IRF Office is not a place to go for career enhancement in the diplomatic corps. To the public eye the Office seems to be primarily focused on "reporting," that is, gathering information for publication in its mammoth annual country-by-country report on international religious freedom. The most recent report is nearly 1700 pages in length, requiring engagement with Department of State country desks and embassies for over 180 countries worldwide. Indeed, the diplomatic finesse of the IRF Office staff is probably tested to its limits in getting information and buy-in from all of the players at embassies and within the Department who must sign-off on their respective sections of the Report.

The Office says little publicly about its bilateral and multilateral efforts to build partnerships on behalf of international religious freedom: it provides no "fact sheets" on its website, has only released three press releases on any topic in 2010, and has posted only four "remarks" since the Obama Administration took office, which perhaps is of no surprise as long as no Ambassador at Large is in office. That is not to suggest that the Office is not busy – simply generating the annual report is a never-ending endurance race. Furthermore, much of the Office's work is intervention and advocacy outside the limelight.

Moreover, the IRF Office has been visibly active via diplomatic channels on the "Defamations of Religion" and related issues (noted above). The Office also engages in a case by case basis on the flesh-and-blood issue of religious persecution abroad, Falun Gong in China, Christians in Central Asia, or Baha'is in North Africa.²⁴ For the individuals who are the beneficiaries of this attention, it may be their only hope for life and liberty. Of course, it is much easier for the

²⁴ This list is not meant to be representative.

Office to engage directly with foreign governments when there is an Ambassador at Large for Religious Freedom in residence. Unfortunately, however, there has been no Ambassador for at least a third of the Office's lifespan.

4.3 Building bi- and multilateral partnerships

With all of this in mind, it is clear that the U.S. does not have robust bilateral and multilateral partnerships on the issue of international religious freedom, despite the commitments of nearly all governments under the legally binding ICCPR as well as most domestic constitutions that pay lip service to "religious freedom." Moreover, neither the Department of State's IRF Office nor the USCIRF appears to have sufficient time to more intensively develop enduring partnerships with other countries on behalf of religious freedom. Can this be done more effectively?

First, as noted in the previous section on engaging the business community, the fundamental way to get the attention of elites is through grassroots mobilization. Perhaps a division of labor between USCIRF and the Department of State is in order here, with USCIRF consciously choosing to not duplicate Department of State efforts (e.g. a lengthy annual report) and focusing its energies domestically on raising awareness of the issues for citizen education and grassroots action. It is citizens who can pressure the president and especially the Congress to devote more time and attention to this issue, but it is likewise American citizens, via transnational networks (e-mail, church groups, economic boycotts) that can serve as a powerful actor via international civil society on behalf of religious freedom. An important handbook to aid some such efforts was published in 2009 by Baylor University Press, *Religious Freedom Advocacy: A Guide to Organizations, Law, and NGOs*.²⁵

Second, neither the Department of State nor USCIRF will really be effective engaging internationally without the public, firm support of the White House and the Secretary of State. Clearly this is lacking at present. As Dennis Hoover recently wrote, what is needed is

²⁵ H Knox Thames, Chris Seiple, and Amy Rowe. *International Religious Freedom Advocacy: A Guide to Organizations, Laws, and NGOs*, Waco, Texas: Baylor University Press, 2009.

“strategic vision and political will.”²⁶ It took the Obama administration more than a year and a half to nominate an Ambassador at Large for International Religious Freedom (a post still not filled as of March 2011), despite President Obama making religious freedom a priority in his 2009 Cairo speech, and despite the fact that the Administration has not only named all of the human rights posts at the Department of State, but has also named dozens of special envoys across the government, including recently one to Monitor and Combat Anti-Semitism housed in the same bureau as the IRF Office.

What is needed is an energetic engagement strategy for the next decade, with an empowered Ambassador at Large for Religious Freedom at the helm. Others have well articulated how that position should be integrated within the Department of State – including a direct report to the Secretary or Deputy Secretary of State – so attention should be focused on where that individual’s energies should be best spent: developing and implementing a bi- and multilateral engagement strategy.²⁷ The Ambassador first must demonstrate to the closest allies of the U.S. that championing religious freedom is in their fundamental interests. It is in their interests, at home and abroad, because a culture of fundamental liberties is a global public good that reinforces the rule of law, good governance, and economic growth. Moreover, it is in their interests to promote religious freedom abroad because it is precisely in closed, repressive societies that the claims of violent religious groups such as al Qaeda are most appealing.

Such an effort must be country-specific, rather than focused on international institutions. The UN, OSCE, Council of Europe, the Organization of American States, and other regional organizations all have statements on behalf of human rights and religious freedom, and many of them have mechanisms for bringing complaints about religious persecution before some sort of human rights watchdog. Existing efforts

²⁶ Dennis R. Hoover, “President Obama and Religious Freedom Promotion Since the Cairo Speech,” in *Review of Faith and International Affairs* (online edition, March, 8, 2010). Available at <http://rfiaonline.org/extras/articles/599-obama-religious-freedom-cairo-speech>.

²⁷ An important set of suggestions for U.S. international religious freedom policy, particularly as regards the Ambassador at Large and the Department of State, is Thomas F. Farr and Dennis R. Hoover’s *The Future of U.S. International Religious Freedom Policy*, published by the Institute for Global Engagement (2009). – A “multi-lateral team” with a dedicated team-leader has in fact been created under the previous Ambassador at Large.

should continue, on these and all fronts, to combat persecution. But the U.S. must build a “coalition of the willing” in national capitals in order to promote a global culture of international religious freedom.

It is likely that the Ambassador will not find much immediate traction with many of the United States’ Western European allies, due to problems that they are having domestically as well as their secularist human rights orientation. Nonetheless, he or she should work very hard, especially on the United States’ Anglophone (Canada, New Zealand, Australia, UK) and Scandinavian allies to take more of a lead on this issue. However, there is a second set of countries that could prove to be valuable partners in promoting international religious freedom: developing countries where religious groups were in the vanguard against oppression and supported the transition and consolidation of democracy. South Africa, for example, is a highly religious country where churches played a critical role in eroding apartheid and promoting both democratic institutions as well as popular reconciliation. Poland, with its distinctive Catholicism, has a Church that was in the vanguard of anti-totalitarianism. Religious voices in Latin America were key human rights critics of authoritarian regimes in the 1980s and remain credible, powerful voices in the region. Hence, governments such as South Africa, Brazil, Chile, El Salvador and others may be the next generation of religious freedom leaders on the global stage, and such partnerships make global change on behalf of religious freedom possible.

5. Conclusion

What the U.S. needs from its friends are not partners in “tolerance,” if by tolerance is meant “putting up with” religion. Rather, it needs allies who are champions of religious liberty, advocates who will promote a universal respect for individual and collective religious freedom. The way to build this “coalition of the willing” is at first a sustained, multisectoral approach to international religious diplomacy led by existing government institutions such as USCIRF and the Department of State’s IRF Office as well as the wider U.S. citizenry, which will influence the Congress and Executive branch to take this and related issues more seriously.

The good news is that some European governments are taking an increased interest in these issues. For example, the German government stated in its 2009 coalition agreement that questions on freedom of

religion should be a part of its foreign policy, especially the situation of Christian minorities all over the world. The head of the governing party in the German parliament issued a press release in coordination with her Austrian colleague on “Freedom of Religion in the World and Against Discrimination and Persecution of Christians,” calling on the EU High Representative to develop an annual report on religious liberty, citing USCIRF as model.²⁸ Furthermore, in November 2010 the Austrian Parliament unanimously adopted a resolution requesting that the government shall be active in promoting freedom of religion in its diplomacy and calling on the EU High Commissioner in Brussels to install a Commission on religious liberty.²⁹

In the long-run, three additional elements of a twenty-first century U.S. strategy to more effectively influence the global balance in favor of religious freedom are necessary: developing an academic sub-discipline of international religious freedom studies, engaging big business, and building partnerships with these and other governments. In short, when we think ahead to IRFA’s twenty-fifth anniversary in 2023 and the speeches we would like to give on IRFA’s successes, it is hard to imagine a successful international religious freedom diplomacy that was not based on sustained academic, business, and multilateral strategies.

²⁸ Coalition agreement of October 26, 2009, Topic V.6, page 127. Available at: <http://www.cdu.de/doc/pdfc/091026-koalitionsvertrag-cducsu-fdp.pdf>. Accessed November 17, 2010). The joint statement is dated September 21, 2009. Available at: <http://tinyurl.com/4wyyofn>. Accessed November 17, 2010).

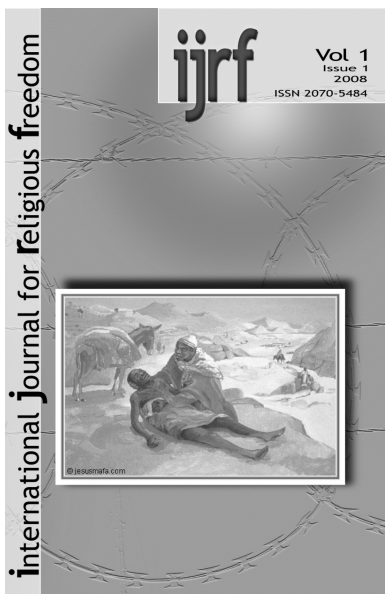
²⁹ Available at: http://www.parlament.gv.at/PAKT/VHG/XXIV/UEA/UEA_00501/fname_200295.pdf. Accessed January 31, 2010.



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Martyrdom and the furtherance of God's plan

Thomas Wespetal*

Abstract

This work deals with how God's plan is furthered through the martyrdom event. It examines the significance of martyrdom for all participants and observers (or later learners) of the event – namely, for the martyr himself or herself, for the persecutor, for God, for Satan, and for both believing and unbelieving observers. It can be demonstrated that in every case martyrdom advances God's plan by either bringing Him glory, or by enhancing people's relationship with Him.

Keywords Martyrdom, theology of martyrdom, theology of suffering, persecution.

1. Introduction

In this article we will take a glimpse at an integral but little understood aspect of Christian faith and life – the experience of martyrdom. Particularly, we hope to discover what goals God is pursuing in allowing martyrdom, and how to conceptualize His purposes in a way that would enable believers today to grasp the significance of the event.

The word “martyrdom” usually conjures up grotesque images of sufferers impaled on stakes, stretched out on the rack, crucified upside down, or given over to some other unimaginable torture. Martyrdom has been graphically described as “a word full of pain and blood, of the smell of death” (de Silva 1994:287). Such a perception of martyrdom generally causes the average believer to shun the topic altogether and thus miss out on the positive contribution, a proper understanding of martyrdom makes to a total Christian worldview. Without denying the reality of suffering in martyrdom, a need exists to further develop a biblically based model of martyrdom by which the believer, by embracing such a model, can grasp the essential nature of

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the event. The believer who associates “martyrdom” simply with “pain and blood” does not have a healthy or proper perception of the experience.

It can be demonstrated that martyrdom has very specific repercussions in respect to the furtherance of God’s plan, that is, how martyrdom glorifies God or enhances relationship with Him. In the conclusion of this article, after a brief analysis of how martyrdom affects the participants in and observers of the event, I will suggest a general construal for viewing martyrdom’s contribution to the plan of God.

2. Defining martyrdom

Before attempting to contribute toward a biblical theology of martyrdom we must define the concept in question. We may begin preliminarily with the conventional definition of martyrdom expressed by David Barrett: “A Christian martyr is a believer in Christ who loses his or her life, prematurely, in a situation of witness, as a result of human hostility” (Barrett 2001, vol. 2:665). Upon closer examination we discover that there are three aspects of the definition of martyrdom: a fatal aspect – the martyr actually dies, a confessional aspect – the martyr dies for Christian faith and a voluntary aspect – the martyr does not unnecessarily provoke the incident or die in armed resistance.

Today, every aspect of this definition is under discussion. First of all, it has been debated whether martyrdom requires death or not. Also, authors discuss whether death must be for confession of Christian faith, or whether it can be solely for moral acts. Also, is only passive acceptance of death considered martyrdom, or does active resistance of evil leading to a violent death also count?

Although a comprehensive historical investigation is beyond the scope of this article, several references will demonstrate that the conventional conception of martyrdom, as outlined by Barrett, has been the one most commonly employed throughout church history. Such a traditional definition is preferable in order to preserve a consistent use of the term over time.

In respect to the fatal aspect of martyrdom, Eusebius (Ecc. Hist. 5.2.2-3) records a letter from the saints of Vienne and Lyons to the

churches of Asia and Phrygia, in which the former describe the attitude of persecuted believers:

Though they had attained such honour, and had borne witness, not once or twice, but many times, – having been brought back to prison from the wild beasts, covered with burns and scars and wounds, – yet they did not proclaim themselves witnesses (μαρτυρία), nor did they suffer us to address them by this name. If any one of us, in letter or conversation, spoke of them as witnesses, they rebuked him sharply... they reminded us of the witnesses who had already departed, and said, 'They are already witnesses whom Christ has deemed worthy to be taken up in their confession, having sealed their testimony by their departure; but we are lowly and humble confessors.'

