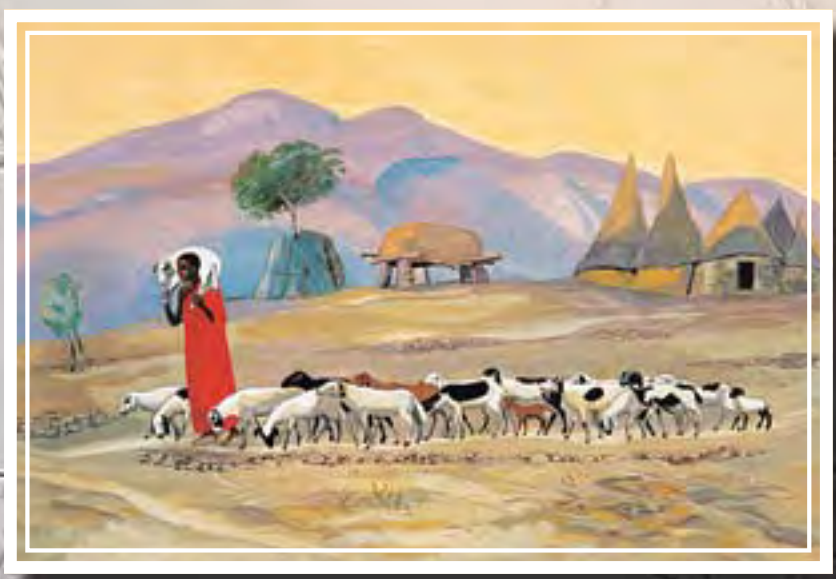
international journal for religious freedom

ijrf

Vol 4
Issue 2
2011
ISSN 2070-5484



Religion and Civil Society

IIRF Reports

International Institute for Religious Freedom
Internationales Institut für Religionsfreiheit
Institut International pour la Liberté Religieuse
of the World Evangelical Alliance

Thomas Schirrmacher

The Situation of Christians and Muslims according to the Pew Forum's "Global Restrictions on Religion"

Bonn – Cape Town – Colombo

A monthly bulletin with reports, research projects, documentation, and reprints

IIRF Reports Vol. 1 (2012): Issue 1/January

International Journal for Religious Freedom (IJRF)

Journal of the International Institute for Religious Freedom

The **IJRF** is published twice a year 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.

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For international payments use:
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Bank details
Beneficiary: International Institute for Religious Freedom, Cape Town · Bank: Standard Bank · Branch: Sea Point
Branch Code: 02 41 09 · Account Number: 071 117 431
SWIFT Code: SBZAZAJJ

IJRF · P.O. Box 535 · Edgemead 7407 · Rep South Africa
Tel +27-21 588 7744 · Fax +27-86 551 6432 · editor@iirf.eu

International Institute for Religious Freedom (IIRF)
of the World Evangelical Alliance

www.iirf.eu

Friedrichstr. 38
2nd Floor
53111 Bonn
Germany
Bonn@iirf.eu

PO Box 535
Edgemead 7407
Cape Town
South Africa
CapeTown@iirf.eu

32, Ebenezer Place
Dehiwela
(Colombo)
Sri Lanka
Colombo@iirf.eu

International Journal for Religious Freedom
Volume 4, Issue 2, 2011

ISSN 2070-5484

Articles and opinions published in IJRF do not necessarily reflect the views of the editors, of IIRF or of the sponsors.

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Acknowledgement of Sponsors
We would like to thank the sponsors who supported the editing, printing and distribution of this issue of IJRF. Their views and opinions are not necessarily those of IIRF and vice versa.

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Graphic Design and Layout: African Renewal, Ben Nimmo – www.renewal.org.za

Cover art: The illustration on the cover is taken from "The Good Shepherd", enacted by the Mafa people, a north Camerounian ethnic group, and painted by an anonymous French artist.
The scene of the Good Shepherd fits our current theme of civil society. Jesus tells us that He is the good shepherd who sacrifices Himself for his sheep, even to the point of laying down his life for theirs (John, chapter 10). He also warns us to beware of imposters, who are no more than "thieves and robbers". In the church of believers – but also by extension in other groups and associations throughout a healthy civil society – we aim to follow Jesus' example of mutual love and selfless sacrifice for one another. Indeed, it is all too apparent today that some believers must make the ultimate sacrifice for their faith. Here too, however, there may be imposters. Does every group that promises to promote "civil society" in fact do so?
This is part of a coherent set of pictures illustrating 62 New Testament scenes. Reproduction with kind permission by the association Vie de Jesus Mafa (Life of Jesus Mafa). All rights reserved. Vie de Jésus MAFA, 24 rue du Maréchal Joffre, 78000 Versailles, France, www.jesusmafa.com.

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ISSN 2070–5484

Documentation

Prof. Christof Sauer, Dr Geoff Tunnicliffe (WEA CEO/Secretary General) and Prof. Stephen Baskerville (Patrick Henry College) presenting IJRF in Washington, D.C.

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Editorial

Religion and civil society

"Civil society" is a concept that dates back to the late eighteenth century, as Silvio Ferrari points out in these pages, and it entered the vocabulary of political philosophy largely through Hegel and Marx. But it became newly fashionable following the collapse of communism in Central and Eastern Europe. It emphasizes the importance to freedom of autonomous social groups and institutions below the state and not controlled by it. More recently, it has become controversial and the original meaning diluted by being adopted as the mantle for groups that are sometimes funded and supported by governments and international organizations. This is a significant potential pitfall when confronting problems of church and state.

We approach civil society and the relations of church and state from several directions in this issue of the International Journal for Religious Freedom. One is philosophical, with essays by Professors Ferrari and Rik Torfs, both of whom raise fundamental questions about religion and freedom. Professor Torfs discusses the crisis of religious freedom, and the progressive debasement of the idea in an era when the larger concept of human rights has been compromised by foregoing universal truth for ideology, and when less rigorous approaches to religious freedom mean the potential loss of other freedoms as well. Ferrari goes directly to the theme of this issue with an essay on the role of religion in the development of civil society. He asks similarly fundamental questions about the tension between religious truth and religious freedom, the dilemma this poses for the state, and the implications for a robust civil society.

Other authors focus on specific issues from local and regional perspectives. Bony Guiblehon uses the recent change of government in the Ivory Coast to understand the larger relationship between religion and politics. In doing so, he challenges the standard media view of former president Laurent Gbagbo's connection with Evangelical groups. Mxolisi Michael Sokupa explores the experience of the Seventh Day Adventist Church in South Africa and elsewhere, along with the questions its form of Sabbath observance raise for religious freedom. Roy Stults provides an overview of the theology of persecution developed by Paul Lee based on his experience with the Korean Church, whose growth he sees as directly connected with that experience.

We also examine some social issues and the challenges they pose to religious freedom, particularly in the West. Nicholas Kerton-Johnson looks at the marginalization of Christians in the liberal democracies as exemplified by recent limitations on the public exercise of religious faith in the United Kingdom. Mike Donnelly provides a seminal look at the implications for religious freedom and parental rights of restrictions on homeschooling. He describes the long and successful campaign to exercise this freedom in the United States and contrasts this experience with

sometimes harsh restrictions and prohibitions in Germany, Sweden, and other democracies. Drawing upon Kerton-Johnson, Donnelly, and others, Stephen Baskerville singles out the newly vocal sexual agenda as a source of hostility to religious belief and its free exercise, emphasizing that this challenge comes both directly and through the expanding scope of government social and family policy.

In the opinion piece IIRF Senior Research Writer Fernando Perez conveys some words of caution about an overoptimistic view of the changes of government in North Africa and the Middle East known as the "Arab Spring." The ascendancy of Islamists to power raises questions about their commitment to freedom for Christians and other minorities who fear the prospect of heightened persecution under new governments of uncertain stability.

Daniel Röthlisberger reports on his research in progress on self-help by the persecuted and help for them in the light of New Testament teaching.

We are grateful to Prof. em. Pieter Coertzen of Stellenbosch University, Unit for Church and Law, and organizer of the Conference on Law and Religion in South Africa held at Stellenbosch, 20-23 September 2011, for kind permission to publish abbreviated versions of the papers by Torfs, Ferrari, and Sokupa in IJRF. The original full-length articles can be found in the official conference publication, a 2012 Supplement of the Dutch Reformed Theological Journal. Please note the advertisement on the inside back cover.

We thank all contributors to this issue, including language editor Nan Muir and proofreaders Barbara Felgendreher and Jennifer Bransby, and we are grateful for the help of intern Megan Conlon, from Patrick Henry College.

We are pleased to announce that IJRF has been included by the South African Department of Higher Education and Training into the "Approved list of South African journals" as of January 2012. This is a coveted recognition and means substantial progress for our journal. Authors linked to South African universities may therefore claim subsidies for their articles as from the next issue and will be charged page fees.

We invite all readers to subscribe to IJRF (the price for 2012 has been adjusted at the rate caused by inflation in South Africa) and to submit material for the various categories.

Yours for religious freedom,
Prof. Stephen K Baskerville, PhD (managing editor),
on behalf of Prof. Dr Christof Sauer and Prof. Dr Dr Thomas Schirrmacher

N.B.: We congratulate our colleague Dr Christof Sauer to his appointment as Associate Professor Extraordinary by Stellenbosch University, South Africa! (see: http://tinyurl.com/prof-extra) *Prof T Schirrmacher for Editorial Committee and Board*

The key to securing religious freedom in post-Arab Spring nations

Fernando Perez[1]

Since a series of protests and demonstrations began across the Middle East and North Africa in December 2010, three regimes have fallen: that of President Zine El Abidine Ben Ali in Tunisia, President Hosni Mubarak in Egypt and ruler Muammar Gaddafi in Libya.

Besides, President Ali Abdullah Saleh of Yemen has finally agreed to step down after delaying it for months following his initial announcement to do so in April that he would resign in 30 days in exchange for immunity. Syria, under the state of emergency since 1963, appears to be on the brink of a civil war and change may follow sooner or later. Sudanese President Omar al-Bashir and Iraqi Prime Minister Nouri al-Maliki have both announced that they would not seek re-election when their respective terms end.

The wave of revolutions has achieved what was almost unimaginable until recently, but it has come at the cost of tens of thousands of human lives. About 30,000 people were killed in Libya, around 4,000 in Syria, roughly 1,800 in Yemen, at least 875 in Egypt, and over 233 in Tunisia, according to estimates.

Now a big question hangs over these countries – especially Tunisia, Egypt and Libya that have overthrown their authoritarian regimes, and Yemen and Syria which are expected to follow suit – whether the new elected governments, most likely dominated by "moderate" Islamists, will grant religious freedom to minorities or will they move towards repression?

The Freedom and Justice Party (the Muslim Brotherhood) in Egypt and the Ennahda party in Tunisia are poised to form governments that would draw up their respective constitutions. In Libya, Transitional Council Chairman Mustapha Abdul Jalil has said that the country will be ruled by Sharia law and the Muslim Brotherhood organized its first public meeting in Benghazi in November. In Syria, there are serious concerns over the fate of the Christians if and when President Bashar Al Assad falls leading to the re-emergence of the conservative Sunni leadership. In

[1] This piece was originally published on 1 December 2011 as a Research and Analysis Report (issue 14/2011) by the World Evangelical Alliance (WEA) Religious Liberty Commission (RLC), which produced it to help individuals and groups pray for and act on religious liberty issues around the world. WEA has a consultative status with the UN Economic and Social Council. It was researched and written by Fernando Perez, and moderated by the WEA-RLC Executive Director, Godfrey Yogaraja. It can be used for distribution or publication with attribution to WEA-RLC. Subscription is available at newsservice@worldevangelicals.org.