In respect to the confessional aspect of martyrdom Figura writes that one of "the essential aspects of the theology of martyrdom in the early church" was that "they die for the truth of the Christian faith" (Figura 1996:103, italics mine). In light of the objection that death for non-confessional causes, like civil rights, is also meritorious, a moderating suggestion might be made to reserve the term "Christian" martyr for those dying in defence of Christian faith, and use other qualifiers to designate martyrdom for other causes.¹ This approach can also apply in situations where confessing Christians killed confessing Christians. Thus it may be appropriate at times to refer to "Protestant martyrs," "Catholic martyrs," or "Anabaptist martyrs." Additionally, those who died in defence of Old Testament faith merit the designation "Old Testament martyrs."

One must also take into consideration that in numerous biblical examples (such as Zechariah, son of Jehoiada, Uriah, son of Shemaiah, John the Baptist and even Stephen) individuals died not so much for a confession of faith as for delivering a prophetic word of rebuke. In church history others died not for confessing Christ per se, but for refusing to perform acts contrary to Christian faith, such as burning incense to the Emperor. Thus some flexibility needs to be shown in defining the confessional aspect of martyrdom so as to include such instances.

In regard to the voluntary nature of martyrdom, the early Fathers condemned the practice of seeking martyrdom and, with the exception of Tertullian, also condemned suicide to avoid persecution

¹ Suggested by Dr. John Feinberg.

(Bowersock 1995:62-65). Luther wisely counsels that a person does not need to seek martyrdom, “it comes to them if God so wills” (noted by Stange 1966:642). Concerning death in armed resistance to evil, Jesus taught the principle of non-resistance to personal enemies (Matt 5:39-41), and demonstrated that principle when He rebuked Peter for trying to defend Him with force at Gethsemane (John 18:10-11). Also, no cases exist in Scripture where violence was advocated or used against antagonists to the gospel.

In light of the considerations above I propose the following modified version of the conventional definition of martyrdom: Christian martyrdom is voluntarily, but not intentionally (through unnecessary provocation), losing one’s life to those hostile to the faith in proclamation or defence of Christian belief, for abstaining from actions that would constitute a denial of the faith, or in execution of a special prophetic commission by God.

3. The historico-theological backdrop of martyrdom

Having defined martyrdom, our next step is to paint the historico-theological backdrop of martyrdom, that is, to describe the spiritual conflict which provides the context for these martyrdom events. In continuity with many classic martyriologies I propose that the historico-theological backdrop of martyrdom can be described as an age-old conflict between what Augustine termed the City of God and the City of This World. That is, humanity is and always has been polarized between allegiance to God and allegiance to Satan.

Such a dichotomy can be traced through the biblical record as well. Beginning with Cain and Abel, the prototypes of future persecutors and persecuted (1 Jn 3:12-13), Scripture sequentially highlights notorious persecutors of God’s people of old and new testament times: (1) Ham’s descendents (Egypt, Canaan, Philistia) opposed the descendents of Shem (Israel); (2) backslidden Israel persecuted her prophets; (3) subjugated Israel suffered under pagan Gentile empires; and (4) unbelieving Jews persecuted the New Testament Church. In church history as well one can highlight prominent persecutors in almost every period of history: pagan Rome, medieval Roman Catholicism and in modern time atheistic communism and radical Islamic fundamentalism. This conflict sees its culmination in the appearance of Antichrist and his war against the saints.

Thus the people of God have typically been set in contrast to and persecuted by the City of This World. The "World" is represented in Scripture and history by various prominent oppressors, who are not to be seen in isolation from the whole, but as representatives of the world system, whose opposition to the church sometimes results in martyrdom.

4. Martyrdom and the martyr

Thus far we have attempted to define martyrdom and have described the historico-theological backdrop in which martyrdom takes place. This now prepares us for a more direct examination of God's purpose in martyrdom. Martyrdom contributes to the plan of God in relation to the martyr by enhancing his or her relationship with God. This is accomplished in the following ways: (1) by providing opportunity to demonstrate genuine faith toward God; (2) by providing opportunity to demonstrate devotion in discipleship; and (3) by allowing the martyr to experience intimate identification with Christ.

The theme of martyrdom as a test of faith is frequently encountered in martyriological passages, of which only a few will be mentioned here. After predicting that "brother will betray brother to death, and a father his child; and children will rise up against parents and cause them to be put to death," Jesus declares, "But it is the one who has endured to the end who will be saved" (Matt 10:21-22).² In John's Apocalypse Jesus warns the church in Smyrna that the devil is about to "cast some of you into prison," calling for faithfulness "until death." The motif of testing is explicit: "so that you may be tested" (Rev 2:10). In chapter 12 of the book of Revelation we read of those who overcame Satan, in part, because "they did not love their life even when faced with death" (v. 11). This is a picture of a test of faith, a contest with Satan, a battle of wills in which the saints, though slain, came away victorious.

In regard to martyrdom as an expression of devotion in discipleship we note Jesus' call to His disciples to "take up their cross" and "follow Him." Although the phrase "take up the cross" likely refers to all the demands of discipleship, one can certainly not miss the martyriological connotation here as well. Martyrdom as an expression of devotion is pictorially displayed as making an offering

² All Scripture quotations are taken from the New American Standard Version.

to God. In 2 Tim 4:6 we encounter an interesting expression where Paul compares his impending martyrdom to a “drink offering.” In Rev 6:9-11 we observe the martyrs’ position beneath the altar, implying the sacrificial nature of their devotion in discipleship.

Finally, the martyr experiences an intimate identification with Christ. Identification with Christ as well as devotion to Him is seen in Jesus’ call to “follow Him” to death (Mark 8:34-38; John 21:19). The call to “take up the cross” of discipleship (and possible martyrdom) is an act of identification with the One who bore the cross for all. Also, John draws a parallel between Christ’s experience of martyrdom (Rev 1:18) as the “the faithful witness” (Rev 1:5) and the experience of the martyr Antipas, who is called “My witness, My faithful one.” (Rev 2:12). It is also interesting to note that Saul of Tarsus, who persecuted believers to the death, was in fact persecuting Christ Himself (Acts 9:4).

Unfortunately many aberrant views of the value of martyrdom in respect to the martyr have arisen that have no Scriptural substantiation. For example, a martyrological theme found frequently in the rabbis and to some degree in early and medieval Christianity is that martyrdom provides atonement for personal sins. Tertullian claimed that through martyrdom one “may obtain from God complete forgiveness, by giving in exchange his blood... For that secures the remission of all offences” (Apology 50). This thinking persisted even in the mind of John Hus, for whom martyrdom would serve for “the blotting out of my sins” (cited in eds. Workman & Pope, 1904:184-85). Yet we must remember that martyrs died for the message of Christ as sin-bearer – the idea that they were bearing their own sins contradicts the message they died for.

Another distortion is the Greco-Roman concept of the “noble death.” In this approach, martyrdom’s value is found in the demonstration of the personal integrity and courage of the martyr. Seneca wrote, “I should prefer to be free from torture; but if the time comes when it must be endured, I shall desire that I may conduct myself therein with bravery, honour, and courage” (Epistles 67.4). Similarly, in Catholic theology, “Martyrdom is treated by moral theologians as the chief act of the virtue of fortitude” (Gilby 1967, vol. 6:315). Ignatius regarded his martyrdom as the means to “become a disciple” (To the Ephesians 1), become “perfect in Jesus Christ” (To the Ephesians 3) and “attain to God” (To the Romans 1, 2, 4).

But the nature of Christian martyrdom is such that perseverance unto death is in no way meritorious but naturally flow from faith. Persevering in suffering is simply acting consistently with one's convictions concerning the promises of God – if they are really true, then they are worth suffering for. The merit, then, is not in the martyr's courage or fortitude, but in God's faithfulness to His promises, which undergirds the martyr's perseverance.

5. Martyrdom and the persecutor

The other direct participant in the martyrdom event is the persecutor. How does his involvement contribute to God's plan? It can be demonstrated that, in respect to the persecutor, martyrdom contributes to the plan of God in providing a further basis for God's judgement of sin.

Often in Scripture killing the saints is connected with God's judgement. Ahab's house, for example, is indicted especially for killing the prophets (2 Kgs 9:7), and in the penitential prayer of Nehemiah 9 instigating martyrdom is mentioned in a final, climatic position just before God's judgement is described (Neh 9:26). This feature is especially prominent in the book of Revelation, where martyrdom and judgement are often directly linked (Rev 6:10, 16:6, 18:20, 24, 19:2). Also notable is that the book of Revelation, again, places martyrdom in a final, climactic position among other indictments, accentuating the severity of the offence (Rev 17:6; 18:24; 19:2). This crescendo effect confirms the suspicion that end-time martyrdoms significantly contribute to the completion of the so-called "messianic woes" and the ushering in of God's eschatological judgement.³ This "quota of suffering" designated for the church is completed by the death of the final martyrs (Rev 6:10-11).

Also significant is how Scripture describes the vile character of martyrdom's instigators. The Synoptics class such individuals with a

³ According to this conception, prior to the final judgement the people of God must endure a certain amount of suffering and rejection, which will usher in God's end time retribution. Dunn (1996:115; 1998:486) lists numerous biblical and extra-biblical passages that support this concept: Dan 7:21-27, 12:1-3; Jub 23:22-31; 1QH 3.28-36; *Test. of Moses* 5-10; 4 Ezra 4:33-43; Mark 10:38, 13:8; Mt 3:11/Lk 3:16; John 16:21; Acts 14:22; Rom 8:18-23; Rev 6:9-11. This is related to the Old Testament concept "the cup of wrath," which slowly fills over time and, when full, overflows in divine judgement. See Job 21:20; Ps 75:8; Isa 51:17, 22; Jer 25:15.

brood of vipers (Matthew 23), with those who kill innocent messengers (Matthew 21 and 22) and even with those who would betray their own family members (Mt 10:21). The vicious nature of their activity is graphically described in Heb 11:35b-38, where they tortured, mocked, scourged, imprisoned, stoned, sawed in two, killed and ill-treated “men of whom the world was not worthy.” Persecutors of the faith take company with such eschatological fiends as the beast, the false prophet and Mystery Babylon. The “would-be” murderers of Daniel and his three friends demonstrate an extreme egomania that seeks to displace faith in the only true God (Daniel 3 and 6). Herodias reveals the quality of her character by asking for John the Baptist’s head on a platter (Matt 14:8). The deranged character of Stephen’s persecutors is noted in Acts 7, where they “began gnashing their teeth at him... cried out with a loud voice, covered their ears and rushed at him with one impulse (Acts 7:54-57).

Although the typical biblical portrayal of the instigator of martyrdom is one of cruel hatred of God and church, exceptional cases can be cited. The Scriptures give us the examples of both Nebuchadnezzar, who repented under God’s discipline (Dan 4), and Saul of Tarsus, who was “shown mercy” because he “acted ignorantly in unbelief” (1 Tim 1:13). Thus we must refrain from claiming that instigators of martyrdom are beyond the reach of God’s grace, or unable to repent. Also, by way of qualification, we must note the Scriptures testify to a worse spiritual state that is beyond repentance (Heb 6:4-6), which is usually equated with the “blasphemy of the Holy Spirit” (Matt 12:31).

6. Martyrdom and God

Behind the direct participants in the martyrdom event stand the spiritual forces that support and inspire them – God and Satan. Martyrdom provides God, for example, a unique opportunity to manifest His grace in the exemplary conduct of the martyr, thereby furthering His plan by bringing Himself glory. Let us examine how Scripture confirms this claim.

Paul, for example, deemed God’s grace necessary to face death for Christ, relating how he depended on the “provision of the Spirit of Jesus Christ” (Phil 1:19) when threatened with martyrdom (see also 2 Tim 4:18). John’s gospel places martyrdom in the greater context of

the helping ministry of the Holy Spirit (see John 16:2 in the context of John 15:26-16:15). The martyrdom of Stephen is remarkable for the presence and activity of the Holy Spirit: at his hour of need he was filled the Holy Spirit (Acts 7:55) and was granted a heavenly vision (Acts 7:56).

The witness of church history of the working of God's grace in martyrdom is equally impressive. The Martyrdom of Polycarp gives this fitting summary of martyrdoms of the early second century:

(The martyrs), when they were so torn with scourges, that the frame of their bodies, even to the very inward veins and arteries, was laid open, still patiently endured, while even those that stood by pitied and bewailed them. But they reached such a pitch of magnanimity, that not one of them let a sigh or a groan escape them; thus proving to us all that those holy martyrs of Christ, at the very time when they suffered such torments, were absent from the body, or rather, that the Lord then stood by them, and communed with them. And, looking to the grace of Christ, they despised all the torments of this world (Martyrdom of Polycarp 2).

The testimony of Reformation martyrdoms is the same. Schaff (1910, vol. 8:84), commenting on Anabaptist martyrdoms, reports, "Hundreds of them of all ages and both sexes suffered the pangs of torture without a murmur, despised to buy their lives by recantation, and went to the place of execution joyfully and singing psalms."

In light of these considerations we must affirm with Workman (1906:303-4) that the martyrs were granted "a grace of God which dulled the pain, turning agony into victory."

This principle of God's power manifest in human weakness allows us to correct a common misconception about suffering and martyrdom – that the Christian must adopt a stoical attitude toward suffering and life in general. Adherents of stoicism purposely develop their resolve and emotional stamina, and take pride in their ability to withstand pressure.⁴ Paul's attitude toward suffering is totally opposite to that of the Stoics. Schrage (1980:212) writes, "What sustains Paul is not his own ultimate will to resist; instead, the one who preserves him from falling into the ultimate depths is God alone." Similarly, Calvin was especially outspoken against stoicism. He held that God allows suffering "so that we might turn from our 'perverse confidence'

⁴ See Philo's description of the philosopher's lifestyle in Philo, *Every Good Man Is Free* 106-107. Also see Plato, *Phaedo* 67c-68b.

in ourselves” (noted by ed. Leithart 1993:202). In contrast, “The Stoic sage, when faced with adversity, relies on the inner strength of his own character. While the Christian cries out in prayer, the Stoic clenches his teeth and refuses to beg” (Leithart 1993:203).

This contrast with stoicism brings out still another factor dramatizing the miraculous nature of Christian martyrdom. The Stoics (and Cynics) develop an indifference to and detachment from earthly things, which eases somewhat the emotional pain of losing one’s life.⁵ In contrast, I affirm with Straw (1999:252) that “precisely because the martyrs loved this sweet life, they needed God’s grace to be able to despise it... Victory now focuses on God’s grace, so magnificent and encompassing that it can overcome the most natural human disposition.” Wright (1992:364-65) shares this view, “The Stoic was fairly cynical about life anyway. The Christian affirmed its goodness, but was ready to leave it in obedience to an even greater good.”

We must here address an apparent contradiction between two elements of our discussion: martyrdom as a test of faith and martyrdom as a manifestation of God’s grace. If God provides supernatural grace to endure martyrdom, how can it be considered a test of the individual’s faith? One might propose that the individual’s faith and the grace of God work together in a symbiotic fashion. The individual’s personal faith provides him or her with the conviction that he or she must hold on to the end no matter what the cost. This is a clear demonstration of faith since the individual values the promise of God and the hope of eternal life more than earthly life or personal safety. But at the same time, in recognition of the need for grace, the martyr acknowledges that he or she cannot hold on without divine aid. This inner tension between the I must and the I cannot provides the environment where martyrdom can serve both as a test of faith and as a demonstration of God’s grace. The I must aspect drives the martyr to prayer and dependence upon God, who abundantly supplies grace to compensate for the I cannot aspect. Schrage (1980:215) reconciles

⁵ An extreme example of detachment is seen in the account of Anaxarchus, who, when his body was being beaten, cried out, “Pound, pound, the pouch containing Anaxarchus; ye pound not Anaxarchus” (Diogenes Laertius, *Lives of Eminent Philosophers* 9.59, cited by ed. Hicks 1985). Clement of Alexandria considered some degree of detachment an asset in preparing for martyrdom. He regarded Stoics as “objects for admiration” in attaining a life “free from passion” (*Stromata* 4.3-5).

these aspects of martyrdom in a similar way: "God's helping presence does not dispense one of his own responsibility to bear and to stand fast, which therefore is connected with faith."

7. Martyrdom and Satan

The second indirect participant in the martyrdom event is Satan. It can be demonstrated that God's purpose is furthered as, in His wisdom and power, He frustrates Satan's agenda and defeats him through the endurance of the saints. We have already discovered that God's grace is demonstrated in and responsible for the martyr's endurance. In turn, the martyr's endurance defeats Satan's purpose to lead him or her into apostasy and to destroy his or her testimony – the martyr's testimony is, in fact, enhanced. In this way the believer's victory over Satan in martyrdom is, in truth, God's victory, bringing Him glory and inspiring faith in others.

Scripture is clear, especially in the book of Revelation, about who instigates the persecution of Christians. Behind the human persecutors, whether unbelieving Jews or eschatological fiends, stands Satan, the archenemy of the church. When unbelieving Jews plan to persecute the saints in Smyrna they are identified as a "synagogue of Satan" (2:9). Antipas is killed "where Satan dwells" (2:13). The dragon, who is identified as "the devil and Satan" (12:9), wages war against those who "hold to the testimony of Jesus" (12:17). The beast from the sea, instigator of the great end-time persecution, receives his power and authority from the dragon (13:2). The contest in the book of Revelation is clearly between God and Satan, with human participants acting as their agents.

The irrational behaviour of persecutors also points to a demonic source. Tertullian insightfully notes how philosophers of his day, who advanced some of the same moral principles for which Christians were suspected of sedition, were for some reason immune from persecution:

These are the very things, it says, the philosophers counsel and profess – innocence, justice, patience, sobriety, chastity. Why, then, are we not permitted an equal liberty and impunity for our doctrines,... they (the philosophers) openly overthrow your gods, and in their writings they attack your superstitions; and you applaud them for it (Apology 46).

When Christians display the bravery demonstrated by earlier pagan martyrs, it is regarded as recklessness:

The rest of your charge of obstinacy against us you sum up in this indictment, that we boldly refuse neither your swords, nor your crosses, nor your wild beasts, nor fire, nor tortures, such is our obduracy and contempt of death. But (you are inconsistent in your charges); for in former times amongst your own ancestors all these terrors have come in men's intrepidity not only to be despised, but even to be held in great praise... But in your own instance you account such deeds glorious, in ours obstinate (To the Nations 1.18).⁶

Furthermore Tertullian argues that even if Christianity does introduce distortions, the penalty is outrageous compared to the offence:

For they are just (in that case) like many other things on which you inflict no penalties – foolish and fabulous things, I mean, which, as quite innocuous, are never charged as crimes or punished. But in a thing of this kind, if this be so indeed, we should be adjudged to ridicule, not to swords, and flames, and crosses, and wild beasts (Apology 49).

Such widespread, irrational behaviour on the part of numerous individuals over time excludes the explanation that we are dealing here with acts of isolated, mentally unstable individuals. More probable is that a common supernatural force whose goal was to exterminate Christianity influenced them all. In the Christian worldview no one else fits that description better than Satan.

Yet ironically victory over Satan is gained by submitting to his power to kill. This theme of “triumph” is apparent in the strong militaristic motif of the book of Revelation. In this “war motif” the martyrs at first appear to be casualties, whom the beast “overcomes” (notice the term *nikavw* in 11:7 and 13:7). This “overcoming” by the beast is answered politically by Christ’s coming to wage war and “overcome” (*nikavw*) the beast and his allies (17:14). Superimposed on this military campaign, though, is a spiritual conflict, expressed by the same *nikavw* terminology. Christ has “overcome” sin (5:5), and now the martyrs become spiritual “overcomers” by not compromising their faith (12:11, 15:2). Thus, while the martyrs are being “overcome” (*nikavw*) physically by their enemies, they are themselves “overcoming” (*nikavw*) spiritually through their endurance.⁷ Rev

⁶ Parenthetical insertion mine.

⁷ Bauckham makes the same observation and writes, “The same event – the martyrdom of Christians – is described both as the beast’s victory over them

12:11 directly speaks of martyrs overcoming Satan through death, "And they overcame him because of the blood of the Lamb and because of the word of their testimony, and they did not love their life even when faced with death" (Rev 12:11).

8. Martyrdom and the believing community

Scripture is clear about the value of martyrdom for the believing community. According to Daniel 11, martyrdom serves to test the faithful and purge true from false devotees of Yahweh. The first part of chapter 11 speaks of the future oppression and persecution of Judah by Antiochus Epiphanes. During this time, according to verse 33, "those who have insight among the people" will "fall by sword and by flame, by captivity and by plunder." The purpose for which "some will fall" is stated in verse 35, "in order to refine them, purge, and make them pure until the time of the end."

Of immediate interest is identifying the antecedent of the pronoun "them," that is, the ones being purified. The nearest possible antecedent is the word "some" in verse 35, that is, the martyrs themselves. Yet it is difficult to see how the martyrs are "refined, purged and made pure" through martyrdom. We recognize that martyrdom is a test of faith, but the implication here is a purging that will lead to greater sanctification in this life. Another possible antecedent is "those who have insight" in verse 33. Support for this option is found in verse 34, where "those who have insight" are joined by many "in hypocrisy," thus creating a need for purging false from true devotees of Yahweh. According to this scenario, the death of "some" of Judah's teachers purified the rest, causing each to count the cost of their confession of Yahweh.⁸

The same theme is echoed in the book of Revelation. Rev 2:10 reads, "the devil is about to cast some of you into prison, so that you will be tested." The implication is that, even though only some will be imprisoned (and possibly martyred), all will be tested. This is similar

and as their victory over the beast. In this way John poses the question: who are the real victors?" (Bauckham 1993:90).

⁸ As Baldwin (1978:195) writes, "Persecution eliminates the waverers." Leupold (1949:508-9) comments, "Facing the issue of death and bringing the supreme sacrifice would serve the purpose of 'smelting' and 'sifting' and 'purifying' the teachers."

to what we observed in Daniel 11, where “some” of those with insight fell (died) in order to test the others.

Other passages may also be considered. In 2 Timothy 4 Paul’s impending martyrdom will inspire Timothy to personal steadfastness in Christian life and ministry. Hebrews 11-12 cites Old Testament martyrs as sources of inspiration for suffering New Testament believers. It is very plausible that Stephen’s martyrdom had a marked effect on stirring the church to evangelism. It was those “who had been scattered” by the persecution initiated by Stephen’s martyrdom who “went about preaching the word” (Acts 8:4).

In essence, martyrdom provides the church with a radical challenge to all-out commitment. It provides a test for the entire church and forces believers to clearly define their faith by identifying the issues they are willing to die for. Those who positively respond to the challenge will be inspired and encouraged by the example of the martyr, deepened spiritually and stirred to action in providing assistance to others still suffering for the faith. Those who negatively respond to the challenge, however, may fall away. Yet even this benefits the church by purging and purifying it.

In connection with the effect of martyrdom on believers, many unscriptural conceptions have arisen and now enjoy widespread acceptance in some circles. A frequently encountered theme, especially among liberal authors, is that early Christians (and Christ Himself) understood martyrdom as a means of atonement for the sins of God’s people (Fretheim 1984:163-64, Sanders n.d.:116). According to this approach, the concept of vicarious suffering blossomed in the intertestamental literature, particularly in 2 and 4 Maccabees. Several writers (Frend 1965:182; Grayston 1996:260; Rist 1945:279) see an atoning significance in the martyrdoms of the book of Revelation, especially in connection with the martyrs beneath the altar (Rev 6:9-11). Certain Church Fathers, such as Origen (*Exhortation to Martyrdom* 5.172) and Gregory of Nazianzus (noted by Winslow 1974:84), also saw the blood of Christian martyrs as atoning. Similarly, in Judaism death by martyrdom can atone for corporate sins of the nation, as seen in the tradition of the “Ten Martyrs” and in the Maccabean literature (2 Macc 6:12-17, 7:18). This conviction was and continues to be held in Catholic theology (Figura 1996:103; Gregory 1999:283). Yet we must again remember that martyrs died for the

message of Christ as sin-bearer – the idea that they were bearing the sins of others contradicts the message they died for.

Another pretension concerning martyrdom and the church that lacks scriptural warrant is the martyr's role as intercessor. As early as the mid-second century A.D., Christians began yearly commemorations of a martyr's death, celebrated at his or her tomb (Martyrdom of Polycarp 18). Later, relics were transferred to local churches and venerated there. Such eminent fathers as Origen (Exhortation to Martyrdom 7.195), Jerome (Against Vigilantius 1-12), Ambrose (noted by Kemp 1948:3-4) and Augustine (noted by Bavel 1995:361) promoted their veneration. Eventually a martyr was thought to have the "prerogative to intercede with God" and that his or her death was atoning; the martyr "was said to win by his death the capacity to forgive sins" (Ton 1997:366).

Calvin (Institutes 3.5.2), appealing to New Testament teaching, refutes such ideas: (1) remission of sins is given only in Christ's name, not in the names of saints or martyrs (Acts 10:43); (2) the blood of Christ, not of martyrs, cleanses from sin (1 John 1:7; 2 Cor 5:21) and purchases us for God (Acts 20:28); (3) Christ, not the martyrs, died for the Church (1 Cor 1:13); (4) Christ provides sanctification for believers – it is not "perfected by martyrs" (Heb 10:14). Additionally, this teaching robs Christ of his unique function as mediator (1 Tim 2:5) and violates the universal principle of Scripture, that prayer is to be directed to God alone. Besides these discrepancies with Scripture, this doctrine also introduces a logical inconsistency. The church, in venerating the martyrs, commits an act akin to that which the martyrs themselves died in defiance of – idolatry.