Yemen, a two-year transition period is expected to follow in which a national unity government will amend the constitution.

The Muslim Brotherhood in Egypt and Libya and other influential Islamist groups like Ennahda in Tunisia have assured secularists, minorities and the international community that they will provide for equal rights of minorities. For example, Ennahda's chief Rashid Ghannouchi told The Washington Post recently that "religion is not in contradiction with democracy and not in contradiction with human rights and justice."

It is cautiously hoped that the Islamists will keep their promise. One of the reasons for hope is that the Islamists have not been able to win an absolute majority in the elections in Tunisia and Egypt thus far – and this trend may follow in Libya and elsewhere too – and they will have coalition governments with secular allies.

However, uncertainty and anxieties will remain among minorities. It is well known that the Islamist philosophy calls for the implementation of Islamic Sharia law and the establishment of an Islamic state, and that most Islamists reject democracy as a Western concept – after all, it is with such ideals that recruitment is fuelled, international affiliations are established, and funds are raised.

For example, the Muslim Brotherhood in Egypt issued a detailed political platform in October 2007, calling for Muslim clerics to watch over the government and saying that only a Muslim man should be eligible for the president's office. The Freedom and Justice Party also rejects the candidacy of Coptic Christians for the presidency. It is difficult to believe that the revolutions have caused an ideological change among the Islamists. There is perhaps only a shift in the strategy.

It is not unlikely that the Islamists see democracy as a means to attain power, and once secure in office they may gradually begin to implement the ideology they are known for. For example, in Nepal, Maoists privately concede that their priority during the country's transition from the world's only Hindu kingdom to a democracy is gaining power, and policy issues will be dealt with at a later stage.

So the uncertainty that looms over the post-revolution countries should not be left to time alone. The litmus test to determine the intent of the Islamists is not far away. The first test will be the provisions the assemblies under their leadership propose in the new constitutions to be drafted. And that's the key for the international community to ensure religious freedom.

The permanence of constitutional provisions cannot be overemphasized. Take for example, Indonesia. The Pancasila – the five principles on which the state was established in 1945 – has guarded the country from a nationwide Sharia law, thanks to one man's foresight. The second draft of the Pancasila, known as the Jakarta Charter, carried a provision for the "obligation for all followers to observe Sharia law." But a national leader, Mohammad Hatta, removed it at the last minute based

on a request by a Christian representative, Alexander Andries Maramis. Until today, extremist groups in Indonesia are fighting for the inclusion of that provision.

It is extremely important for the international community to monitor the drafting of the constitutions in Tunisia, Egypt, Yemen and elsewhere, as well as propose and lobby for full religious freedom and safeguards against any loopholes that could be used at a later stage to introduce restrictions on the rights of minorities and other citizens.

It's an overwhelming reality that the foundation of the ideological direction of several countries will be laid in the coming months. We must rise up to the occasion.

A response to the high counts of Christian martyrs per year

Thomas Schirrmacher[1]

For many years one number has been provided every year to report on the annual number of Christian martyrs. This is provided by the "Status of Global Mission." The number is quoted by various institutions but only produced by one institution. At present it is most frequently quoted by the papal missions agency "Aid to the Church in Need". It reports 130,000 – 170,000 martyrs per year but does not conduct any of its own investigations.

This number is released every year in the *International Bulletin for Missionary Research*.[2] In 2010 the number stood at 178,000, for 2009 176,000,[3] and for 2011 it was corrected to 100,000.[4] As it is an annually changing number, people think it is the number of martyrs of the given year, but actually it is said to be the average number per year of the last full decade (eg 1990-2000, 2000-2010).

The commentary provided with the "Global Status of Mission" itself indicates that this number is the most quoted figure from this table.[5] A number of this magnitude is widespread through the books *World Christian Encyclopedia, World Christian Trends*, *Atlas of Global Christianity* and the electronic *World Christian Database*.

I find it difficult to criticize this number on account of its widespread use, particularly due to the fact that it comes from reputable researchers and good friends. However, as an academic I have too often had to answer for such numbers before

[1] Director of IIRF. Contact: drthschirrmacher@me.com.

[2] www.internationalbulletin.org.

[3] "Status of Global Mission, 2011", see http://ockenga.gordonconwell.edu/ockenga/globalchristianity/resources.php.

[4] "Status of Global Mission, 2011." International Bulletin of Missionary Research 35 (1011) 1: 29, line 28; cf. Commentary "Christianity 2011: Martyrs and the Resurgence of Religion." Ibid., p. 28.

[5] Ibid., p. 28.

secular colleagues, politicians around the world, the German or European parliament, and journalists to just allow our institute (the International Institute for Religious Freedom) simply assume them.

Since by many secular, Christian, and among them also Evangelical[6] researchers and specialists the figure is 1. viewed to be too high, and 2. on the basis of numerous factors viewed to be a number that cannot even be collected, it would be desirable to have a precise account of the basis of comprehensive research upon which the number is compiled. Furthermore, it would be desirable to know which scientific standards are followed in the process and how research colleagues' conformity can be reviewed. All of this is not available – even the comprehensive presentation in *World Christian Trends* nowhere mentions the source of the data and which criteria were used in producing the estimates.[7]

But in the present media landscape in which we find ourselves, it is natural that someone with even a roughly estimated number has an advantage over an individual who says that the number cannot be reliably estimated at the present time.

The role of civil wars

According to the reports of its authors, the figure of 156,000 – 178,000 martyrs per year is an average number per year for the ten years 1990-2000.[8] In the process one has to recognize - without its being expressly stated - that the vast portion of the 1.6 million martyrs over a period of 10 years comes from the civil wars in southern Sudan and in Rwanda. Let us suppose one were to use even a broader definition of Christian persecution ("martyrs in the widest possible sense"[9]). Still, the extent to which Rwanda can be included at all, and the share of deaths in Southern Sudan that can be traced back to the persecution of Christians by Muslims and not seen either affecting animists or originating with brutalizing southern Sudanese parties to the civil war, is at least disputed.

For the ten-year period 2000-2010, southern Sudan and Rwanda no longer count. The mammoth share of the amount of 10 x 100,000 comes under the civil war in the Democratic Republic of the Congo (DRC). Admittedly there were many Christians who died there, but that they died *because* they were Christians is not something that is defended by anyone in the literature. Let us suppose that there were 900,000 martyrs estimated for the DRC. The remaining 100,000 martyrs per year over 10 years would then move one far closer to an exceedingly lower number.

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6 Eg. http://www.persecution.net/faq-stats.htm.

7 David Barrett, Todd Johnson. World Christian Trends. Pasadena (CA): WCL, 2001. chapter 16.

8 "Christianity 2011: Martyrs and the Resurgence of Religion." Ibid., p. 28.

9 Ibid., p. 28.

What I criticize above all is that nowhere is the composition of the figure presented according to countries. This would allow the main countries to be recognized and discussed, eg Congo. It would then be especially easy to see the one or two countries to which the high number could be traced back. I also criticize the fact that no discussion about these one or two difficult-to-classify-situations can occur.

Not every Christian who dies in a civil war like one in the Congo can simply be counted. An estimate is made about which portion of the Christians killed actually died as martyrs. This share then has to be discussed and justified. But instead of this, nowhere can it be found which portion was estimated, much less how the estimate was made. All that is said is that it is "a substantial proportion" of the 5.4 million in the Congo. A 10% increase in the number of martyrs in the Congo, however, would translate into an increase of the total number of 100,000 by 54,000 martyrs, a jump of over 50%! If 10% less than the unknown percentage in Congo were to be estimated, that would be 54,000 fewer annually, which means that the figure would shrink by over 50% from 100,000 to 46,000! This means that de facto the entire number of martyrs worldwide is decided by the estimate of the share of martyrs found among the victims of unrest in Congo.

Regarding definition

I see a general contradiction between the definition given by the Status of Global Mission, that martyrs are "believers in Christ . . . in a situation of witness," and the statement of "defining and enumerating martyrs in the widest possible sense."

An intra-Christian, theological definition will always be much tighter than a sociological one. As a sociologist of religion, I definitely see that a very broad number may be chosen that does not take into account whether the murdered Christian is a baby, a poor excuse for a churchgoer, or a sectarian of some sort. I personally consider the "situation of witness" to be unnecessary. If a church is blown up in Egypt and 20 people are killed in the process, this is considered Christian persecution even if the 20 people killed were only interested guests.

My broadest political definition would be the following: "Christians who are killed and who would not have been killed had they not been Christians." However, even if this definition is used as a basis, I would by far not come up to the 170,000 or 100,000 Christian martyrs per year.

More than 50 martyrs a day?

Events where 20 or 50 Christians killed are nowadays not only widely reported on in the Christian world. Rather, in some countries such as Germany this would as a rule even appear on the front page of newspapers. Experts who deal with the question of the persecution of Christians hear about this in any case. No one would say

that this happens every day. However, even if we assume that there is an event with 50 murdered Christians every day, that would amount to an annual number of only 18,250. Given 20 murdered Christians per day would be 7,300 – a number which I consider more realistic.

It might be pointed out that there have been and are events that generate a higher yearly average than 50 per day. Indeed that is true, but these are individual events spread out over years. I know of the following countries for which this applies in the recent years: Indonesia, India, Iraq, and Nigeria. The point is that these events hardly overlap with each other. Stated otherwise: In years past these horrible events have occurred selectively within a period of 1-3 years and in the years thereafter were superseded by other main events in other countries. Again stated alternatively: As a general rule, an event with more than 100 Christian martyrs in a country occurs one time a year somewhere in the world.

The strange numbers that arise when one simply makes a rough estimate is demonstrated when a grading is made in the 'World Christian Database' countries according to the annual number of martyrs, whereby the average over the last 50 years was taken (beginning in 1960).

In Denmark and Finland there are said to be 15 martyrs per year, while in Sweden there were 19, in Switzerland 20, in the Netherlands 39, in Australia 45, in Canada 76, in Great Britain 149, and, believe it or not, in Germany 192. In all of these Protestant countries, there are no known martyrs and under no circumstances 50 times the number given since 1960.

That the high numbers are difficult to comprehend and are traceable to liberal estimates of the share of Christian martyrs killed as a result of warfare and civil war also applies to the numbers for historic cases. Were there really 1,000,000 martyrs at the hands of the National Socialists? No researcher of National Socialism (among whom I count myself with two dissertations) would attest to that. Admittedly there were millions of Christians who died in World War II, not, however, because they were persecuted as Chrsitians. Among true Christian martyrs are those Christians who were killed on account of their Christian resistance or as clerics or representatives of religious communities. Their destiny has been thoroughly researched, their stories have been recorded in biographical encyclopedias, and a curriculum vitae is available for almost every such individual. This notwithstanding, there is still a total of only a few thousand and not 1 million.

Are there so many martyrs among the dead in civil wars and other warfare?

I want to make one further comparison which leads me to believe that both numbers, the 170,000 and the 100,000, can be questioned. According to statistics of the

World Health Organization, there were 184,000 victims of warfare and civil war in 2004.[10] And the number of martyrs is supposed to be just as large, without experts' immediately being able to list the cases which comprise these numbers? One can list all warfare and civil war in a year and make it clear how this number of 184,000 victims is composed. If the number of martyrs is just as large, how can the events not be likewise listed and added together more or less in one's head? How does it happen that far too few large events come to mind even to the experts which would be able to explain the high numbers?