9. Martyrdom and the unbeliever

Finally, the effect of martyrdom on the unbeliever will be investigated, that is, its value for evangelism. In Scripture we see that persecution and martyrdom are sometimes consequences of evangelistic gospel preaching. But we find no direct scriptural evidence to support that martyrdom itself moves people to conversion.

Some contend that martyrdom leads to conversion in Rev 11:11-13, where, as a result of the resuscitation of the two witnesses, "the rest were terrified and gave glory to the God of heaven." Some assert

that this refers to a mass conversion of the nations (Bauckham 1993:84; Considine 1946:392; Sweet 1981:109; Ton 1997:285-90; Trites 1997:169-70). I find the arguments for this position unconvincing, especially in light of the character of the Apocalypse – evangelism and conversion are scarcely if at all mentioned except for a few angelic warnings of judgement (14:7, 9-12) which appear to go unheeded. But even if this interpretation of Rev 11:11-13 is correct, it does not directly address our question, since it was not the martyrdom event per se that turned the nations to God, but rather a miraculous demonstration of resurrection power.

Also, one often hears the suggestion that the martyrdom of Stephen contributed to Saul's later conversion. But the text gives no support for this view. Immediately after Stephen's death Acts 8 records that "Saul was in hearty agreement with putting him to death" (v. 1), and later that "Saul began ravaging the church, entering house after house; and dragging off men and women, he would put them in prison" (v. 3).⁹ The only indication that Saul may have been somehow moved by the event is the reference to Saul's "kicking against the goads" in Acts 26:14, if that is to be understood as a guilty conscience.¹⁰ But the reference here is too vague to build a conclusion on it alone. The unanimous witness of Acts is that Saul's conversion resulted from his Damascus Road experience (see Acts 9, 22, 26).

Sweet (1981:108) makes a similar assessment of the exegetical evidence (or rather, lack of it) in the New Testament for the value of martyrdom for evangelism:

It is no doubt true that undeserved suffering and death, lovingly borne, works on men's consciences and turns their hearts, but in the book of Revelation, and in the rest of the New Testament, just as the suffering of the μάρτυρες is not the content of the μαρτυρία, so it is nowhere said that the awareness of their suffering brings men to repentance. Even in 1 Peter, where there are more references to suffering for righteousness' sake than anywhere else, this is nowhere inculcated for its saving effects on the persecutor – it is simply what

⁹ Also note the δε in verse 3, which contrasts Saul's actions with those of "devout men," who responded to Stephen's death by burying him. Saul's reaction was the opposite.

¹⁰ Rapske's understanding of the phrase is more plausible – it refers to Saul's growing awareness that opposing the gospel is futile (see Rapske 1998:239).

Christians are called to, in imitation of Christ; the prelude of judgement on the persecutors and of glory for the Christians.

Historical testimonies do exist concerning individuals who converted as a result of witnessing martyrdom. Delehayé specifically lists nearly a dozen converts from martyrdom gleaned from martyrological literature (noted by Ramos-Lissón 1997:104, footnote 12). Eusebius mentions an additional two: the soldiers who led James the Just and Potamiaena to execution (Ecc. Hist. 2.9.2-3; 6.5.4-6). The celebrated church fathers Justin Martyr and Tertullian were converted due to the influence of martyrs (Justin, *Apology* II 12; Ton 1997:349). Speaking more generally, Ramos-Lissón (1997:104) feels conversion through martyrdom must have been common because such accounts became “commonplace in the hagiographic literature.”

At the same time, Christian martyrs have been negatively assessed. Frend (1965:13) feels that often from an unbeliever's perspective the martyrs “appeared to gain nothing. Their God did not rescue them. The gods whom they had insulted were vindicated. Outwardly, in the minds of their contemporaries, the pagan cults had triumphed.” This finds confirmation in the letter from the churches of Vienne and Lyons recounting the persecutions among them:

Others laughed and mocked at them, magnifying their own idols, and imputed to them the punishment of the Christians. Even the more reasonable, and those who had seemed to sympathize somewhat, reproached them often, saying, ‘Where is their God, and what has their religion, which they have chosen rather than life, profited them?’ (Eusebius, *Ecc.Hist.* 5.1.60).

According to Bowersock (1993:66), the martyr's behaviour was not always seen as exceptional; rather “pagans could to some degree understand the role of martyrs since they fill the role of the sophist in their life and the agonist in their death... besides, the Greco Roman world had always taken a lively interest in freakish behaviour.” The most classic example of disdain for Christian martyrdom comes from the pen of Marcus Aurelius,

What a soul that is which is ready, if at any moment it must be separated from the body, and ready either to be extinguished or dispersed or continue to exist; but so that this readiness comes from a man's own judgement, not from mere obstinacy, as with the Christians, but considerately and with dignity and in a way to persuade another, without tragic show (*Meditations*, 11.3).

The oft-quoted phrase, “The blood of the martyrs is the seed of the Church,” traces back to Tertullian, who wrote, “The oftener we are mown down by you, the more in number we grow; the blood of Christians is seed” (Apology 50). Before Tertullian, Justin expressed the same:

For it is plain that, though beheaded, and crucified, and thrown to wild beasts, and chains, and fire, and all other kinds of torture, we do not give up our confession; but the more such things happen, the more do others and in larger numbers become faithful, and worshippers of God through the name of Jesus. For just as if one should cut away the fruit-bearing parts of a vine, it grows up again, and yields other branches flourishing and fruitful; even so the same thing happens with us (Dialogue 110).

Reformation writers echo this thought as well. Luther says, “The church has always grown by blood; she has been irrigated and planted by blood,” and, “The more people oppress it, the more it spreads and prospers” (cited in ed. Plass 1959, vol. 1:282, 396).

Still, other historical evidence contradicts the thesis that persecution and martyrdom advance church growth. Gregory (1999:249) attributes the small number of Anabaptists to their political vulnerability and severe persecution. Shea (1997:15) notes the decline of Christianity in the Middle East.¹¹ Galli (1997:16-19) relates several disturbing reports. During the 1500’s and early 1600’s the 300,000-member church of Japan was reduced to a handful due to martyrdom and apostasy. In the Maghrib (Northwest Africa) the number of bishoprics declined from over thirty in 780 to six in 1015. By 1400 there were none. The expansion of the evangelistically active Eastern Orthodox Church was limited from the mid-fifteenth century on due to pressure from Muslims and Tartars. Galli (1997:16) summarizes,

These are not the kinds of martyr stories we love to hear about or talk about... To be sure, at times and places, each of those principles can be seen at work in history of the church. But just as often our utilitarian grid for understanding the worth of martyrdom has shown to be forced and contrived.

¹¹ She notes the following: Iraq, from 35 percent to 5 percent; Iran, from 15 to 2; Syria, from 40 to 10; Turkey, from 32 to 0.2. The time period of this decline apparently was not noted by the author, but likely refers to the period from the beginning of the Moslem conquests until the present time.

The fact that testimonies exist ascribing conversion to martyrdom directly confirms that it does add a degree of persuasiveness to evangelism. Unfortunately, historical evidence is too inconclusive to claim that it is a major factor in church growth. Also, in contrast to the other facets of martyrdom we have investigated in this article, we lack explicit scriptural testimony that witnessing martyrdom directly stirs the heart and moves people to conversion.

All this leaves us with somewhat tentative conclusions regarding martyrdom's effectiveness in regard to evangelism – a curiosity in light of the fact that of all the aspects of martyrdom discussed, conversion through martyrdom is likely the one most firmly held in the popular mind.

10. Conclusions

As previously stated the goal of this paper is to determine the specific ways that martyrdom furthers the plan of God in route to developing a general construal or biblical model concerning the value of martyrdom. This will require attempting a synthesis of our findings. In seeking such a synthesis, one must determine what common feature or features appear in the experiences of all the participants or observers of the martyrdom event. Upon surveying our separate investigations, the features that appear most evident are the related ideas of climax and clarification. We will begin with the idea of climax.

The experiences of all the primary and secondary participants in the martyrdom event, namely the martyr, the persecutor, God and Satan, can be characterized as exceptional or climactic. It can be shown that the martyr, for example, undergoes the ultimate test of faith, has an ultimate experience of identification with Christ and shows ultimate devotion to Him. The act of dying is arguably the most intense of all human experiences, and voluntary death involves overcoming the most basic human instinct of self-preservation. Martyrdom is rightly called “the highest renunciation” (Workman 1906:3).

I am not alone in this conclusion. Concerning the test of faith, the fathers of early Christianity considered martyrdom “the supreme manifestation of... patience” (Halton 1985:102). Nothing else could so well “test the reality of faith as the call to the great renunciation”

(Workman 1906:338). In the Reformation it was also considered “the supreme test” (Gregory 1999:158; Matheson 1989:155). Concerning identification with Christ, Bonhoeffer (1959:38) calls the experience “the supreme fellowship of martyrdom.” Concerning devotion to Christ, it has been called “the ultimate loving gift” (Robeck 1999:5) “the highest form of love for God” (Sobrino 1999:203) and an “ultimate and final confession of love for Christ” (Gilby 1967, vol. 6:315).

Applying the idea of “climax” to the participation of the persecutor one may note, that the persecutor, although not displaying the most radical rejection of God possible (in comparison, for example, with blasphemy against the Holy Spirit), nonetheless demonstrates extremely depraved behaviour, and provokes God’s judgement to an extreme degree.

Concerning God’s participation, He displays His grace in a remarkable way in the life of the martyr, arguably surpassed only by the demonstration of His grace through Christ. As Luther said, through martyrdom God has “provided us with fresh and new examples of His own life” (cited in ed. Plass 1959, vol. 2:1036). Since, in Jesus’ words, one can show no greater love than to lay down his or her life (John 15:13), the martyr’s death is arguably the greatest outward demonstration of the grace of God, which inspires that love, in the life of a human individual. We note the statement from Vatican II, that martyrdom is the “greatest testimony of love” (cited in ed. Flannery 1987:401). Similarly, Beyerhaus (1992:170-71) feels God imparts to victims of martyrdom “a degree of sustaining grace which surpasses all blessings we receive through the means of grace under normal conditions.” Ton (1997:56) adds, “The glory of God shines through the beauty and splendor of self-sacrifice as nowhere else.”

Finally, Satan’s defeat in martyrdom is probably unparalleled in this present age since, in spite of the great freedom he is granted to oppress the martyr, he is unable to overcome the latter’s perseverance.

In viewing martyrdom from the point of view of climax, what next becomes apparent is the contrast between the climactic experiences of the participants in the martyrdom event. God and the martyr, on the one hand, demonstrate such positive virtues as devotion, faithfulness and victory through grace. Satan and the persecutor, on the other hand, display the contrasting qualities of

cruelty, injustice and ineptitude. Since these features are demonstrated to an extreme degree on both sides of the contrast, the climax becomes a polarization between God and the representatives of His kingdom on one side, and Satan and the representatives of his domain on the other. This is the same polarization that was independently demonstrated in the section "The Historico-Theological Backdrop of Martyrdom," where the age-old conflict between the "City of God" and the "City of This World" was highlighted. Martyrdom sets God's kingdom in sharp contrast to its rival realm and makes the combatants in this cosmic struggle more distinctly recognizable.

Thus, the climactic nature of the martyrdom event demonstrates the polarization that exists between the kingdom of God and the domain of darkness. This observation leads to the final feature of martyrdom useful for our general construal – martyrdom not only as a moment of climax, but also as a moment of clarification. As shown earlier, the example of the martyr challenges other believers to re-examine their commitment to Christ and deepen their dedication to Him. In light of our discussion above, martyrdom probably produces such an effect because believers perceive in the martyrdom event the stark contrast between good and evil, between darkness and light. Consequently they are compelled to recognize the cosmic conflict underway and side with God in opposition to Satan and the world. Thus, all "gray zones" are removed, and areas of compromise with the world are revealed. In this way, the moment of climax becomes a moment of clarification for the believing observer – in the light of the martyrdom event he or she is able to better understand the nature of the cosmic conflict and his or her proper relation to it.

Martyrdom may benefit unbelieving observers in a similar way. They, too, can observe the bravery, integrity and virtue of the martyr, who is supernaturally enabled by God, in contrast to the cruelty, injustice and ineptitude of the persecutor. Thus, this moment of climax can serve as a moment of clarification for them as well. How effectively this experience turns their hearts to God, however, is more difficult to establish. Our examination failed to establish a solid connection between martyrdom and conversion. It appears that, although martyrdom provides a moment of clarification for saint and sinner alike, it is potentially more efficacious for the former than the latter.

In light of the material presented in this article I contend that the following construal can be helpful for grasping the essential nature of martyrdom: Martyrdom, in respect to its contribution to the plan of God, can be described as a moment of pre-eschatological climax or clarification in the ongoing struggle between the kingdoms of God and Satan, where the best and worst are brought out of participants in the event; as a point of crescendo in the musical score of salvation history, where the full vibrancy of each instrument is clearly heard; as a foretaste of the so-called “Great Divide,” where the dramatic polarization between good and evil takes place; and, consequently, as a “reality check” for observers or hearers of the event, reminding them that there is no middle ground between the kingdom of God and the domain of darkness.