On the road to researching an actual number for a previous year

How high, then, is the actual annual number of Christian martyrs? I have occupied myself with this for years and have probably discussed this with every known expert from all large denominations and beyond who has anything to say about it. Let me put to one side for the time being the sheer difficulty of producing a definition of "martyr". Even if a concrete definition is set, experts strongly differ with respect to individual countries. Were the 'missing Christians' of North Korea killed decades ago or are they still living in camps and currently being killed?

If one asks for the total number worldwide, practically no one wagers an estimate. Additionally, everyone agrees that an average is confusing. Rather, the number of martyrs strongly fluctuates from year to year. For that reason the number has to be newly ascertained every year. Anyway, whoever hears a statistic for 2010 assumes that this is not an average value for 1990-2000, but rather that some institution has concretely researched the number for 2010 and has documented or at least has realistically estimated it on the basis of reports.

Overall I am of the opinion that we are far from having a reliable report of the number of martyrs annually. The International Institute for Religious Freedom will continue to address this issue, and wants to contribute to a fair and open universal discussion.

What we need is a database in which for any year we could enter all the known, larger cases so that at the end of the year we not only have a useable estimate, but rather a situation where given the list everyone can investigate the estimate's resilience.

[10] World Health Organisation. The Global Burden of Disease. Geneva: WHO, 2008. p. 74, see http://www.who.int/topics/global_burden_of_disease/en/. Comp. the information of 171,000 for 2002 in the map among the atlas collection representing the actual world: http://www.worldmapper.org/display_extra.php?selected=484.

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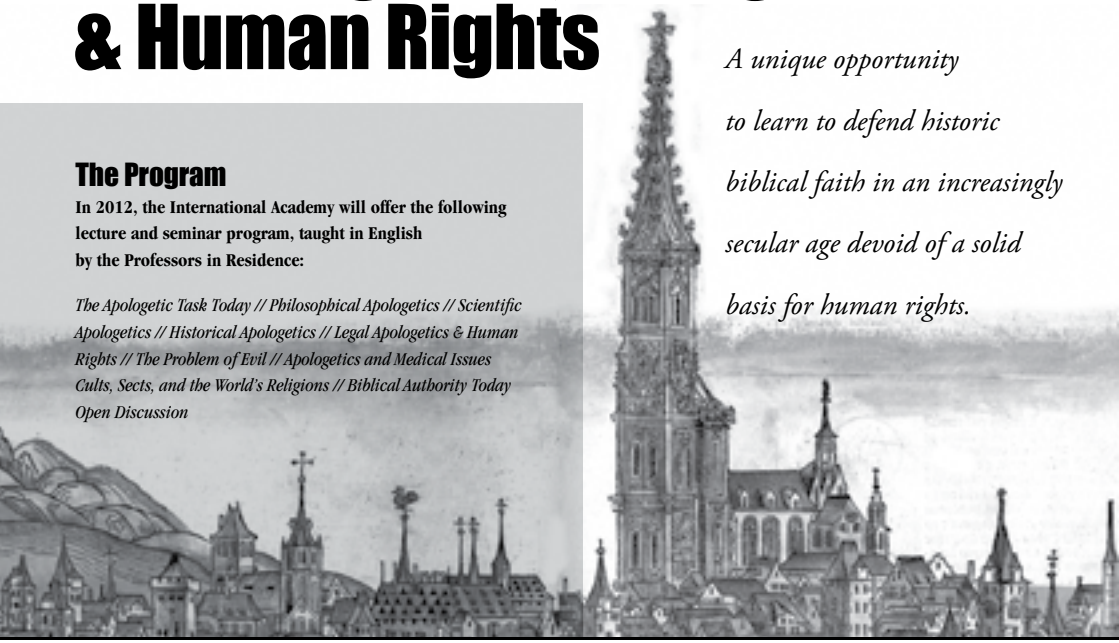

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Contents and limits of assistance and self-help for persecuted Christians

An exegetic-theological examination in a field of New Testament and early Christian ethics

Daniel Röthlisberger[1]

From the beginnings of Christianity until the present time "suffering for the sake of belief" has been an integral component of being a Christian. For many Christians it belongs quite often to their everyday experience. If harassment and persecution are one side of the coin, assistance and self-help to their benefit form the other side. These emanate from the persecuted themselves or from non-persecuted third parties. Their interventions include preventative measures.

The general practice of the churches reflects a multitude of mostly pragmatic responses to the said challenge. These responses are characterized by deep love and a connection of solidarity with the suffering church, and as such deserve our proper respect.

While we commend the advocacy for persecuted Christians – it is necessary and mandated in the Bible – we see several problems in the activism: We observe some problematic oversimplifications, a limited systematic theological penetration, as well as a lack of precision in determining the contents and limits of such assistance and self-help. A systematic and holistic assessment from the perspective of biblical testimony seems to be largely lacking.

To our knowledge, there does not exist any detailed academic and coherent work on this theme. By contrast it is possible to identify more than 400 New Testament references related to this issue. This study proposes to examine a selection of these. In so doing this dissertation project has the potential to lead to a deeper understanding of Christian solidarity in its inner workings. It can help both to better understand the biblical testimony and to find appropriate and qualified responses to the contemporary challenges.

The primary sources examined are the New Testament and the Apostolic Fathers. In so doing, the various forms and actors of assistance and self-help will be identified, described and examined exegetically-theologically. One interest lies in their functionality as examples for the present. The other interest consists in exploring the limits for such activities. This also includes misguided and criticized activities

[1] The author is a doctoral student in New Testament Studies at a German state university. Contact: Daniel Röthlisberger, Sudetenstraße 13, 35625 Hüttenberg, Germany, E-Mail: daniel.roethlisberger@web.de.

of some individuals. While the more general topics of "suffering" and "martyrdom" are not the focus of this project, it rather concentrates on the portrayal and examination of the reactive and preventive strategies of action concerning persecution, as they are reflected in the sources used.

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The internal crisis of religious freedom

Rik Torfs[1]

Abstract

Today, unlike in the past, religious freedom is often interpreted in a narrow way. Yet, three deeper issues also influence the position of religion in current legal thinking. Firstly, human rights are interpreted less formally than they used to be in the past. Secondly, the notion of freedom finds itself more restricted than in previous times. Finally, religion is often rejected by society, which affects its protection. Indeed what about religious freedom in an environment hostile to religion?

Keywords Religious freedom, limitations, definition, human rights, freedom, hostility towards religion.

A remarkable moment in my life as a scholar of law and religion took place in the fall of 2002 when I participated in a closed conference, organised in Washington DC, on security and religious freedom. One year after 9/11 I suddenly realised that the world had changed. A fundamental paradigm shift occurred. Religious freedom as a human right no longer found itself unanimously supported by decision makers and legal scholars. For the first time in many decades security, as a legitimate concern of mankind, overruled fundamental rights, the latter having been the cornerstone of Western democracy ever since World War II and the moral disaster it entailed.

The paradigm shift in the long run also leads to a reinterpretation of a classic chapter of religious freedom studies, namely the analysis of its limitations. For a long time limitations to religious freedom were carefully described starting from a generally accepted positive prejudice with regard to the principle of religious freedom. That approach colours traditional international human rights catalogues, including article 18 of the Universal Declaration of Human Rights (UDHR)[2] as well

[1] Rik Torfs (*1956) studied law and canon law at Katholieke Universiteit Leuven. He has been professor at the Faculty of Canon Law since 1988 and visiting professor in Strasbourg and Stellenbosch. He was for many years a member of the editorial board of the *Revue de Droit Canonique (RDC)* and a Member of the Board of Directors of the *European Consortium for State-Church Research.* He is a columnist for the Belgian newspaper *De Standaard.* Since 2010 he has been a member of the Belgian Parliament and senator for the Christian Democrat Party. – This article is abbreviated from a presentation at the Conference on Law and Religion in South Africa held at Stellenbosch, 20-23 September 2011. The original full length article can be found in the official conference publication, a 2012 Supplement of the Dutch Reformed Theological Journal. Published with the permission of the conference editor. Paper received: 30 November 2011. Accepted: 11 December 2011. Address: Prof. Dr. Rik Torfs, Tiensestraat 41, 3000 Leuven, Belgium, Tel.: +32-16/32.51.58, E-mail: rik.torfs@law.kuleuven.be.

[2] Article 18 UDHR goes as follows: "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

as article 9 of the European Convention on Human Rights (ECHR).[3] The structure underlying both articles is clear. The first paragraph focuses on the principle of freedom, whereas the exceptions are described in a limitative way in the second one. This approach includes the idea that there is no serious doubt about the principle of religious freedom as such. At first glance, this remark looks redundant. Why on earth would there be a problem with regard to the legitimacy of religious freedom? Isn't it after all one of the cornerstones of the human rights system? Indeed, in many countries human rights were given shape starting from the idea of religious freedom as an answer to various forms of persecution new immigrants were confronted with in their country of origin.

Today many authors refer to new limits of religious freedom emerging in various countries around the world.[4] They do so with genuine concern, as it cannot be ignored that political leaders as well as administrative authorities are focusing less on solid protection of religious freedom than they used to do in the past, perhaps because freedom is less of a target in an anxious and economically declining society. But let us tackle the key question: what are the limitations of religious freedom we have found ourselves confronted with in recent years?

A first trend concerns a more narrow definition of religion which seems to emerge. This leads to a weaker protection of religious freedom, without suppressing or even questioning the principle of protection as such. A good example is the reduction of the wearing of Islamic headscarves to a mere dress code issue. In many European countries the trend goes, in line with the French law of 2004,[5] into the direction of prohibiting headscarves at school or in public service. Instead of qualifying such norms as limitations to religious freedom having to comply with article 18 UDHR or article 9 ECHR, some observers identify the wearing of headscarves as similar to the wearing of nose piercings or sports shoes. To put it in

community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

[3] Article 9 ECHR goes as follows: "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."

[4] See Gerhard Robbers (ed.), *Church autonomy. A comparative survey,* Frankfurt am Main, Peter Lang, 2001, 716 p.; Hildegard Warnink (ed.), *The legal position of churches and church autonomy,* Leuven, Peeters, 2001, XIV + 269p.

[5] The law has been completed by the "Circulaire du 18 mai 2004 relative à la mise en œuvre de la loi N° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics."

another way: if the wearing of a headscarf is not a religious issue, its prohibition cannot be a violation of a fundamental right.

A second strategy narrowing religious freedom is the inclination shown by some to tell religious people what their faith is about. Again the headscarf issue can be used as an example of the latter. I remember a discussion between the Belgian atheist philosopher Etienne Vermeersch, and a young female Muslim teacher wearing a headscarf. Vermeersch argued that the Quran itself did not impose such behaviour. According to Vermeersch, his interlocutor did not follow her own religious tradition. In his eyes the prohibition of wearing headscarves cannot be seen as a restriction to religious freedom, as Muslim religious teaching itself does not require this. It goes without saying that this interpretation leads to an unacceptable limitation of religious freedom, as the latter protects not only orthodoxy within religious tradition, but also heresy and erroneous ideas.

A third problem regards the ongoing trend of reducing religious freedom to its individual component. Certainly, the basis of all religious freedom is every individual's liberty to choose his or her own religion, to believe what he or she wants to believe. Yet, today, it is accepted that apart from individual religious freedom, both collective and organisational freedom enjoy the protection of international human rights catalogues as well. Reducing religious freedom to its individual aspect, as advocated amongst others by the Dutch legal philosopher, Paul Cliteur,[6] leads to dismantling all religious organisations, and denies the collective aspect of religion.

All three examples quoted above bear witness of a narrow vision of religious freedom. By combining them, only individual belief and practice completely in line with internal orthodoxy, and not open to any other (dress code) qualification, find themselves protected.

Yet, other limitations are conceivable this time not on the level of principles, but on the level of legal technique and practice are thinkable.

Firstly, one cannot deny that the European Court of Human Rights[7] tends to enlarge the margin of appreciation enjoyed by member states of the Council of Europe when it comes to motives invoked for restricting religious freedom.

Secondly, whatever the scope of the law may be, its application by local administrative authorities remains pretty delicate. How can central authorities in Moscow

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[6] Paul Cliteur, *The secular outlook. In defense of moral and political secularism,* Chichester: Wiley-Blackwell, 2010, 317p.

[7] See for example the Leyla Sahin versus Turkey case, application no. 47774/98, Fourth Section ECHR, 21 June 2004, Grand Chamber, 10 November 2005. For comments see Talvikki Hoopes, "The *Leyla Şahin v. Turkey* Case before the European Court of Human Rights", *Chinese Journal of International Law,* 2006, 719-722.

or Bucharest guarantee that religious freedom norms will be adequately implemented somewhere deep in Siberia or in Transylvania?

However, it is not my intention to focus on these classical limitations. I prefer going one step further by asking this question: why did limiting religious freedom become a real issue over the last years? Is it just a matter of finding a new equilibrium between freedom and security, between the safety of people and the free exercise of religion? In my opinion, there is more at stake than just a paradigm shift replacing the supremacy of religious freedom by the dominance of safety and security. The problem lies deeper. In order to know what really plays a part in today's debate, we need an in-depth analysis of "the right to religious freedom". Three issues ask for an answer. 1. There is a problem concerning rights; 2. There is a problem related to freedom and 3. There is a problem regarding religion.

1. Rights and law

Especially in the years following World War II, the idea prevailed that formulating rights adequately and enforcing them with respect to the rule of law was the most efficient working method. Clearly, the concrete rights protected by independent impartial judges are necessary in democracy. Yet, the opposite is not true. Formulating rights does not automatically entail their protection. This became clear after the promulgation of the UDHR in 1948. Countries belonging to the Soviet empire were theoretically complying with the newly accepted texts, yet in reality freedom of expression, freedom of association, and freedom of religion were cynically ignored.[8] There is a gap between the acceptance of a text and its implementation. Moreover, accepting a text does not mean accepting its commonly shared significance. For instance, the interpretation that the European Court in Strasbourg gives today to the norms of the ECHR is certainly not implicitly implied in the latter. Open norms, including fundamental rights, have positive as well as negative characteristics. A positive characteristic is flexibility: new issues can be tackled. A negative one is also flexibility. Urgently emerging issues can be ignored by judges. In other words, a legal norm without including the underlying mentality will not protect anybody.

How can traditional optimism with regard to legal norms protecting rights be explained? In my opinion, the success of the legal norm lies in its humility. It is not driven by high expectations. And although fundamental rights cannot be understood without the heritage of Christianity, enlightenment and liberalism, the technical norm itself remains far away from any ideological triumphalism. A norm is just a norm. And yet, because it is only that, it is more than that. One can argue that following the implosion

[8] See Marie Samatan, *Droits de l'homme et répression en URSS. L'appareil et les victimes,* Paris, Seuil, 1980, 342p.

of ideology during and after World War II, formal norms and formal systems became the heroes of the moment. This explains the view shared by many that the existence of religious freedom is more important than the way in which it has been given shape. A similar idea can be found in the thinking of Richard Rorty. The author advocated the priority of democracy to philosophy.[9] This idea reflects a key thought of the second half of last century: the possibility of having ideas is more important than their content. The right prevails on how it is exercised. One needs the right of course, but one has no obligation to make use of it. To some extent making use of right diminishes the latter. Concrete choice destroys abstract beauty. The same is true for the superiority of democracy to ideology. How the choice is made is more important than the choice itself. Beauty is extrinsic, not intrinsic.

The preference of the norm guaranteeing freedom over its content presupposes an ironic state of mind. It requires a high mental equilibrium. In other words, people highly convinced of the value of their opinion do not easily stick to the beauty of what is right. They urgently want to do something with it.

This idea is clearly present in the famous speech Rowan Williams gave on 8 February 2008.[10] The archbishop of Canterbury rightly claimed that fundamental rights are too easily seen as a framework, as a formal system. Yet, when people make use of it in an unexpected and culturally atypical way, traditional human rights advocates no longer feel at ease. That's why a truly Islamic implementation of religious freedom tends to be at odds with broadly shared expectations in society. What if two Muslims want to proceed to arbitration based upon sharia? The word sharia scares many people, yet the problem lies elsewhere. The true issue is whether people opting for arbitration do so freely, without any implicit or explicit pressure exercised by parents, friends or religious leaders, and without any form of *metus reverentialis.*[11] When this condition is fulfilled, and as far as sharia does not oppose public order, nothing prohibits its use in arbitration cases. Can it also fit in family law, in line with the Millet tradition of the Ottoman Empire?[12] Here the answer is negative.

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[9] See Richard Rorty, The priority of democracy to philosophy, in: Alan R. Malachowski, Jo Burrows (eds.): *Reading Rorty. Critical responses to philosophy and the mirror of nature.* Oxford: Oxford University Press, 1990, 279-302.

[10] For the speech by Archbishop Rowan Williams on 8 February 2008 in London, see http://www.guardian.co.uk/uk/2008/fe b/07/religion.world2.

[11] "By 'reverential fear' one is to understand a contracting party's feeling of deference or submission to a person to whom he owes respect or obedience due to some special personal relationship." "In many civil law systems, mostly of the Romanic legal tradition, the civil codes expressly provide that a contracting party's 'reverential fear' does not render a contract violable for duress". K. Zweigert, U. Drobnig (eds.), *International Encyclopedia of Comparative Law.* Vol. VII. Chapter 11. Defects in the Contracting Process, Tübingen, Mohr Siebeck, 1981, 209.

[12] "Official Ottoman correspondence dealing with the non-Muslims of the empire in the early nineteenth century consistently affirmed that non-Muslims were organized into three officially sanctioned *millets:*

Such an approach would neglect the equality principle among citizens, which is more than ever before an integral part of religious freedom.

To sum up, the beauty of fundamental rights has somewhat evaporated. In the twenty-first century people tend to look at the content of ideas. Only in the second stage, they investigate their compliance with fundamental rights catalogues. Previously the opposite approach was followed as the catalogue of rights determined their practice.

2. The notion of freedom

There is a problem with religious freedom. Most religions do not like freedom. This is not necessarily a weakness, although it may lead to intolerance, which of course is no gift. Religions rejected freedom because they fostered the truth. This leads to the following question: if you live in the truth, why should you have the right to abandon it? Indeed, freedom leads to error. An underlying matter is whether error is a gift or an insult to mankind. What attitude is the better one? Granting someone the right to live in error? Or guaranteeing the same person a peaceful death in the truth? Human rights advocates prefer the first solution. Freedom is more important than truth. Voltaire shared that opinion, although his choice was scant. Indeed, he believed in freedom. The opposite is true for most religious leaders. They believe they possess the truth. That is why they want to eliminate error, certainly morally and if possible legally. Obviously Voltaire and religious leaders have something in common. They both protect the value they believe in, and reject the other one.

With regard to religious freedom, we lived the painful degradation of the right to change religion in the UDHR (1948) and the ECHR (1950) to the right to have and adopt religion in the International Covenant on Civil and Political Rights (ICCPR, 1966).[13] The right to have or adopt religion does not include the right to leave the

Greek Orthodox, Armenians, and Jews. (...) The *millets* as constituted in the nineteenth century were hierarchically organized religious bodies with a decidedly political function. Each was headed by a cleric (...) who was appointed by the sultan and resident in Istanbul but who was largely free to order the affairs of his community as long as he remained loyal to the sultan.". Bruce Masters, *Christians and Jews in the Ottoman Arab World. The Roots of Sectarianism,* Cambridge, Cambridge University Press, 2001, 61.

[13] See art. 18 ICCPR: Article 18: "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. 4. The State's Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions."

truth. Once one knows, one can no longer escape. To some extent, the formula of the ICCPR throws a bridge between religious freedom and truth. But it is an imaginary bridge. Truth prevails. One has the right to strive, not to abandon.

From a philosophical perspective, this analysis is debatable. It starts from the presupposition that adopting a religion always brings people closer to the truth, whereas abandoning religion, in technical terms called apostasy, is the victory of freedom over truth, the priority of democracy over philosophy. Yet, why would a position people recently adopted be superior to the one they left? Isn't it possible to leave truth in favour of error by adopting a religion? Moreover, is it possible to live in error and to increase the error by adopting a religion? The formula of the ICCPR implicitly starts from an existing truth. The Swiss author Max Frisch[14] tells the story of his meeting with a writer rejecting his earlier work and only feeling happy with his latest production. Frisch is uneasy about it, as he loved the early work by far the most and suddenly felt no longer allowed to say so. People always think their wisdom increases, while the opposite may be true. Perhaps we were right when we were young and enthusiastic, and start being wrong when we mix up opinions and wisdom. The linear thinking about the truth is an error.

And there is one more issue. In current secular society, freedom for freedom's sake is less cherished than it was in the aftermath of the sixties. Instead, people advocate norms and values, forgetting at times that freedom can also be a norm and a value. In canon law an important principle says that when there is no need to make a law, there is a need not to make one. In a more cumbersome economic climate, freedom is distrusted, whereas norms, creating a virtual feeling of security, are seen as a remedy against decline. We are far away from the glory of freedom for freedom's sake. The way important European Court decisions, including Sunday Times[15] and Handyside,[16] set the very open standard for the interpretation of freedom of expression would be less obvious today than it was in the late sixties and early seventies.

In an unexpected way, the ideas of religious groups join those of modern society. Religious groups give way to the truth, even at the expense of freedom. And modern society promotes security, also if freedom is curtailed. To put it in yet another way, the interaction of truth and security tends to limit freedom.

3. Religion in turmoil

Freedom of religion becomes a problem because religion is. In earlier years, there was a continuous attempt to broaden the concept of religion. Majority groups often

[14] Max Frisch, T*agebuch 1946-1949,* Frankfurt am Main, Suhrkamp, 1965, 463p.

[15] The Sunday Times v United Kingdom (Series A No 30), European Court of Human Rights (1979-1980) 2 EHRR 245, 26 April 1979.

[16] Handyside v. the United Kingdom , (5493/72) [1976] ECHR 5 (7 December 1976).

had the inclination to reserve the notion of religion to themselves, whereas minority groups were easily defined as sects or cults. The notion of *sect* used to be neutral in the days of Montaigne. Those days are over. In the view of many, religion was linked up with majorities and mass movement, sects and cults were seen in a minority perspective. Gradually, minorities were not only recognized as religions, they also obtained advantages similar to the ones enjoyed by large groups.[17] This definitely was a problem in Europe, where the separation system is less elaborate than in the US. The key question in a European context was whether or not financial or other advantages granted to majority churches should be extended to smaller groups as well. The alternative solution was the suppression of any form of subsidy whatsoever, bringing large and small groups to the same level. Most countries including Belgium, Spain and Italy, choose the first solution by granting advantages to minority religions as well.