11. Applications

The remaining matter to consider is the relevance of these findings for the contemporary evangelical church. Certainly, for those segments of the Body of Christ presently suffering persecution and undergoing martyrdom the application of this study is straightforward. Such believers can benefit from a biblical model of martyrdom for interpreting their experience, giving meaning to their suffering, inspiring endurance and appreciating the beauty of God’s plan.

For the church that is suffering less, however, different applications can be suggested. Reflection on martyrdom has a multiplicity of benefits. It can inspire endurance not only for the ultimate sacrifice, but for the many smaller sacrifices Christians are called to make each day. It can forge unity between rival evangelical groups as we appreciate our common doctrinal heritage won and preserved for us by the martyrs’ blood.

Martyrdom also plays a useful role in the perpetual tension between what one might call the “theology of creation” and the “theology of redemption.” The “theology of creation” emphasizes unity and mutual respect between all people as creatures of one Creator, whereas the “theology of redemption” recognizes the dichotomy and inevitable conflict between the regenerate and unregenerate. The contemporary evangelical church appears at the present time to be moving toward a renewed emphasis on the doctrine of creation. This can be viewed as a welcome trend, since the doctrine

of creation has not received sufficient attention in past generations. Yet a balance between the doctrines of creation and redemption must be maintained. Although believers may have much in common with the world at large, martyrdom reminds us that we are also engaged in an intense spiritual struggle with the forces of darkness that control this present world system and unregenerate people. No event more dramatically portrays this conflict than the martyr's death.

Possibly the most significant benefit is the check martyrdom provides on the relativistic tendencies prevailing in many societies today, and in certain segments of Christendom. In today's relativistic milieu, where flexibility, compromise and toleration are championed, martyrdom appears, at best, as an oddity and, at worst, as pathological rigidity. Eugene and Anita Weiner (1990:1) provide valuable insight into how martyrdom is likely perceived by many today:

In the modern Western world, the psychological climate discourages total commitment and martyrdom. Individuals willing to martyr themselves for a cause strike us as irrational and motivated by psychological problems... the individual who is irrevocably committed to particular convictions seems needlessly inflexible.

They relate the concern by some that behaviour patterns exhibited by martyrs are "dangerous to the democratic process which is based on a rational give and take and on a process of compromise" (1990:21).

In an interesting article in *Mennonite Life*, Melvin Goering (1992:9-15) expresses an opinion radically divergent from original Mennonite (Anabaptist) thinking about martyrdom during the Reformation period. He relates that in the past Mennonites staunchly held to a "two kingdoms" view, similar to what was described earlier in this article. Their proclamation and defence of the "truth" was uncompromising. Goering attributes this earlier dogmatic attitude to social/psychological factors such as social isolation, suspicion of authority and passion for personal piety at the expense of the greater social concern. He feels such thinking is outdated and inappropriate for today's Mennonite. There is a greater need now to learn how to be faithful "in the *midst of culture*" (1992:9). Goering feels that in the future martyrologies should promote "obedience with flexibility, beliefs without dogmatism, faithfulness within culture, ethical leadership within institutions, love and justice within social structures, conviction in the midst of ambiguity, dialogue without arrogance, care

without condensation, openness without disintegration” (1992:14-15). Although there are positive elements in Goering’s proposal, a concern arises about how far “beliefs without dogmatism” and “faithfulness within cultural” might be taken.

The dangers of relativism to conservative evangelical faith are clear: the compromise of essential truth and abandonment of vigorous evangelization for the sake of peaceful coexistence with dissenting groups. The attitude of believers in the Reformation period provides a stark contrast. Gregory (1999:436) notes that Reformation theologians were “horrified and disgusted” at the concept of religious toleration: “They *preferred* a world in which truth did battle... It is mistaken to think then they might have shelved their competing commitments to Christian truth for the sake of peaceful coexistence.” Theologians of that time did not give “peaceful coexistence priority over God’s truth” (1999:437).

Martyrdom, as traditionally understood and defended in this article, is antithetical to relativism. Martyrdom asserts, in the most dramatic way humanly possible, that absolute standards do exist, and that one can have the assurance of truth to such a degree that death appears a small price to pay in its defence.

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Virginia Statement on the Islamic Republic of Pakistan

issued by the Religious Liberty Partnership

April 2011

As members of the Religious Liberty Partnership (RLP) meeting in Virginia, USA, we appeal to the worldwide church *to pray for the nation of Pakistan*. We mourn the callous murder of Federal Minister Shahbaz Bhatti last month and feel this sentiment acutely because he was scheduled to have been a keynote speaker to address our conference. We specifically call on Christian denominations, churches, and organisations worldwide to take this appeal to their members to pray for Pakistan in recognition that we are one body united in Christ.

1. The RLP acknowledges

- The voices of leaders around the world representing all faith communities who have spoken out condemning the recent violence perpetrated in Pakistan by religious extremists, including many Pakistani civil liberty and human rights organizations.
- That the tragic murder of Federal Minister Bhatti on March 2, 2011, represented his greatest sacrifice, in that he had previously stated his willingness to risk his life for his uncompromising commitment to standing for the rights of minorities.
- That upholding the ideals of the pluralistic foundation for the country first proclaimed by Quaid-e-Azam Mohammed Ali Jinnah also cost the life of Punjab Governor Salman Taseer, whose murder we grieve. We recognize the tragic loss to the nation of this public servant. He paid the ultimate price for speaking the truth, for criticising the blasphemy laws and for stating his opinion that sufficient evidence did not exist to uphold a conviction in the blasphemy case of a Christian defendant, Asia Bibi, thereby standing up for the rights of a vulnerable mother of five children.

- The Pakistani coalition government's courageous statements condemning these acts of senseless violence. We applaud the stance of President Asif Ali Zardari who declared that, "We will not be intimidated nor will we retreat," recalling that his wife, Benazir Bhutto was also assassinated by extremists.
- That Christians and other religious minorities were given the right to vote in general elections for any candidates and not just their reserved seats, first exercised in March 2008 which eliminated the separate elections for minorities.
- That, under the current government and through the work of the late Shahbaz Bhatti, new measures have been taken in the interest of religious minorities, including a five percent job quota in government positions, four reserved seats in the Senate, an annual Minorities Day, prayer rooms for non-Muslims in prison and a national helpline linked to the Ministry for Minorities.
- That in June 2010 Pakistan ratified the U.N. International Covenant on Civil and Political Rights, and we encourage the full implementation thereof without any significant reservation.
- That, after more than a decade of leading efforts by the Organization of Islamic Conference to pass "Defamation of Religions" resolutions at United Nations, during the March 2011 16th Session of the U.N. Human Rights Council, Pakistan set aside this agenda in favour of a resolution in line with international law on freedom of religion and freedom of expression.
- That the Church in Pakistan has played a vital role in interfaith dialogue and promotion of peace between religious communities.
- That the Church around the world and within Pakistan, including several Dioceses of the Church of Pakistan, have generously given humanitarian relief, assistance to displaced people, and practical aid to victims of recent natural catastrophes in various parts of Pakistan.
- The historical role of churches in Pakistan in providing high quality education and health care services, including church-administrated (as opposed to nationalized) schools and the Cathedral school system.

2. The RLP raises the following concerns

- That Pakistan has become an epicentre of religious intolerance and religiously-motivated violence in the region and beyond; and that hundreds of Pakistani citizens have been killed by acts of terrorism.
- That institutional discrimination is embedded within the governing instruments which overtly discriminate against non-Muslims and impose restrictions on religious practices in the country; that a number of provisions within the current Constitution of Pakistan, the Hudood Ordinances, some provisions within the Pakistan Penal Code (PPC), and various legal and social structures overtly treat non-Muslims as second class citizens.
- That Christians and other minorities (including Ahmadis) are also discriminated against in virtually every aspect of life. They are vulnerable and subject to abuse by accusers in civil and religious courts due to the discriminatory application of witness testimony and no legal recourse for false accusations.
- That 40-50 Pakistani citizens of all faiths are formally charged with blasphemy every year under Sections 295A, B and C of the PPC, exemplified by the highly publicized cases of Asia Bibi, convicted in November 2010; Muslim prayer leader, Mohammed Shafi, and his son, convicted of blasphemy in January 2011; and Qamar David, a Christian found dead in his prison cell after five years in jail.
- The continuing impunity for those responsible for the anti-Christian atrocities perpetrated in the towns of Korian and Gojra in 2009. That increasing numbers of Christians are being forced to live in hiding or even flee Pakistan as the situation deteriorates and that this adds to the vulnerability of the community.

3. The RLP calls on the Pakistani authorities

- To establish a judicial inquiry into the murders of Shahbaz Bhatti and Salman Taseer and to release and publicize the resulting report, release and publicize prior investigative reports of anti-Christian violence, and follow-up previous Federal level requests to the Punjab government for this information.

- In memory of the principles adhered to by the late Federal Minister, work towards abolishing the blasphemy laws and, until they are abolished, to expeditiously pass and implement measures to prevent the misuse of these laws, such as procedural and evidential safeguards for the accused, consideration of the question of intent, penalties for false accusations, as well as support and protection for those who defend or support victims of blasphemy laws. To repeal all domestic legislation and constitutional provisions that discriminate against minorities, and to take further measures to ensure the equality of all Pakistanis.
- To increase reserved seats for minorities within the National Assembly and Provincial Assemblies equivalent to the increase in overall seats in these Parliaments since 1947, without decreasing the voting rights of minorities.
- To return all of the nationalized educational institutions to their former church administration, especially Murray College in Sialkot, Gordon College in Rawalpindi, and Edwardes College in Peshawar; to provide non-Muslim students with an option to study their own faiths, rather than being forced to study Islam.
- To remove Pakistan's reservations to the United Nations International Covenant on Civil and Political Rights (ICCPR) without delay;
- To implement international standards of non-discrimination based on race, religion, and gender, found in Article 2 of the Universal Declaration of Human Rights, the ICCPR, and other U.N. instruments.
- To implement the 18th Amendment passed by the National Assembly in 2010 which provided a set aside of 5% employment for non-Muslims within government jobs.
- To engage in educational reform, with particular focus on the elimination of discrimination from schools, including madrassas and national curriculum text books; to reform the education system so as to provide state-funded education to every child.
- To encourage television and radio programming that promotes tolerance and equality of all minorities within the society.

4. The RLP calls on the international community

- To support the Government of Pakistan in fulfilling its human rights commitments under international law and in the long-term fight against terrorism and extremist ideologies within its borders;
- To urge the U.N. High Commissioner for Refugees and refugee resettlement parties to recognize Christians endangered within Pakistan as refugees and reduce the burden of proof to demonstrate eligibility for refugee resettlement. Pakistani minorities who have fled to Sri Lanka, Malaysia, and other countries seeking refugee status should have their cases expeditiously reviewed without discrimination.
- To link military aid to Pakistan to the overall human rights situation in Pakistan.

5. The RLP calls on the Christian and non-Christian Pakistani Diaspora

- To make use of their own liberties in their new countries of residence to speak out with a united voice on behalf of those who do not have freedom of religion.
- To partner with lawyer associations and civil society organizations in Pakistan seeking justice, rule of law, and legal reform.

6. The RLP calls on the worldwide church

- To engage in jointly building the unity of the church within Pakistan;
- To encourage, participate in, and resource interfaith dialogue;
- To challenge and assist the church within Pakistan to continue providing excellent education and health care services, motivating teachers to teach and more educated Pakistanis to take up education as a profession thereby building mutual respect and tolerance.
- To unite in action, increase coordinated prayer for Pakistan, finding a common ground to pray and creative ways to carry out ministries.

- To support media ministry and undertake leadership development.
- To approach public commentary and actions relating to Pakistan with sensitivity, in recognition of potentially negative impact on Christians in Pakistan.

7. The RLP commits

- To call for all of our constituencies, including the Pakistani Diaspora and the Church worldwide, to pray for the Church in Pakistan as it seeks to respond in a Christ-like manner to religious liberty violations.
- To bring the plight of the Pakistani people to our constituencies and raise issues of justice and equality to our own governmental authorities.

[Editorial note: The list of signatory members of the Religious Liberty Partnership can be viewed at <http://tinyurl.com/RLP-Pakistan-2011>]

The Religious Liberty Partnership (RLP) is a collaborative effort of Christian organizations from around the world focused on religious liberty. The RLP seeks to more intentionally work together in addressing advocacy, assistance, and in raising the awareness of religious persecution globally. Members of the RLP are substantially involved (time, personnel, and resources) with ministry to persecuted Christians and/or on religious liberty issues in whatever context and strategy. For more information on the Pakistan Statement or on the Religious Liberty Partnership, see <http://www.rlppartnership.org> or contact Brian O'Connell, RLP Facilitator at: Brian@REACTServices.com; +1 425-218-4718.

Noteworthy

The noteworthy items are structured in three groups: Annual reports and global surveys, regional and country reports (sorted alphabetically), and specific issues. They are preceded by an item of current concern. Though we apply serious criteria in the selection of items noted, it is beyond our capacity to scrutinise the accuracy of every statement made. We therefore disclaim responsibility for the contents of the items noted. The compilation was produced by George Bransby-Windholz assisted by Dr Christof Sauer. Submissions welcome to: Noteworthy@iirf.eu.