Once minority groups obtained a better position, another issue emerged. What about atheist groups? Should they also be recognized as religions? Atheists themselves were very much in favour of this idea. Their underlying motive was not their deepest conviction of being a religion. They were aiming at material advantages. Moreover, by being qualified as a religious group, they enjoyed fundamental rights dealing with religious freedom. This protection went beyond the advantages offered by freedom of association. All together, atheist groups were rather successful in doing so. They obtained state financing in countries such as Iceland, Norway and Belgium. They even gained their place in the European Union, starting with article 11 to the final act of the Amsterdam treaty of 1997. Both religions and non-confessional organisations were defined as national matters not falling under the competency of the European Union. This idea was also implemented in the Lisbon treaty, article 17.[18]

I remember a conference in New York in the fall of 2007 at the headquarters of the UN during which representatives of non-believers did everything they could to argue that they were protected by article 18 UDHR. This approach is interesting. Indeed, as long as atheist groups try to qualify as religions, they do so because they believe in the adequate legal protection of the latter. But then again, the opposite is also true. When non-believers as organised groups leave aside any

[17] See Rik Torfs, The present state of religious minorities in Europe, in R. Bonney and David Trim (ed.) *The development of pluralism in modern Britain and France,* Bern: Peter Lang, 2007,277-295.

[18] Article 17: "1. The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States. 2. The Union equally respects the status under national law of philosophical and non-confessional organisations. 3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations."

connotation with religion and focus on freedom of association, there is a problem with the protection of religious freedom. Today, that may be the case in some Western countries. Here, we are confronted with a new phenomenon: freedom of religion is discussed in an environment increasingly hostile towards religion. In my view, this is an absolute novelty. Of course, some authoritarian regimes including communism were opposed to religion and saw it as a barrier against their own power and policy. Stalin did everything he could to destroy churches and cathedrals as long as he did not need the support of the patriarchate of Moscow.[19] Only when war as well as economic problems urged him to do so, Stalin established a better relationship with religious leaders. Yet, the bottom line remained unchanged: religion is wrong and primitive. It is slowly dying. Yet, the population did not follow its leader. The communist system was non-religious, but the people were not. In other words, the negative attitude of leaders is less dangerous for churches than the hostility of the people.

Today, in several Western countries suffering from a high degree of secularisation, the mere idea of being religious is perceived to be both stupid and dangerous. Stupid, because science does not demonstrate the existence of God, which can only lead to the conclusion that the latter is an illusion. Dangerous, because in the eyes of many, religious ideas are the origin of a multitude of conflicts all over the world. Here a new problem emerges. What is the strength of religious freedom in an environment that is basically non-religious? The question is less innocent than one thinks. Indeed, it touches the essence of fundamental rights. The key question goes as follows: how far does the protection of rights reach, if the underlying value is received negatively by a majority of the population? Is freedom of religion still protected in a context that is maybe not negative to freedom, yet in any case negative towards religion? In my opinion, formal rules are not strong enough to survive in their entirety in a climate fundamentally hostile towards the values they protect. When most people are not religious, freedom of religion will be curtailed, either directly or indirectly, through measures stimulating other values at the expense of religious thinking. Norms are not stronger than the people working with them. This point can be underpinned by a parallel reasoning. Suppose for a moment that most people are opposed to free speech in a system that still protects freedom of expression. Or suppose the majority of the population rejects associations as intruding into personal lives of people, whereas freedom of association still remains protected by both the constitution and international documents. In both situations freedom may evaporate because

[19] Steven Merritt Miner, *Stalin's Holy War. Religion, nationalism and alliance politics 1941-1945,* Chapel Hill (N.C.): University of North Carolina Press, 2003, XIX + 407p.

the value protected by that freedom is not held in high esteem within broader circles in society. In other words, freedom of speech will be less protected in a society where everybody thinks that free speech is useless.

4. The broader context

The analysis made above is not harmless. It illustrates a paradigm shift. When I started studying law and religion, somewhere around 1980, the bottom line was that new problems emerged within a framework that itself seemed to be eternal. Remember the big issues of the nineties: conscientious objection, new religious movements. At the same time, or perhaps slightly later, Islam and its position within a Western human rights pattern became the central question. Yet, in all these cases, there was no discussion about the framework, the context, the global picture in which the evolution took place. Religious freedom and its strong protection were the absolute cornerstones of any system. In a way, religion and law experts were living a comfortable life. Not everything changed. All upcoming changes were projected in a mirror of stability.

Guided by this idea scholars also tackled the key problem of the first decade of this century: limitations to religious freedom. The starting point of the analysis remained the stability of religious freedom. Changes and limitations had to stick to unchanging principles, including freedom being the norm and exceptions being only possible if they were established by law, necessary in a democratic society and meeting with the requirements formulated by paragraph 2 of both the UDHR and ICHR.

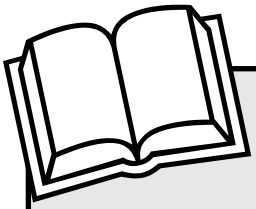
Experts realised too late that the framework itself was in danger. Slowly, the main question no longer was how new trends including unusual religious movements, strange consciences and exotic world religions could fit into the existing pattern. Religious freedom became a problem on its own. Indeed, the more exceptions are formulated or accepted with regard to religious freedom, the more questions arise concerning the basic model.

For that reason, one should examine more clearly the underlying motives inspiring governments and legislators to curtail religious freedom. At a first superficial level, pragmatic reasons can be invoked. In that regard, security plays an important part, along with public order and even harmony in society. The latter involves French and European policy with regard to the prohibition of headscarves at school. However, it would be a mistake to limit exceptions to a pragmatic level, the level of facilitating living together and making life a happier experience.

At the same time, a second level affects the mere notion of religious freedom and reduces it. Rights are still rights, yet they lost their religious aura as ultimate protectors of human liberty. Freedom is still freedom, yet it is no longer the pervasive, daring freedom focussing more on the feeling of being free than on how freedom

is used. Freedom was never trusted by religions. And today, in modern society, it is also disqualified by so-called common sense which defines freedom again, as in a remote past, yet this time implicitly, as the right to become who one is.

And finally, religion is still religion, but instead of being a positive notion, a dream to accomplish, it became in the eyes of many a symbol of deficient scientific thinking and abuse of power. Rights weaken, freedom weakens. Religion is regarded as a bad thing. In that context, the right to religious freedom remains a right. In that context, a slow decline and a deep internal crisis of religious freedom is inevitable. And that is bad news.



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Cape Town
South Africa
CapeTown@IIRF.eu

32, Ebenezer Place
Bellevista
(Colombo)
Sri Lanka
Colombo@IIRF.eu

Religion and the development of civil society

Silvio Ferrari[1]

Abstract

Religions offer a peculiar element to the development of civil society, that is, the conviction that man is repository of a truth given by God. This conviction raises the problem of harmonizing truth and liberty. If the central feature of civil society is the free search for the common good through a committed participation in particular experiences, how can this search be shared by those who know they possess the truth? The article answers this question through the examination of the right of religious freedom and the principle of subsidiarity.

Keywords Religion, Christianity, civil society.

1. Civil society

Civil society is a relatively modern concept. It was born at the end of the eighteenth century and it is employed to define a sphere of human activities that presents peculiar features (Edwards 2009). Philosophers and lawyers make recourse to this concept to explain that every individual spends his life within a network of social relations that can be classified in four areas: the family, the state, the market and, finally, civil society. Free and voluntary are the adjectives characterizing the relations that take place within civil society: associations, trade unions, political parties, non-profit organizations, religiously oriented schools, social movements, and so on, are the actors that populate this area of human life. They offer individuals

[1] Silvio Ferrari (*1947) is Professor of Law and Religion, University of Milan and University of Leuven. He has been Visiting Professor at the University of California (Berkeley, 1994 and 2001), the Institute for Advanced Legal Studies (London, 1998-99), and the École Pratique des Hautes Études (Paris, Sorbonne, 2004). His publications in English include *Islam and European legal systems,* Dartmouth, Ashgate, 2000 (edited together with A. Bradney) and *Law and religion in post-Communist Europe,* Leuven, Peeters, 2003 (edited together with W. Cole Durham, Jr. and E. A. Sewell). He has recently completed, together with Felice Dassetto, a report on *The legal status of Islam in Europe* for the European Parliament (2007). His main fields of interest are law and religion in Europe, comparative law of religions (particularly Jewish law, Canon law and Islamic law) and the Vatican policy in the Middle East. He is president of ICLARS (International Consortium for Law and Religion Studies), member of the Advisory Council on Freedom of Religion and Belief of the OSCE-ODIHR and of the Scientific Committee of the Institut européen en sciences des religions (EPHE, Paris). – This article is abbreviated from a presentation at the Conference on Law and Religion in South Africa held at Stellenbosch, 20-23 September 2011. The original full length article can be found in the official conference publication, a 2012 Supplement of the Dutch Reformed Theological Journal. Published with the permission of the conference editor. Paper received: 25 October 2011. Accepted: 9 December 2011. Contact information: University of Milan, Via Festa del Perdono 7, 20122 Milan, Italy, E-mail: silvio.ferrari@unimi.it.

the opportunity to develop together projects of life and social organization that can be reproduced on a larger scale as a model for organization of the broader social community. In other words, civil society is the space where, through particular experiences, the common good is pursued, and the institutions of civil society are the places where individuals develop and test the principles and convictions that guide their actions as citizens. This process can occur only in a context of freedom, where associations that have different aims, schools that are inspired to different value systems, political parties with different programs can coexist and interact. This explains why civil society tends to flourish more fully in democratic than in authoritarian or totalitarian states. As a matter of fact, civil society movements like Solidarnosc in Poland and the anti-apartheid movement in South Africa played a decisive role in the fall of the Communist or racist regimes that were in power in those countries.

2. The significance of civil society

Civil society therefore requires liberty, with all the advantages and at the same time with all the risks that liberty always entails: it is an open space that can be filled with good experiences as well as bad ones. Why then does civil society deserve to be defended and expanded? What does it deliver in exchange for the dangers it involves? Basically, civil society can generate a social capital constituted by three fundamental civic virtues: it teaches individuals to live in a committed, responsible and trustful way (Putnam, Leonardi, Nanetti 1994). Obviously it is possible that some associations, social movements, political parties foster intolerance and extremism instead of trust and responsibility.[2] Each of us is ready to volunteer time and effort to the associations of which he is a member, to the political projects in which he believes, to the schools his children attend: each of us feels responsible for those ventures in which he is involved and, in order to make them flourish, is ready to establish relations of trust and cooperation with other individuals who share the same ideals. This education to responsibility, commitment and trust that takes place in the institutions of civil society is indispensable to form good citizens, who are able to reproduce these same civic virtues when they act as members of the larger community: therefore, the existence of a vital civil society can offer a decisive contribution to the common good of society by providing both values and attitudes that foster social commitment and cohesion without giving up plurality and differences.

To sum up what I have said, I shall refer to an American lawyer, Robert Cover. According to him, any society is based on balance between two forces: the force that creates the world and the force that maintains it. Cover says we live in a space

[2] On this point see infra, par. 4.

inhabited by many normative worlds, each of them characterized by its own set of values and rules. These normative worlds are the social groups (religious, cultural, political groups and so on) that are capable of generating new legal values and meanings through the personal commitment of their members: by applying their will to transform the extant state of affairs according to their visions of alternative futures, they create worlds governed by a new law. But these normative worlds, if left to themselves, can become sectarian, violent and dissociative. Therefore the co-existence of different legal worlds requires a system-maintaining force. The modern state can offer it, provided it understands that it has not the task to create new legal values but to foster the birth and development of the normative worlds where these values take shape (Cover 1983).

In conclusion, the institutions of civil society play a generative role both for the values that support the state's laws and for the civic virtues that support the state's political activity. A state based on principles of freedom and democracy cannot properly claim to generate the values that citizens are called to share nor the attitudes that should support their participation in the life of the polis: for both of them the state can rely on civil society. Therefore the state's contribution to the common good is not in the field of creation, but in that of conservation and it performs this task by providing a legal framework where different projects of common good can peacefully coexist.

3. Religions and civil society

Religions offer a peculiar element to the civil society debate, that is, the conviction that man is repository of a truth given by God. This conviction is highly significant to the development of a sound civil society. It has already been said that civil society can create commitment, personal responsibility and mutual trust: but what is the foundation of these virtues, what persuades men to behave in a responsible and committed way? Religions – or at least those religions that are founded on divine revelation – answer that this attitude is ultimately rooted in man's responsibility towards God: the commitment to build the common good, through personal responsibility and a relation of trust with other persons, is generated by recognition of the truth that has been given by God to human beings.

This approach to civil society, typical of the monotheistic religions, gives a sound and stable basis to the search for the common good and connects it to some non-negotiable principles that, being rooted in divine revelation, transcend social consensus and political expediency. At the same time this approach raises the problem of harmonizing truth and liberty. If the central feature of civil society is the free search for the common good through a committed participation in particular experiences, how can this search be shared by those who know they possess the truth?

There are two answers to this question. The first is a theological answer that goes beyond the scope of this article. Therefore I shall deal with it very briefly. In a religious perspective, man is not the master of the truth he proclaims, nor the craftsman of its success among men. Being in the service of truth and affirming it without hesitation is all that can be expected of man: on the contrary, trying to impose the truth denies that its recognition, although in need of human cooperation, depends on God's will. In this perspective I can profess unconditionally the truth of my faith and publicly witness the events that changed my life and my worldview without the need to affirm the supremacy of my religion and the obligation of everybody to accept it. It seems to me that this answer has a sound foundation in the theological and legal tradition of different monotheistic religions (Williams 2008:249-54).

The second answer is too complex to be considered in relation to every religion. Therefore I shall give it in relation to just one of them, Christianity.

4. Christianity and civil society

Religion is first of all a personal relationship between God and man: this is the starting point for analyzing the relationship between Christianity and civil society. This principle is the novelty brought by Christianity into the Greco-Roman world, where religion had more a national and family dimension than a personal one: and this is also what makes Christianity different from Judaism, which conceives religion as a covenant between God and one people. In the Jewish and Roman societies, where in different forms the collective dimension of religion prevailed, Christianity affirms a new principle: religion is the choice of conscience of a person who, questioned by Jesus Christ's message, decides to answer yes. Obviously in Christianity too there is a communitarian dimension, that manifests the solidarity – more exactly, the communion – of the faithful who share faith in the same God. But this dimension is based on a personal assent that questions the responsibility of each individual. In other words, persons are not born Christian but become Christian: and they become so not because they are members of a community, a people or a family, but because of a personal choice.

The accent placed on the personal dimension of the religious experience paved the way for the birth of a new right that was unknown in the ancient world: the right of religious liberty. According to Christian doctrine nobody – the state, the community and even the family – can take the place of the individual in deciding a matter of conscience: therefore every person must be completely free to choose his religion (and also to change or abandon it), because an authentic religious experience cannot exist outside a state of liberty. This right to religious freedom is absolute, that is, it is due to every person (not only to Christians) by virtue of his being a person. Moreover, it is unlimited, that is, no human power can restrict the right of an individual to choose the religion he deems to be the true one. Sadly, this

right is infringed upon in many parts of the world and the faithful of many religions – Christianity included – are subjected to persecution or, because of their religion, do not enjoy civil and political rights on equal footing with other citizens.

Religious freedom has not always been respected in the history of the Christian countries, nor in the teachings and actions of some representatives of the Church itself: John Paul II publicly asked forgiveness for these sins. But the principle that the religious faith requires liberty was never forgotten in the Christian tradition and it was fully reinstated on the occasion of the Vatican II Council by affirming that religious liberty is a right that "has its foundation in the very dignity of the human person" (*Dignitatis Humanae,* n. 2). The significance of this statement is evident: as a German lawyer, Ernst Wolfgang Böckenförde, put it, religious freedom "that previously was a concession, now becomes a commandment, an obligation that is rooted in the Christian faith itself and in its correlated image of man." In this way truth and freedom can be reconciled: if "religious freedom is inherent to the truth itself of Christianity", affirming that the Gospel is the truth for every man implies affirming "the religious freedom of every man, including those who do not have any faith or have and practice a faith that is different from mine or, simply, have given up their faith" (Böckenförde 2004:722). At this point the contradiction between truth and liberty reveals that it is only an apparent contradiction: it is possible to fully participate in the free and open debate of civil society without giving up or marginalizing the claim that Christianity is the true religion, as the freedom of non-Christians is coessential with this claim.

Once it is clear that taking part in the civil society debate does not imply a relativization of truth, it is possible to underline two other reasons for looking to civil society with sympathy.

First of all, the recognition that a sound state requires a sound civil society strengthens the subsidiarity principle, according to which the state does not have to take on those tasks that can be performed equally well by the institutions of civil society, for example by associations or social movements. From the perspective of the subsidiarity principle, the state has basically the task of providing the legal context and the economic support for developing the civil society initiatives. Only when the needs to be faced are so huge that civil society alone cannot cope with them, is the state entitled to act on its own. In this way, state power is maintained within its proper dimensions, avoiding its hypertrophic and potentially dangerous over-development.

Second, the central role recognized to civil society engages the Christian faithful to take on its responsibilities in the social and political fields. The distinction between religion and politics, church and state, that is traditional in Christian thought, has sometimes been misunderstood and interpreted as something that limits the

responsibility of Christians to the spiritual affairs, leaving the temporal and political world outside the area of concern of the faithful. I think the opposite is true. For centuries the Christian community has sought security in the confessional character of the state: State laws supporting Christianity and affirming the Christian character of the state were misunderstood as the guarantee of the Christian character of society as well. This mistake had a negative impact on the vitality of the Christian community, as the responsibility of transforming society according to Christian values was regarded more as a duty of the state than the mission of each Christian. The decline of state confessionism and the principle that state institutions cannot become the instruments of any religion – including the one professed by the majority of the citizens – has encouraged Christians to take on the responsibility to witness the values they uphold in the places where people live, in schools, families, workplaces, that is, in civil society.

5. Civil society, state, and religion: a delicate balance

One last and problematic feature of civil society still has to be taken into consideration before concluding. It would be naïve to believe that civil society, simply by virtue of its being a free and open society, is always conducive to the common good. The projects and initiatives that are generated by civil society can pursue the interest of the few instead of justice, create divisions instead of solidarity, intolerance instead of mutual understanding. Faced with this ambiguity that is inherent in civil society, the question is how to sort its products so that what is helpful for common good can be separated from what is harmful. But who can perform this job and what are the criteria that can guide this selection?

This problem can be summarized in the following terms: on the one hand there is civil society, that is the place where projects and proposals for the organization of social coexistence are freely elaborated; on the other hand there is the state, that is the entity that selects some of these projects and puts them at the foundation of its laws. How can the state perform this task of filtering and selecting without destroying liberty, which is essential for the sound development of civil society and, on the other hand, without falling into an anarchy of competing values that is incompatible with the idea of common good?

Some think that this dilemma has no solution. Böckenförde for example wrote that "the liberal and secular state lives on the base of presuppositions whose truth it is unable to guarantee" (Böckenförde 1991:112). I think that this statement is correct only in part. First of all, civil society is not totally free, does not live in a vacuum, but operates within a framework defined by rules that grant respect for some fundamental and non-negotiable principles upon which every state is based (nobody could appeal to the liberty of civil society to support, for example, slavery

or human sacrifices). Second, within this large framework there are further rules that are rooted in the tradition and culture of each national community. They reflect the identity of every community and shape accordingly its relations and institutions, from the family to the work place, from the relations between man and woman to those between citizen and state. They provide a narrower framework within which civil society is contained, a framework that exists in all the civilizations of our world, but that has different characteristics in each of them as it is the outcome of different histories and cultures. In other words, the state is not an empty container that can be filled with whatever content: on the contrary it has a memory and a history that provide guidance in selecting the inputs coming from civil society. This state framework is far from being immutable, as it is continuously in transformation under the inputs of civil society; but at the same time it is far from being neutral, as it is made by people with a culture and an identity that has taken shape in history and that inevitably influence court decisions, Parliament laws and their application by public administration[3].

From history we have learnt that the balanced development of any social community requires that two equally grave dangers be avoided: the revolutionary utopian effort to get rid of tradition and the conservative one to crystallize it, irrespective of the changes that continuously take place within any social group. Both approaches have proven to be wrong. The identity of a social community is not an immutable genetic code, that is given once for all and cannot be changed for eternity, but an inheritance that should be enlarged through exchange with the other identities, old and new, that inhabit the world: understanding this fact is the way to approach in a correct way the relation between civil society and state or, to make use once more of Cover's language, between the forces that create and those that maintain the world.

In this perspective a state that is attentive to the common good cannot but recognize religion's full liberty to take part, within civil society, in the formation of the public ethos that is indispensable to the life of the state itself. For many decades, particularly in Europe, religions have been confined to private space and basically excluded from public debate. Today things are different and religions have to face new responsibilities and new opportunities: both the first and the second require a sound relation between religion and civil society in the contemporary world.

[3] Neutrality, if intended as the absence of any distinctive quality or characteristic of the State, is a chimera: State institutions cannot be severed from society and their activity is inevitably influenced by the history, culture, belief of the people they represent. State neutrality makes sense only if it is intended as the conscious effort of State institutions to pursue an impartial and well-balanced policy towards the different groups and organizations that constitute civil society.

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Laurent Gbagbo and the evangelical church in Côte d'Ivoire: Ambiguous political affinities

Bony Guiblehon[1]

Abstract

This article attempts to understand and analyse the relationship between politics and religion in Ivory Coast. The relationship between the former President Laurent Gbagbo and the Evangelical Church expresses this relationship that has always existed between the two entities in a spirit of religious freedom recognized by the Head of the State by all citizens and the impact that this relationship had on the evolution of the Ivorian crisis. Since colonial times to the time of independence, from Felix Houphouët Boigny to Henri Konan Bédié, to Laurent Gbagbo and Alassane Ouattara, they have all forged close ties with their religious community. The case of the former President Laurent Gbagbo with the Evangelical Church of Ivory Coast is an interesting example: first, because of his particular relationship of both proximity and distance, and then because of the accusations of both national and international media and of the political opposition against Laurent Gbagbo for his connections with the leaders of evangelical churches. The latter were accused of having been led to believe that Laurent Gbagbo was God's choice when he lost the election. In fact, Evangelical pastors have developed the doctrine of the personal or individual predestination through divine revelation which makes Laurent Gbagbo God's choice and the other political protagonists outcasts. The religious dimension has become a register of legitimation of political power with an impact on popular imagination. This was followed by violence against the Evangelical Church. However, the interference between politics and religion raises the question of the separation of both areas, but also of the globalisation of the present religious phenomena.

Keywords Laurent Gbagbo, Alassane Ouattara, prophecies, political, religious, evangelical Church, globalisation.