Berkley Center for Religion, Peace & World Affairs

<http://berkeleycenter.georgetown.edu>. The Berkley Center is a interfaculty institution of Georgetown University in Washington DC. Founded 2006, it centers on an interdisciplinary study of religion through research, teaching and outreach. Among its rich activity in meetings and conferences, and its publication of studies and reports, in the last few years the Georgetown Symposiums are especially noteworthy, for example on the following themes:

- Religious Freedom and National Security Policy October 28, 2010;
- Proselytism & Religious Freedom in the 21st Century, March 3, 2010;
- Religion, Democracy and the Policy of the Obama Administration, November 3, 2009;
- International Religious Freedom Policy, February 25, April 21 and October 10, 2008

Berkley Center published reports on all symposiums. Available online as PDF: <http://berkeleycenter.georgetown.edu/publications/list>.

Religious Freedom Project at Berkley Center

<http://berkeleycenter.georgetown.edu/programs/religious-freedom-project>. Georgetown University's Berkley Center for Religion, Peace, and World Affairs has received a \$2 million grant from the John Templeton Foundation to support the interdisciplinary study of religious freedom. The Religious Freedom Project will engage a team of leading international scholars led by the Center's Senior Fellow Thomas Farr to explore different understandings of religious liberty and its importance for democracy, economic and social development, international diplomacy, and the struggle against religious extremism.

Over the course of three years the project will sponsor a series of events, publications, courses, and policy consultations to generate and disseminate knowledge about religious freedom among scholars, policy experts, educators, and the wider public. The project will cover five thematic areas: (1) Religion as Intrinsic to Human Experience, (2) Historical Origins of Religious Freedom, (3) Religious Freedom in the U.S. and Europe, (4) Religious Freedom and Economic, Social, and Political Development, (5) Religious Freedom and the Struggle against Extremism.

Annual global surveys

USA: U.S. Commission on International Religious Freedom Annual Report 2011

USCIRF, Washington, USA, 28 April 2011, 387 p. <http://tinyurl.com/USCIRF-2011> (Source: www.uscirtf.gov). The twelfth annual report on nations committing egregious violations of religious freedom details abuses in 28 nations, many of which are at the top of U.S. foreign policy agenda, including Afghanistan, China, Cuba, Egypt, India, Iran, Iraq, Nigeria, Pakistan, Russia, Saudi Arabia, Sudan, and Vietnam. It also provides recommendations to the Obama administration, the U.S. State Department and members of Congress regarding ways in which U.S. policy can promote religious freedom and related human rights in nations USCIRF identifies as the world's most severe religious rights abusers.

USA: Annual Report on International Religious Freedom 2010

Department of State, Washington, DC, 17 November 2010. www.state.gov/g/drl/rls/irf/2010/index.htm. The report covers the period from July 1, 2009, to June 30, 2010 and contains an introduction, executive summary, and a chapter describing the status of religious freedom in each of 195 countries throughout the world. Mandated by, and presented to, the U.S. Congress, the report is a public document available online and in book form from the U.S. Government Printing Office.

Persecuted and Forgotten? A Report on Christians oppressed for their Faith. 2011 Edition

John Pontifex and John Newton (eds.), Aid to the Church in Need: Sutton, Surrey, UK 2011, 144 p., http://www.aidtochurch.org/pdf/-P&F_FINAL.pdf. "Aid to the Church in Need" is a worldwide public association of the Catholic Church, under the supervision of the Congregation for the Clergy. The report documents infringements of religious freedom and the suppression and discrimination of religious minorities in 32 countries and presents the profiles of 4 bishops and one sister.

Regional and country reports

China: We Stand Up for Our Faith

A Petition to the National People's Congress Concerning the Conflict Between Church and State, May 10, 2011, <http://tinyurl.com/we-stand> (www.chinaaid.org).

Chinese Law & Religion Monitor

China Aid Association, Washington, vol.6, No.2, Dec. 2010, 99 p. http://monitorchina.org/en_journal_download.php. The December 2010 edition reports details on the latest developments of the Chinese legislation on churches and documents on a trial against a Christian, Alimanjung Yimiti. The laws and court documents are reproduced in the original form and length.

Egypt: The Disappearance. Forced Conversion, and forced marriages of Coptic Women

Christian Solidarity International/ Coptic Foundation of Human Rights, Westlake Village, CA / Zurich, November 2009, 41 p. www.csi-int.org/pdfs/csi_coptic_report.pdf. The report claims that often Coptic girls and women are lured into marriages with Moslems and forced to convert. Or they just disappear. Authorities do not intervene. 26 individual cases over 10 years are quoted, initials of names only. In the same matter a bipartisan group of 17 members of US-Congress in April 2010 asked the State Department to follow up on this and take proper action (*foxnews.com* 21 April 2010).

Germany: CDU on Religious Freedom

Berlin, www.cdu.de. The Federal Executive Committee of the German Christian Democratic Union (CDU, leading German political party of Chancellor Angela Merkel) passed a resolution "Protect Christians from Discrimination and Persecution" (15.1.2011). It decries that in more than 60 countries religious freedom is restricted or even non-existent. It makes it the duty of a German policy based on values to promote human rights and religious freedom at home and abroad. So the German coalition government of Christian Democrats and Liberals has stated in the coalition agreement their common will to commit themselves in furthering worldwide religious freedom, especially for Christian minorities. The document does not contain very specific recommendations and remains on quite general terms.

A more detailed declaration *Implementing Religious Freedom Worldwide* was issued by the CDU Federal Committee on Development, Cooperation and Human Rights on 19 April 2011 (7 p., www.iirf.eu). It stresses the danger of future restrictions of religious freedom through provisions of "protection of religion", which in practice signify the protection of a dominant religion (e.g. Islam) against criticism by minority religions.

India: Religion, politics and violence: A report of the hostility and intimidation faced by Christians in India in 2010

Evangelical Fellowship of India, New Delhi, 27 p. <http://tinyurl.com/EFI-India-2010>. Since early 2000 the Evangelical Fellowship of India (EFI), has been compiling incidents of violence against members of the minority Christian community. Through this annual compilation, EFI seeks to draw attention to the scale of persecution of Christians in India.

Turkey: EU Progress Report 2010

Turkey 2010 progress report, accompanying the Communication from the Commission to the European Parliament and the Council. Enlargement Strategy and Main Challenges 2010-2011. Brussels, 9 Nov. 2010, 104 p., <http://tinyurl.com/EU-Turkey-2010>. Report on progress made by Turkey in preparing for EU membership. Pages 22-25 pertain to religious freedom.

Turkey: IJRF board member under police protection

5 January 2011. <http://tinyurl.com/Konu-2011>. A board member of the International Journal for Religious Freedom, the President of the Union of Protestant Churches in Turkey, minister of Immanuel Congregation in Istanbul and President of the Turkish section of Martin Bucer Seminary, a long time leading researcher of the Turkish Bible Society, Rev. Behnan Konutgan, has been put under police protection. Allegedly the public prosecutor has got information about plans for an attack against him, possibly connected with the ultra-nationalist organisation Ergenekon, which is also held responsible for the murder of 3 Christians in 2007 in the town of Malatya. Turkey with a population of 72 mio. includes 120 000 Christians, among whom 4 000 consider themselves evangelical.

Special issues

UN: Rapporteur's Digest on Freedom of Religion or Belief

Excerpts of the Reports from 1986 to 2011 by the Special Rapporteur on Freedom of Religion or Belief Arranged by Topics of the Framework for Communications. 2011, 108 p., <http://tinyurl.com/1986-2011>. On the occasion of the 25th anniversary of the adoption of resolution 1986/20 of the Commission on Human Rights, the Special Rapporteur on freedom of religion or belief launched this Digest with excerpts of the reports from 1986 to 2011. The Rapporteur's Digest is arranged according to the topics of his framework for communications. It is very helpful in cataloging and explaining religious freedom commitments in one place.

Freedom in the Face of Resurgent Islam

www.standpointmag.co.uk/node/3876/full. May 2011. In "Standpoint", a right/centre British monthly magazine committed to uphold Western values, Michael Nazir-Ali, the former Anglican bishop of Rochester in England (who hails from Pakistan), describes the resurgence of Islam in Britain and abroad and the responses Christian churches should give to that challenge.

International Institute for Religious Freedom welcomes Cape Town Commitment

<http://tinyurl.com/CTC-IIRF-2011>. An interview by Bonn Profiles with Dr. Christof Sauer on the relevance of the *The Cape Town Commitment: A Confession of Faith and a Call to Action*, emanating from the Third Lausanne Congress on World Evangelization (Cape Town, 16-25 October 2010) for religious freedom issues.

Minority Religious Communities at Risk

First Freedom Center, Richmond, Virginia, USA, January 2011, 76 p., <http://action.firstfreedomcenter.com/minority-report.pdf>. Editors: Ambassador ret. Randolph Bell and Dr. Isabelle Kinnard Richman. It contains regional surveys and centers on a group of communities, which in the opinion of the authors are most endangered: the Patriarchate of Constantinople (Istanbul), Jehovah's Witnesses in Eritrea, Jews in the Arab World and Venezuela, the Arab Masalat in the Sudan, Nazarene Christians in Somalia and the Sabian Mandaeans in Iraq. The report is completed by a detailed and well ordered bibliography (12 p.).

Religious freedom in a liberal society

Roger Trigg: Free to believe. Religious freedom in a liberal society. Theos, London, 2010, 64 p., <http://tinyurl.com/Trigg-2010> (www.theosthinktank.co.uk) Trigg is Emeritus Professor of Philosophy at Warwick University and academic director of the Centre for the Study of Religion in Public Life at Kellogg College, Oxford. He argues that religious freedom is a basic human right and goes farther than just the right of free speech. He expresses his concern about a tendency in Britain to restrict this right slowly. He concludes that religious freedom should not be determined just by the will of the people, because it is a basic right. Theos think-tank is a public theology think-tank founded in 2008 with the support of the Anglican and Roman Catholic Church. Its aim is to support a process of de-secularisation in society. "Faith can only flourish if it is given the space to breathe".

Towards a theology of suffering, persecution and martyrdom

Bad Urach Statement. IIRF, Cape Town/ Bonn / Colombo 24 October 2010, 80 p. <http://tinyurl.com/IIRF-BUS-2010>. The aim of the Bad Urach Statement, named after the location in Germany, where it was drafted, is to develop an evangelical theology of suffering, persecution and martyrdom for the global church in mission.

Tourist paradise

<http://www.tourist-paradise.org>. This is a computer game, which was installed on 7 December 2010 on several gaming platforms. It is interesting because it tries to widen among tourists the consciousness for problems in the countries they visit, including problems of religion persecution. The game can be downloaded and sent to friends.

Vatican: Pope Benedict – message for the world day of peace

<http://tinyurl.com/peace-2011> (www.vatican.va). In his message for the celebration of the world day of peace on 1 January 2011 Pope Benedict XVI puts the focus on religious freedom and threats against it. Everybody is entitled to a spiritual, religious life without compulsion and threats. It is an issue of justice and civility. But the principle of religious freedom can also be misused for non-religious interests or fanaticism. "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" (par. 8).

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Book reviews

Brian J. Grim, Roger Finke. The price of freedom denied: Religious persecution and conflict in the twenty-first century. Cambridge: Cambridge University Press 2010, 257 p., ISBN 9780521146838, Paperback, £ 16.99, US\$ 24.99; Hardcover ISBN 9780521197052, £ 50.00, US\$ 85.00. Also available as Adobe Reader eBook and Mobipocket eBooks US\$ 20.00.

This is perhaps the best and most important publication on the topic of religious freedom to appear in recent years. Two statisticians of religion, Brian J. Grim, known as the head researcher of the study “Global Restrictions on Religion” of the Pew Forum (<http://pewforum.org/docs/?DocID=491>), and Roger Finke, a professor of sociology and director of Religion Data Archives, show that religious freedom contributes to peace and stability within a society and does not endanger it.

Their basic thesis, which is supported by an enormous wealth of examples, statistics, and investigation, is simple: In countries with religious freedom there is much more social peace than in countries without it. Or in other words: The argument of many countries with a dominating majority religion, that they have to keep a check on smaller religions for the sake of social peace, is contradicted by reality.

Restriction of religious freedom is often in the first instance the reason for violent conflicts (p. 67). Religious homogeneity does not guarantee freedom from conflict, but it apparently encourages tensions.

Particularly noticeable is the study of Samuel Huntington’s theory that assumes violence and unrest are the consequences of a clash of civilizations. This thesis, according to the authors, does not do justice to the internal diversity found within religions and cultures (pp. 62-68), for instance the tension between Sunnites and Shiites within an Islamic country. All of the available figures contradict the thesis that it is the tension between cultures which can cause additional tensions (pp. 77-82). It is rather in a certain sense the suppression of these tensions in favor of an alleged monoculture in a country which intensifies the tensions.

Between the middle of 2000 and the middle of 2007 there were, of 143 countries, 123 countries (86%) in which people experienced

violence or were forced to move on the basis of their religious affiliation (“physically abused or displaced,” p. 18). In 25 countries there were more than 10,000 people affected (p. 20), conspicuously among them many Islamic countries.

As documented by Grim and Finke, religious freedom viewed on the whole has increased in Christian countries in the sixty years from 1945 to 2005 and has decreased in Islamic countries (p. 172). This means that overall there is less religious freedom in Islamic countries than there was a century ago – and the development still remains regressive!

Two examples in this connection:

1. In Islamic countries (see pp. 160-201), in which there is almost exclusively no religious freedom, the level of violence and the propensity towards civil war is very high.
2. Terrorist movements predominantly come from countries without religious freedom (p. 198). In a few exceptions much less damage is caused in their own countries and they are not active internationally but nationally.

Specifically portrayed in the book among free countries (pp. 88-119) are Japan (a large amount of religious freedom), Brazil (religious freedom with some tension), and Nigeria (religiously split country). Among the countries that are not free (pp. 120-159) one finds China (religion as a threat), India (religion as a social monopoly), and Iran (religion as a social and political monopoly). The Islamic countries presented as a whole (p. 160-201).

This excellent book is proof of the fact that research on the topic of religious freedom is proceeding with more fervor, and it sets a standard for the future.

Thomas Schirrmacher, Director of IIRF, Bonn, Germany

Yacob Tesfai: Holy warriors, infidels and peacemakers in Africa. Basingstoke: Palgrave Macmillan 2010, 183 p., ISBN 9780230104273, 0230104274, Hardcover, US\$ 80.00.

Tesfai’s book is a timely intervention for all believers serious about the present and future relevance of their faith. Though it has as its focus the continent of Africa, its applicability is global. Indeed to locate the study in Africa is to ground it firstly in what is perhaps the globe’s most

religious continent. In doing so, Tesfai is on safe grounds in carrying out the task of uncovering the workings of religion, its promises and pitfalls, in order to distil lessons for the rest of believing human kind. It bears recalling that rationalists and secularists have in the past postulated the death of religion as only a matter of time. Modernity, it was supposed, would increasingly spell the end of all superstition and religion. On the contrary, such is the dominance of religion in the 21st century, especially after 9/11, that no serious policymaker dares discount religion as a factor.

“Holy Warriors, infidels and peacemakers in Africa” provides a mine of information about the role of religion in different conflicts, past and present, on the continent of Africa. While not losing sight of the fact that for the most part, Africa is not a conflagration of religiously inspired wars, in those specific areas where religion, race, ethnicity and political power connect, much mayhem, bloodshed and untold suffering has been visited on the people of Africa. Religion has helped to construct racial, ethnic and even geopolitical identities, forging groups that see others as outsiders and others as insiders. This has often led to violent conflict in the name of God or religion, or the preservation of self-interest in the guise of religion.

Among the salient lessons Tesfai draws from the South, East, West, North and the horn of Africa, are the following:

Religion is a powerful, identity forming, even primordial notion that can turn adherents into “holy warriors” against those they imagine to be outside of their group. Such are often labeled ‘kaffirs’ or ‘infidels’. Engaging in acts of war, such as jihad (Islam) or crusades (Christian), against such people is often elevated to an article of faith. It is remarkable that in the conduct of these holy wars, gross human rights violations often occur, unmasking the holy warriors as the infidels they set out to destroy. This is borne out by the experiences of Apartheid South Africa, LRA in Uganda, Charles Taylor in Liberia and Sierra Leone, the Horn of Africa and elsewhere.

When religion sets out to seize political or state power to impose what it believes to be the true way, e.g. through instituting Sharia law, it invariably becomes exclusive and marginalises not only non-adherents, but fellow-believers of that religion who do not share their particular interpretation of the sacred texts of that particular religion. Tesfai decries the fact that the ruling religious elites will have ample

opportunity to usurp power in the name of God. Since such a group has claimed to own the interpretative tools of the law in the name of the Divine, it alone has the authority and exclusive right to know the difference between right and wrong. He quotes Sudanese writer Mohammed Salih as saying: "If the state power is divine, then politics is not more that exercising God's will by an authoritarian Muslim elite that controls the state under the name of Islam" (p. 142).

The religions (notably Christianity and Islam) tend to have international networks that have the potential of globalising their influence, positive or negative. The Christian West, for instance, is often seen as embracing the global project of the "war on terror", and thus being inherently anti-Muslim. The Muslim world, on the other hand, with its notion of the umma, has global aspirations of imposing Islam as God's way for the world. These internationalist tendencies have the effect of complicating local contexts, and flaring up and regionalising conflicts that may otherwise be localised.

Religions do not only have within them the seeds of conflict and death. They also have the seed of life and peace. If correctly nurtured, seeds of peace can lead to the flourishing of hope in communities. Tesfai tracks effective peace projects driven by religious leaders from different contexts. These are compelling examples of how the redeeming features of most religions can be harvested for peace in the world.

The contribution of religion to nation-building is best served in humility, in the transparency of the public square, where all are able to participate freely. This is more so in the emerging global consensus of human rights for all.

Tesfai's book is an important manual for peace-builders everywhere, as well as those interested in discerning how religion can play a more positive role in the construction of social values. Its strength is in adequately profiling the pitfalls of the misuse of religion as well as unmasking the self-interest of religious warlords, extremists and those who imagine that translating the sacred texts into public policy is a matter that can be done naively and self-righteously.

Religionists need secular society as much as secular society needs religion. About Charles Taylor's atrocities, Tesfai notes: "In the judicial process, the infidel side of the holy warrior was exposed to the world,

not by a tribunal of a theological judgment, but by instruments of human justice.” (p. 43)

He helpfully draws attention to empirical evidence of constructive peace-building in different contexts plagued by conflicts and tension.

It is indeed a valuable contribution to the tool kits of religious leaders as well as policymakers and social commentators.

Moss Ntsha, Johannesburg, South Africa

Yusufu Turaki: Tainted legacy – Islam, colonialism and slavery in Northern Nigeria. McLean, VA: Isaac Publishing 2010, 210 p., ISBN 978-0982521830, US\$ 17.99.

Tainted Legacy is a culmination of nearly three decades of study of four epochal movements and their continuing impacts on present-day Nigeria. The phenomena of British colonialism, Christian missionaries, Traditional Religion, and Islam and the Sokoto Caliphate constitute four distinct historical legacies (p. 10), which continue to respectively account, to a great extent, for the nature and complexities of inter-religious and inter-ethnic relations in Northern Nigeria. Written by a Nigerian professor of Theology and Social Ethics, the book unearths the enduring grim legacy of Islamic colonialism and slavery in Northern Nigeria. So much has been written about Western colonialism and trans-Atlantic slave trade, but Islamic colonial exploits, trans-Saharan slave trade and the East African slave trade with Arabia, the Middle East and India have not come under the same intense scrutiny. Professor Turaki argues: “The reality is that Islam and Arabs, more than any other religion or people, imposed colonialism and institutional slavery on traditional Africans. Then African Muslims expanded the system. So Africans share the responsibility for slavery with Europeans and Arabs.” (p. 13).

Relying on numerous original archival and scholarly sources as well as on primary data collection, he establishes, with depth, the argument that Muslim and non-Muslim relations and the ongoing conflicts in the central Nigerian Middle Belt are the products of historical and socio-political factors that nurtured and sustained dominance-subordination relationships between Muslims and non-Muslim groups in pre-colonial and colonial times respectively. The British amalgamation of the country in 1914 and the lumping of northern areas under one administrative region created the potential for

conflict between Muslims and non-Muslims. The British colonial administration, through the adoption of Indirect Rule, simply added an overlay on an already existing Hausa and Fulani Muslim hegemony in Northern Nigeria.

Christianity and Christian missions are often disproportionately blamed for “undermining” the traditions and culture of African peoples. This book offers a comprehensive perspective which captures the missing link in that verdict. The coming of Christianity to West Africa predated Islam. Northern African Christians introduced Christianity to West Africa. However, Christianity did not gain a significant foothold in the region before it was overrun by Islam through conquests in North Africa and elsewhere that spread out. The spreading of Islam in sub-Saharan Africa through peaceful means was consolidated by the jihads, which fast-tracked the forceful Islamisation of the peoples and thus, “Islam largely replaced traditional religion, culture and all traces of Christianity in the Sahara.” (p. 36). Christianity was later reintroduced to West Africa from Europe and North America, coinciding with European colonialism. Turaki explains how Muslims have used the propaganda of equating European colonialism and Christian missions to discredit Christianity. Nevertheless, the reality was not exactly the same. The colonial government in Nigeria aligned itself with the Hausa and Fulani Muslim oligarchy, sustained the subjugation of non-Muslims by Muslims (although compelling Muslims to also abandon slavery), and barring Christian missionaries from operating in Muslim areas.

An in-depth elaboration of the range of Islamic colonialism and slavery in Northern Nigeria is presented, taking historical, geographical, social and political factors and their composite impacts into account. By delving into Islamic theology, sacred texts and doctrines, the author explains the spiritual basis of Islamic colonialism and slavery. By implication of these analyses one may conclude that the Hausa and Fulani Muslims of Northern Nigeria draw their inspiration to dominate and subjugate non-Muslims from Islamic traditions, and have elected themselves to assume rule over others. Those who resisted this self-styled imposition are likely to invite the wrath of the Hausa and Fulani Muslim hegemonic forces. The Muslim-Christian conflicts in Northern Nigeria are typical examples. At the end, Turaki went beyond diagnosis to explore common grounds for entrenching mutual understanding and peaceful co-existence among Muslims and Christians in Nigeria by emphasizing the interconnectedness. He made a passionate appeal: “We

must all, together, find ways of enhancing, promoting and protecting our common destiny as humans and Nigerians. We must affirm those of our religious values that promote our common wellbeing and put aside those that promote hate and discrimination. Extremist and belligerent values that sow seeds of discord must be discarded.” (p. 168).

This book has a lot to offer to everyone who is puzzled and concerned about Muslim-Christian relations and incessant sectarian violence in Northern Nigeria. It will help the reader to understand the intricacy of religious persecution and its persistence in Northern Nigeria. The book also provides tremendous “insights into the current religious and cultural conflict between the West (North America and Europe) and the resurgent and militant Islam in the Middle East and Arab-dominated North Africa.” (p. 14).

Yakubu Joseph, Tübingen, Germany

Charlene P. E. Burns: More moral than God: Taking responsibility for religious violence. Lanham, Maryland: Rowman & Littlefield 2008, 147 p., ISBN 9780742558687, 0742558681, US\$ 65.00.

Burns gives us an unflinching assessment into the core of religious violence through the lens of religious history, psychoanalysis, philosophy and archetypal and social psychology. Burns first posits that religion, as an acting agent, is not necessarily the main cause of religious violence, but has something more to do with the individual actors who believe in certain reified religious ideas.

After looking at the scriptural texts of the world’s main religions, including scriptural justifications for both violence and peace, Burns maintains that, “people make choices which lead to violence. Those choices may begin with interpretation of scripture or with the desire to possess resources that are in the hands of others. Whatever the justification for it, human beings, not scriptural texts and not ‘religion’, are the acting agents when violence occurs.”

Burns then describes the role of globalization including uneven development especially within borders of nations that bring additional stress and the rise of nationalism among an atmosphere of cultural secularization. She quotes Jurgensmeyer who asserts that, “the cause was the sense of a loss of identity and control in the modern world... a reaction to humiliation and emasculation resulting from economic frustrations.” Religion, then, is not the initial problem, but the medium

through which alienation, marginalization and social frustration are potentially expressed.

Later, Burns gives this warning, “Once an act has been sanctified, or made holy, by its association with the will of the divine, the believer may engage in violence with impunity even if it contradicts general moral teachings of the faith. Through a process of moral disengagement and cognitive redefinition, it becomes more acceptable, for example, for a Christian to kill another person in order to eliminate evil in the world.” She goes on to cite James Waller’s chilling conclusion that the majority of people who participated in the genocides of the last century were not psychopathic, but ordinary people. His record includes the killing of almost two million Armenians by a large Turkish populace, psychiatric evaluations of Nazi war criminals and documentation of the Rwanda genocide.

A good part of the book is devoted to a discussion of Jungian concepts of the collective unconscious, archetypes and psychoanalytic theory. The chapter on Jung’s epistemology, including his deistic treatise *Answer to Job*, left me with a God who is cold and distant. After distilling the chapter, I did however feel that there is something about levels of trauma and unforgiveness hovering about in our collective unconscious and the possibility that we can blindly create immoral God-images that can lead to violence. This is where Burns exhorts us, through the title, that we should strive as individuals and communities to become more moral than the “shadow” images of God that propel seemingly ordinary people toward the dark and blindside of violence.