[1] Bony Guiblehon (*1968) is an anthropologist and since 2005 research professor in the Department of Anthropology and Sociology, University of Bouaké, Ivory Coast. He studied in France at the Faculty of Theology in Vaux-sur-Seine, at the School of Language and Civilization of the former East (ELCO, Catholic Institute of Paris). His doctoral dissertation in anthropology (École Pratique des Hautes Études, Paris-Sorbonne, 2004) examines the beliefs and ritual practices of "panther-men" and masks among the Wè and the interference of religion and ethnicity in the political context in Ivory Coast. He is a member of the Society of Africanists (France), of the Centre of African Studies of the Worlds (CEMAF) as well as president of the Foundation "Secularism and Social Cohesion - Ivory Coast". He has several publications to his credit. Paper received: 11 July 2011. Accepted: 8 December 2011. Mailing address: BP 857 Abidjan 08, Côte d'Ivoire, Tel. +(225) 07 16 37 39/ 01 06 25 25, E-mail: gbony2@yahoo.fr / guiblehondouague@gmail.com. – Author's note: I thank Dr. Thomas Bearth, Professor of African and General Linguistics, University of Zurich, Switzerland (and Commandeur de l'ordre national du mérite de Côte d'Ivoire) for introducing me to IJRF and for polishing the English translation of this article orginally written in French. The responsibility for all errors is mine.

1. Introduction

Since colonial times until the time of independence a great number of African heads of State have favoured relations of proximity with their religious denominations. In Ivory Coast, from Félix Houphouët Boigny to Laurent Gbagbo, the political leaders have maintained close contacts with their religious communities. The case of the former president Gbagbo with the Evangelical Church[2] of Ivory Coast is an interesting example, because of his particular relations both of proximity and distance and the impact those relations have had on the evolution of the post-electoral crisis.

In fact, since the post-electoral crisis, one has just to skim through the websites or the national and international papers on the political environment of the Ivorian opposition, to go over the blogs which flourish on the relations between Laurent Gbagbo and the Evangelical Church to assess the extent of the charges: "Confiscation of power in the name of God: Here is the false prophecy of which Gbagbo and Simone dream" (Bakassien 2011a); "The boat of Captain Jesus is sinking" (Bakassien 2011b). According to a journalist, "The devil eventually lifted the body of the Church between the nose and beard of Jesus Christ and his followers [who are] mostly responsible" for the crisis (Igomzikpé 2011); "Those pastors have been known for their unfailing support to Gbagbo since 2000, for financial privileges and for personal interest" (Billé 2011:9); "You are false prophets, ridiculous impostors and politically committed [...]" (Billé 2011:9).

In fact, these media and political circles which are unfavorable to Laurent Gbagbo often criticized him for wanting to stay in power, and for being convinced by the predictions of the Evangelical ministers that he is the elected representative of God with "a divine mission" leading to the birth of a new Ivory Coast, whereas in reality he lost the elections against his opponent, Alassane Ouattara. In other words, they reproached the Evangelical pastors and Laurent Gbagbo for instrumentalizing each other. The former were said to have developed, through divine revelations, the theory of personal or individual predestination which makes Laurent Gbagbo God's choice and the other political protagonists outcasts. Thus the religious dimension became a register of legitimization of the political power with an impact on popular imagination.

Violence against the Evangelical Church followed. In the end, interferences between the political and religious dimension raise the question of the separation of both domains, and also that of the globalisation of new religious phenomena.

This article, in line with a socio-anthropological and religious approach, tries to shed light on the relationship between politics and religion in Ivory Coast. The relationship between the former President, Laurent Gbagbo, and the Evangelical Church expresses in a rather particular way this link which had always prevailed between the

[2] In all which follows, the term "Church" indicates "evangelical Church".

political power and religious bodies in a spirit of religious freedom recognized by the Head of State as by every citizen. This permits the ties between President Laurent Gbagbo and the Evangelical churches to have an impact on the evolution of the crisis because of the latter's inevitable influence on the management of the country.

2. Relations between the political and the religious realms in Ivory Coast

In Ivory Coast politics and religion always cohabited, as is shown by the rise of prophetic characters (such as William Harris, Papa Nouveau, Koudou Jeannot, Kacou Séverin) who made this country the "cradle" of the prophetic phenomenon in Sub-Saharan Africa (Dozon 1995:321).

2.1 Laurent Gbagbo: proximity to the Evangelical Church

Laurent Gbagbo and his wife Simone Ehivet were of Catholic confession before becoming Evangelical Protestants. Laurent Gbagbo is a historian by training and a former Catholic seminarist, born in a Catholic family. He was converted to the Protestant religion in 1998 during an encounter with Pastor Koré Moïse and the Prophet Degny Paul, both being founders of the Schekinah Glory Ministries Church. His wife, Simone Ehivet Gbagbo, is a researcher in applied linguistics and a trade unionist. She is a co-founder of the political party of Laurent Gbagbo, the *Front Populaire Ivoirien* (FPI). She was also Catholic, before becoming a committed Evangelical Protestant. But it was the meeting between the Gbagbo couple and the Prophet Kacou Severin, "The Nations' Prophet", which was decisive in their lives both religiously and politically.

The prophet was the President of Foursquare International Church of Ivory Coast, which is a branch of the American Foursquare International Church as well as are several other local churches such as Schekinah Glory Ministries Church of Koré Moïse. He was well known as the founder of The Ministry of the Powerful Gospel (MPG), a transcontinental ministry, situated in Africa, Europe and the United States. The Prophet Kacou Severin, who was on good terms with all the Ivorian political elite, played a prophetic and important role in the political life of the country and in the rise of Laurent Gbagbo to the supreme office.

This prophet is said to have predicted a presidential destiny to Laurent Gbagbo long before the year 2000 when he was elected president, as did other prophets such as Papa Nouveau and Koré Moïse. They are also said to have announced the crisis that the country is undergoing currently (Mary 2002).

Being a member of the Foursquare Church of the prophet Kacou Severin, Gbagbo and his wife maintained their membership after the elections which made him Head of State. Having become the President of the Republic in 2000, Gbagbo continued at-

tending the services and honouring the numerous meetings, the popular crusades and campaigns of evangelization of the prophet Kacou Severin by his presence. The prophet became his "pastor" or "spiritual guide" till his death in 2001 in a road accident.

After the death of the Prophet Kacou, Pastor Koré Moïse, founder of Schekinah Glory Ministries Church, and one of the disciples of the prophet, became President Gbagbo's spiritual guide, being surrounded by other young pastors and leaders of the Ivorian churches located in the United States or Europe. These ministers often invited Mrs Simone Gbagbo to sponsor public events organized by them. Thus emerged the relationship of the couple Gbagbo with a supposed Pentecostal network in the United States, the echo of which was found in the media.

In fact, Laurent Gbagbo lives his faith in broad daylight, as does his wife: he prays, he fasts, attends services in several churches. To all those who accuse him for the visibility of his faith he answered (during an interview on television in May 2006): "I was and am first of all a Christian before becoming the President of the Republic. Should I give up my faith because I am the President of the Republic?"

Whether in his important speeches to the nation or in his political meetings, one can see in Gbagbo a kind of Christianization of symbolic and political action, suggesting a reappropriation of Christian procedure and elements of a new covenant between the Power and the Church, frequent reference being made to the Bible and a specific rhetoric being used, exemplified in the slogan: "Ivory Coast, a land blessed by God".

This proximity can also be seen in the connections between Gbagbo and the leaders of many Churches and Evangelical missions. The closest one and the most spoken of in the media of all those pastors is certainly Koré Moïse, whom the Western media or the African anti-Gbagbo ones qualify as "African avatar of the cloudy American Evangelical," or "Raspoutine" or the *"missi dominici"* co-operating with "the born again Christians" of the Bush Administration who had ties with some American congressmen (cf. Cheikh Yérim 2004).

This interpretation deserves some remarks: First of all, it ignores that Pentecostalism conforms to dynamics significantly more complex than this Manichean point of view. Second, there is an overestimation of Koré as a pastor, in his role towards Laurent Gbagbo, and the ties with Evangelical and American political circles he is credited with. Is Koré so powerful and has he got so many relations in the United States? If that was the case, why did Laurent Gbagbo not profit from the help of his powerful American "partners" to neutralize the armed rebellion in 2002 and save his presidential stool from the devastating raids of the French air force in April 2011? Third, if Koré had so many ties with the American Churches, why don't they help him financially, for instance, by contributing to the completion of the construction of his temple, the work of which has been in progress for ten years?

In Ivory Coast, Koré is first of all known as a former professional basketball player and currently the President of the Ivorian Federation of Basketball, and also as a telecommunications engineer who worked in many African countries before resigning and going into business. Having become a pastor, he leads a small community, the Church of Schekinah Glory Ministries, which would hardly represent 0,05% of the Protestant believers nationwide.

With Koré, aren't we dealing with a kind of relationship between religious leaders and the Head of State already practiced under previous governments of Ivory Coast?

2.2 From Félix Houphouët Boigny to Laurent Gbagbo

Since the period of independence, the countries in Sub-Saharan Africa have almost all in their constitutions – copies of the one of France – affirmed the separation between the State and the Church, but, according to the circumstances, remain on good terms with religious leaders for political purposes. The latter know how to profit from the situation. Already in colonial times, there were some connections between the French colonial administration and the European Christian missions as well as the local prophets (Dozon 1995:306). This collaboration continued after the independence of the country under Félix Houphouët Boigny.

Houphouët did not hide his membership with the Catholic Church. He openly attended Catholic services. He built the cathedral of Abidjan-Plateau which was consecrated by the Pope. He erected many mosques, one of which is the big mosque of Riviera Golf. Houphouët was repeatedly generous to religions: funding Catholic and Protestant denominational schools, providing subsidies for the payment of their teachers' salaries, personal gifts to monks, etcetera.

But his relationship with religions was exceptional through his project of the construction of the costly basilica "Notre Dame de la Paix de Yamoussoukro" which swallowed billions of CFA francs, while the country was subjected to structural readjustment policies imposed by the international financial institutions. Houphouët offered this basilica as a gift of his family to the Pope and to the Catholic Church. The Pope made two visits to Ivory Coast at the invitation of President Houphouët Boigny to consecrate the cathedral Saint Paul of Abidjan-Plateau (1982) and this basilica (1990).

Under Houphouët "imams, witch-doctors, pastors or Catholic missionaries, in short all religious professions of Ivory Coast, traded with souls to the point of becoming staunch followers of Houphouetism, an imaginary doctrine in which everyone would find his place provided one adhered to the political objectives of the Father of the nation. All the religious services profited from the presidential redistributions, as it is shown by the national collection made on the entire Ivorian territory during the year 1964" (Lanoué 2004:82).

The Christian leaders who considered Houphouët as "a true alter ego" (Verdeaux 1997:171-174) or a "saviour", almost worshipped him, as is certified by this incisive formula of the prophet-healer Kakou Essan: "If you want to see God, go to Yamoussoukro" (Dozon 1995:305-331). These men of God embraced the political doctrine of Houphouët by rallying and appealing to nationalistic feelings (Perrot 1996).

This phenomenon is found elsewhere on the continent. Mobutu, the former Zaïre President, used to distribute Mercedes Benz cars and other goods to men of God (Makiobo 2004). In Zambia under the Presidents Kenneth Kaunda and Frederick Chiluba, as Lafargue (1995:67-68) shows, churches, having moved into the political sphere, view themselves "as plain political actors by the virtue of the voluntary and programmatic choice of certain religious leaders to enter into politics". After his election to the Presidency of the country, during a prayer service, President Chiluba declared that Zambia is a "Christian State" (Guiblehon 2010). In Burkina, President Blaise Compaoré maintained fair and special terms with the Assemblies of God. Thus, one of their pastors was appointed Head of the Independent National Electoral Commission (CENI) by the President himself.