As a trauma therapist, working with survivors of religious violence, I resonated most with Burns’ description of psychologist Heinz Kohut. He postulated that, “since shame is connected with feelings of weakness and inadequacy it is more likely to stimulate aggression.” Furthermore, a narcissistic person who is trying to compensate for his feelings of inferiority that arise in the face of shame can lead them, in a rage, to exert violent power over others. Since Kohut was foremost in the study of the use of empathy and compassion, we find a real key to helping people confront their blindness and develop a sense of worth before the ‘shame → guilt → retaliation’ cycle ensues.

Roger Foster, BA, MSW Clinical Social Worker, lives in France and works in the Middle East as a trauma therapist and trainer

Marianne Heimbach-Steins & Heiner Bielefeldt: Religionen und Religionsfreiheit - Menschenrechtliche Perspektiven im Spannungsfeld von Mission und Konversion. (Bamberger Interreligiöse Studien 7), Würzburg: Ergon 2010, 206 p., ISBN 978-3-89913-729-3, € 32.00.

“Religions and religious freedom: perspectives of human rights within the tension between mission and conversion” was the topic of a symposium in 2009 by “Justitia et Pax”, the main Roman Catholic consulting committee in Germany on questions of international responsibility.

International and interreligious questions of religious freedom are a field of bitter and long conflict. This is mostly because the important religions all proclaim their own unique validity, to the exclusion of others’. Religious freedom on the other hand inevitably involves a public competition between religions.

The contributions to the symposium documented in this book are divided into three parts. The authors in the first part seek, from different approaches, to determine and specify what the human right of “religious freedom” is. Bielefeldt, on the basis of legal principle of human dignity, stresses that the subjects of the human right of “religious freedom” are human beings, not institutions. The freedom of conversion without compulsion is the specific theme of the contribution by Robbers. Jahangir adds a number of empirical observations, in particular from his activity for the UN. Özsoy maintains that the Qur’an, correctly interpreted, does not contradict the principle of religious freedom. Heimbach-Steins concludes this first part with a consideration of the right of religious freedom in recent Roman-Catholic thinking.

The second part of the book concentrates more specifically on the right of mission as part of religious freedom and to what extent the principle of religious freedom embraces the practice and aims of mission. It is necessary to specify the limits of the claims of a mission on the one hand and the right of people not to be hindered in their religion but to practise it on the other. Different positions on this question are expressed. Heidemanns argues on the basis of the theology of the Second Vatican Council that the idea of contradiction between religious freedom and missions is a misunderstanding. Müller argues on similar lines, focusing on examples in Indonesia. Schirmacher presents a Protestant evangelical point of view, Delikostantis a Christian Orthodox one. Sievers contributes a Jewish point of view, Ucar an Islamic one.

The third part consists of two contributions in which the main tensions and challenges in relation to the human right of religious freedom are examined on a more general level. Wendel deals with the problem of violence in relation to the claims to universal validity of the religions. Mensick asks what contributions religious communities can make to the policy of the state.

This book is extremely rich in information, but its point of view is mainly a Roman-Catholic one. [Editors' note: See www.iirf.eu for a more detailed review.]

George Bransby-Windholz, Cape Town, South Africa

Johannes A. van der Ven: Human rights or religious rules? Leiden: Brill 2010, 448 p., ISBN 9789004183049, US\$ 198.00.

The author is chair of Comparative Empirical Theology at Radboud University, Nijmegen, the Netherlands. This book is the first of a series to be published by Brill on "Empirical Research in Religion and Human Rights." Van der Ven's conceptual framework contrasts lives and societies governed according to a 'human rights culture' that stresses 'direct, active, subjective rights that are rooted in the dignity of the human person' with those that have a predominantly 'religious rules' culture that stresses 'justice, solidarity and love.' He readily acknowledges that these two sets of categories are porous and can overlap, and he seeks to clarify their differences, similarities, tensions and compatibilities by means of 'historical, empirical and theoretical research,' wherein the empirical side is largely the use of survey research to elucidate people's attitudes, views and actions with respect to human rights.

The first part discusses the meaning of religion and religions, especially the question of religious identity understood internally and externally. The second part examines religion and human rights, particularly on how we might establish a foundation for human rights. The third part examines the relation of religion and what he calls a 'human rights culture,' which, using questionnaires, examines the acceptance of human rights, especially religious freedom, by Christian, Muslim, and non-religious groups in the Netherlands. Overall, he finds that, while the relations are complex, religion can often be supportive of a human rights culture.

Van der Ven makes no claim to provide answers, but, even allowing for this caution, his discussion of human rights and religion sometimes become so diffuse so that it is not clear precisely what is being argued.

Paul Marshall is a Senior Fellow at the Hudson Institute's Center for Religious Freedom in Washington DC.

Paul A. Holloway: Coping with prejudice: 1 Peter in social-psychological perspective. WUNT 244, Tübingen: Mohr Siebeck 2009, xv + 317 p., ISBN 978-3-16-149961-6, € 89.00.

This monograph examines how 1 Peter advises its readers on how to cope with prejudice and discrimination. Holloway argues that “1 Peter marks one of the earliest attempts, perhaps the earliest attempt, by a Christian author to craft a more or less comprehensive response to anti-Christian prejudice and its outcomes” (2). And,

Unlike later Apologists, however, who also wrote in response to anti-Christian prejudice, the author of 1 Peter does not seek to influence directly the thoughts and actions of those hostile to Christianity, but writes instead for his beleaguered coreligionists, consoling them in their suffering and advising them on how to cope with popular prejudice and the persecution it engendered (2).

The author examines the dynamics of social prejudice and its effects on those who suffer from it. Prejudice may be defined as “a negative social attitude directed toward the members of a particular social group simply because of their group membership. It consists of three elements: a cognitive element: stereotyping, an affective element: prejudiced feelings, and a behavioral element: discrimination and hostility” (38f).

Further chapters cover theories and practices of consolation in Greco-Roman and early-Jewish traditions in order to understand contemporary notions of consolation and “How people cope with prejudice: the findings of modern social psychology”. Coping is understood as “all conscious volitional efforts to regulate emotion, thought, behavior, physiology, and the environment in response to stressful events or circumstances” (134f).

The remaining chapters examine all of 1 Peter and its rhetorical strategies for coping with the anti-Christian prejudice identified earlier: 1 Peter 1:1-12: initial words of consolation; 1 Peter 1:13-2:10: coping with prejudice through apocalyptic “disidentification”; 1 Peter 2:11-3:12: coping with prejudice through “behavioral compensation”; 1 Peter 3:13-4:11: coping with prejudice through “attributional ambiguity” and

1 Peter 4:12–5:14: concluding words of consolation. Holloway concludes that the letter presents three strategies on how to cope with prejudice. These strategies resemble strategies employed by stigmatised groups today.

Holloway's study offers a convincing analysis and interpretation of the nuanced strategies employed in 1 Peter. It is helpful that Holloway compares these strategies with ancient consolation literature to show how and where there are parallels between this corpus and 1 Peter and where the author uses new consolation motifs that are shaped by the gospel. It is likewise welcome that Holloway examines 1 Peter against the backdrop of the coping strategies of modern social psychology. Holloway's study is also helpful for the practical task of comforting, encouraging and strengthening the Christians in today's world that are faced with prejudice and worse.

*Christoph Stenschke Forum Wiedenest, Bergneustadt, Germany
and Department of New Testament, Unisa, South Africa*

Mike Falkenstine: The Chinese puzzle. Putting the pieces together for a deeper understanding of China and her church. Longwood, FL: Xulon Press 2008, 152 p., ISBN 9781606471432, US\$ 14.99; Related website: <http://chinesepuzzlebook.blogspot.com>.

The author brings together many issues which are pertinent to consider in regard to ministry in China, particularly for readers in the West. He considers historical developments which especially influenced the growth of and perspectives toward Christianity in China. He also looks at current perceptions, some of which in his opinion mitigate the ministry effectiveness which Westerners could have; and he provides advice, recommendations, and examples for serving the Church in China.

The book is a concise easy-read; and while it does not claim to be a full treatise on all the issues covered, unfortunately the rationale or factual basis for some broad conclusions are not clear, and the examples provided often seem anecdotal instead of representative. Despite the author's years on the ground, the book doesn't present a depth of research on the current situation and has a pervasive flavor of incomplete consideration of the influence and nature of China's government.

For example, in addressing the question of the extent of ongoing religious persecution, the author would have done well to draw from China's human rights reports by international government agencies. Referencing such reports would have also deepened the discussion on the ruling Communist Party and its influence relative to the church – such as the system for job retention and promotion within Party ranks (which often requires abusive behavior or the condoning of it) and the confirmed social controls by government. These controls, which include diverse issues such as strictures on media, family planning, cyber surveillance, government propaganda, and directives for theological training, have a significant and negative influence on the native church and foreign Christians' engagement. It is hoped that any future version of "The Chinese Puzzle" would discuss such issues, to present a more complete picture and a sharpened tool for ministry.

On a final note, the author's description of the acceptable extent of government's authority is problematic: from Chapter 2, "The Chinese Government has set guidelines and boundaries around what are acceptable religious conduct and activities in China. There is no getting around this fact"; and "[t]his is their country, and the governmental authorities feel it is their 'right' to put controls on religious affairs" (p. 47, 48). According to such logic, it was the Roman authority's "right" to control its internal religious affairs – hence the lawbreakers included Jesus, Paul, Peter, etc. who should be dealt with according to their law; also, it was regarded as the then Great Britain government's authority to ban the Bible from being translated into English; and John Wesley certainly should have been jailed for violation the law (*Act of Toleration* 1689) for preaching outdoors because "meetings for worship must be held in the registered meeting houses" according to the law.

Bob Fu, ChinaAid, Midland, Texas, USA

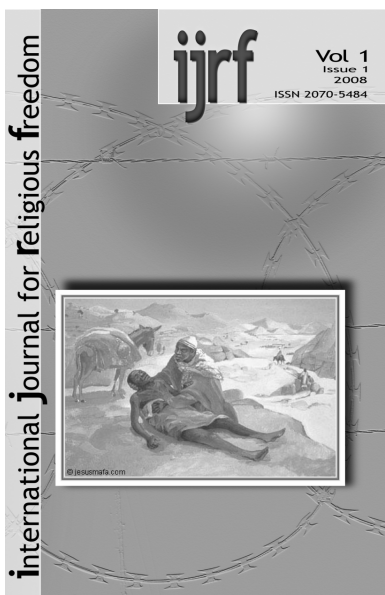
Errata: The author of the bookreview on Bevans/Gros "Evangelization and Religious Freedom" in IJRF 3(2010)1:139 was Dr. Thomas *Weißborn*. We apologize for the inadvertent change of his name, apparently by an auto-speller.



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IJRF is the journal of the International Institute for Religious Freedom (IIRF). It is published bi-annually and aims to provide a platform for scholarly discourse on the issue of religious freedom in general and the persecution of Christians in particular. It is an interdisciplinary, international, peer reviewed, scholarly journal, serving the interests of religious freedom and contains research articles, documentation, book reviews and academic news on the issue. The editors welcome the submission of any item that could contribute to the journal.

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The International Institute for Religious Freedom (IIRF) is an Institute of the World Evangelical Alliance and its Religious Liberty Commission with the aim of working towards:

- The establishment of reliable facts on the restriction of religious freedom worldwide;
- The introduction of the subject of religious freedom into academic research and theological curricula;
- The study of pastoral issues relating to those who are affected.

IIRF exists to cultivate the understanding of religious freedom. It affirms the right to religious freedom for all people, particularly for Christians.

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IIRF aims to work collaboratively with all who share its aims of supporting religious freedom through providing the necessary foundations of accurate information and understanding.

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1. Dissemination of existing literature, information about archives, compilation of bibliographies etc.
2. Production and dissemination of new papers, journals and books
3. Gathering and analysis of statistics and stories

4. Supplying of ideas and materials to universities, seminaries and Bible colleges to encourage the inclusion of religious freedom issues into curricula
5. Networking to find, support and involve researchers in the work of IIRF, including the creation of research groups
6. Attendance at key events that provide an opportunity to strengthen connections with the wider religious liberty community and with politicians, diplomats and media with an interest in human rights

The IIRF is guided by the principles (1) of the Old and New Testament, which anchor human freedom in the person and nature of the creator God, and (2) the Universal Declaration of Human Rights which enshrines the universality of human rights, including such core values as non-discrimination, equality and fairness. We recognise the need to affirm and proclaim the divinely appointed universal principles of justice, freedom and equality for all in a world threatened by religious division.

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Guidelines for authors Version 2011-03 (25 May 2011)

This document combines essential elements of the editorial policy and the house style of IJRF which can be viewed on www.ijrf.eu.

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The editors welcome the submission of any contribution to the journal. All manuscripts submitted for publication are assessed by a panel of referees and the decision to publish is dependent on their reports. The *IJRF* subscribes to the *National Code of Best Practice in Editorial Discretion and Peer Review for South African Scholarly Journals* (<http://tinyurl.com/NCBP-2008>) as well as to the supplementary *Guidelines for Best Practice* of the Forum of Editors of Academic Law Journals in South Africa (<http://tinyurl.com/GBP-2008>).

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