As far as Ivory Coast is concerned, Gbagbo is not the first to be interested in establishing relations with religions and their leaders. Even after Houphouët, before taking power, a claim to ownership over the Christian God both in matters of religion and matters of politics had already been observed with his predecessors, namely Henry Konan Bédié, and General Robert Guei, though in a somewhat less spectacular manner.

From this point of view, the relations between Gbagbo and the Evangelical Church are of the same nature as those which characterized the first Head of State of his country and other African statesmen. In spite of the similarity, we still notice something special in the relationship between Laurent Gbagbo and his Church.

2.3 Laurent Gbagbo and the Evangelical Church: a distant merger

Laurent Gbagbo establishes an original relationship with his Protestant Church. He distances himself from the Protestant religion by being widely open to the other religious denominations, in particular the Islamic religion. From this point of view, it would be difficult to pretend that he confuses his status as the Head of State and his membership with an evangelical Church. It seems that neither Gbagbo nor his Evangelical Church had a theocratic vision in the manner of certain countries where the sharia law is imposed.

With regard to the Presidential elections, the apostle K. Jean was able to assert that the Christian leaders never gave any instructions to their members to vote for Gbagbo.[3]

[3] Interview on 7 May 2011 at 3 pm in Abobo-gare.

In other words, for this apostle, there is no Christian pro-Gbagbo electorate, as we could see elsewhere in the USA or in Brazil (Corten, Dozon & Oro 2003). Another pastor reminds us that no Evangelical Christian was appointed by Gbagbo to a political or administrative position, while he, for instance, appointed several Muslims to important positions: Seydou Eliman Diarra (who later became his Prime Minister) as Head of the National Reconciliation Forum in 2001; his Director of campaign of the last Presidential elections; the two greatest personalities of his party (Mamadou Coulibaly and Abou Dramane); the President of the Chancellor of the Great Chamber of the National Order. The second wife of Gbagbo is a practicing Muslim.

Another pastor underlines that Gbagbo neither built a single temple for the Evangelicals nor granted any particular funding to the Evangelical Church, whereas he devoted important financial means to Muslims: pilgrimages to Mecca, the creation of an Ivorian office for Hadj and Oumra and the National Islamic Council of Ivory Coast. Gbagbo carried out several other actions in favour of Buddhists and all the other religions, notably the creation of a Ministry of Religions for all the religious denominations of the country.

In a televised speech in 2009, Gbagbo himself, affirming his Evangelical faith, ("I will never deny my faith"), underlined that he would never confuse it with his status of Head of State of Ivory Coast, that he would not build any Evangelical temple and that his status of Evangelical Christian was but a mere "detail". In other words, he would not act as an Evangelical Christian in State affairs. Thus, he is said to have refused funding the Evangelical leaders for their pilgrimage to Israel in 2009 and the appointment of a pastor as the Minister of Reconciliation in 2010.[4]

From this point of view, we have the impression that Gbagbo wants to show that although an Evangelical Christian, he remains the Head of State of Ivory Coast, the President of all the Ivorians and of all religious denominations of the country. In other words, through this double game, proximity and distance, we could say that Gbagbo politically acts in an implicit way on the basis of "a social contract" between himself and the Evangelical Church. He establishes a clear and adequate distance between the political and religious spheres.

In a certain way, no matter how great the importance he may have granted to his Evangelical faith, Gbagbo, during his years in power, took a strong symbolical and political position by firmly acting in a "rational-legal"[5] manner, intervening in all the domains where the relationship with a religious denomination was compatible with exercising his role as Head of State.

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[4] According to an interview with Bishop Paul on 10 May 2010 in Koumassi.

[5] Max Weber describes the three forms of authority in modern societies as: traditional, charismatic and legal-rational.

But Gbagbo is not the first one to adopt such an attitude. Dozon (2008:63) shows that in the 1980s, most of the Heads of State in Sub-Saharan Africa found important support, or a source of legitimating their power, in the religious institutions. We must acknowledge that Gbagbo succeeded in doing this by not favouring his Evangelical Church at any cost. The pastors, as far as they are concerned, do not see this as a reason for refusing to serve the cause of the resolution of the Ivorian crisis through their ministries.

3. The Evangelical Church in the Ivorian crisis

While the role of the Evangelical Church as a mediating factor during this last crisis and even in all the political conflicts of the country for many years is worth being remembered, it is also necessary to mention a certain number of facts which have strongly affected the weight of her contribution on the political and religious balance. The prophecies or divine revelations of pastors and other prophets definitely have had repercussions on the attitude of Gbagbo in the post-electoral crisis.

3.1 The mediation of the Evangelical Church in the political conflicts

Already for several years the Evangelical Church has been present in the political conflicts in the country in a sort of "preventive diplomacy" (Cahill 2005:5-20). When it does not take the initiative, it is sought by the politicians themselves. These request its mediation, and expect from it, as from the other religious denominations, to meet according to circumstances the political leaders of the country individually to encourage them to dialogue, peace, forgiveness, and reconciliation. In other words, what concerns us here, is the fact that the Evangelical Church has generally called for "the disarmament of hearts".

Thus, even before the post-electoral war, in collaboration with the other religious denominations such as Religions for Peace or the African Council of Religious Leaders, the forum of religious denominations of Ivory Coast of which it is a member, the High Protestant Council, the highest Evangelical structure, comprising thirty federations (Confeci, Feci, Cepmeci, Cenepeci, Emuci, Ceci, etcetera), were deeply involved in the process of the resolution of the post-electoral crisis.

The trustees of the High Protestant Council assured us that they, as well as the associate federations, had sent circulars to the Evangelical Churches to inform and to sensitize Christians. Thus, on Sundays, at the time of church services, pastors visit churches both in Abidjan and the interior of the country. The High Protestant Council ceaselessly exhorts Christians[6] to have an attitude that contributes to peace

[6] Two circular letters of the Protestant High Council and the Evangelical Federation of Cote d'Ivoire were sent to the evangelical Churches in 2009 and 2010.

and to freely vote for the candidate of their choice. Sister churches which are not part of the Evangelical circles have been visited, so have some mosques.
Another concrete action mentioned by the trustees of the High Protestant Council is the contribution made by the Protestant radio *Fréquence-Vie.* This radio initiated a special programme on topics such as "The Christian and Politics", "the Christian and Tribalism", "the Christian and Muslims", and teachings or Bible studies in relation to the period of crisis. Concerts were organized, as well as several days of prayers and fasting, before the first round of the election and before and after the second round.

All in all, for the trustees of the High Protestant Council, the Evangelical churches greatly contributed to national development in the domain of health and education, and to enhancing the institutional and symbolic power of the State.

In the light of this, however, one may wonder what may have happened for the Evangelical Church to be vilified, and to become a victim of violence and criticism from the press, the parties of the Opposition and even from non-Christians.

3.2 Revelations and divine signs: the theory of personal or individual predestination

During the Presidential elections, a new Christian vision has been emerging, notably an Evangelical one, which interprets the Ivorian crisis in religious terms and the election of the President in terms of personal or individual predestination,[7] Thus pastors and prophets believe that the outcome of the poll and the choice of the future President of Ivory Coast is a matter to be decided by the sole will of God, by "divine choice" or by "divine election" and not by the people: no one can become the President of the Republic if God has not chosen him beforehand. By way of consequence, a religious ideology was put in place, based on divine revelations concerning the Presidential poll. Thus, divine revelations spread by religious and political leaders, broadcast throughout the media, widely shared in Evangelical circles by others as well as Laurent Gbagbo himself, were mobilized and served as a symbolic matrix, i.e. a context of reading and interpreting future events.

Thus the prophet Koné Malachie made a revelation which is stated in "seven celestial decrees". In the sixth decree, the prophet declares that Laurent Gbagbo is the choice of God:

> Laurent Gbagbo will have a second mandate imposed by God, and maybe a third one. For your information, President Laurent Gbagbo is a divinely elected person. You should know that it is not the human beings who have chosen this man as the Head of Ivory Coast but it is rather the Governor of the celestial provinces: the Lord of Lords,

[7] We use this concept in the sense of „the de facto election of certain persons as legal successors in the political power which God would have reserved for the fulfillment of a particular mission".

> the King of Kings. That is why whoever joins forces against him, will be involved in an adventure of high risk and will be accountable to God himself. You will notice that in the future events of this country, it is he who [...] will help Ivory Coast get out of this economic and politico-military precariousness, and by him and thanks to God, Ivory Coast will become an economic, military and especially a Christian power worldwide. It will thus be known as the second Jerusalem or the Blessed Land of God [...]. So it is after President Laurent Gbagbo has finished [...] executing all the commands of his God, that God himself will appoint his successor [...].[8]

The second prophecy, revealed by the prophet Ziki Zahiri (2009), confirms the first one. According to the prophet, "Laurent Gbagbo will remain in power until 2015". He goes on: "It is God who gave the power to Laurent Gbagbo."[9] In the same spirit, concerning the date of the elections, the prophet stated that the different postponements of the Presidential elections[10] are not due to Laurent Gbagbo, but to the will of God:

> The postponements are mainly due to God. He acts in this way in order to realize his plan. If men have their share in it, God has the predominant share.[11] He continues: I have received a message from the Lord that the time of the economic liberation of our country has come, he will cause all the manoeuvers of the occupant to fail [...] and will allow the occupying forces to wage war to the point of killing each other, until the liberation of the country (Zahiri 2009).

For Alassane Ouattara there are also divine revelations. At the head of a coalition of 250 Evangelical pastors is Pastor Alla Sourkou who claims to coach and to advise Alassane Ouattara and his wife. The press spread the news of that meeting and the revelation that the pastor said he had received from the Lord.

> [...] There is no mystery, it is Alassane Ouattara who will be the future Head of State of Ivory Coast. He has been the choice of God at all times since 1994 [...]. We have become one because of our common conviction, fruit of our diverse revelations, received by the Spirit of God within us, since 1994, by some of you up to this day, confirming that your husband, Dr. Alassane Ouattara, has been the choice

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[8] Find the full revelation at the address of Fraternité radio-Divo and online at abidjandirect.net [Accessed: 20 October 2010.)

[9] In an interview granted to the daily news paper *Nord Sud* on 13 September 2010 and during a conference pronounced on 21 October 2010 in Yopougon.

[10] The presidential elections were postponed four times. Finally the first round of the elections was held on 30 October and the second on 28 November 2010.

[11] Interview in the daily newspaper *Le Mandat* (14 December 2009).

> of God for the management of the affairs of the State of Ivory Coast since that time [...] Alassane Ouattara is the future president of Ivory Coast.[12]

It might be added that Pastor Alla Sourkou has just published a work entitled, *On earth as it is in heaven, His excellency Alassane Ouattara, President of the Republic of Côte d'Ivoire according to the will of God.*[13] This work is a compilation of divine revelations that the pastor has received in favour of Alassane Ouattara for twelve years.

Concerning the previous President, Henri Konan Bedie, revelations also promise that he will return to power as a pledge of peace in Ivory Coast:

> As long as the Ivorians do not give back the power to the Democratic Party of Ivory Coast (PDCI) and to its President, Mr. Henri Konan Bédié, Ivory Coast will never find peace. Listen to what the Spirit of God announces to the people of Ivory Coast.[14]

These revelations show that the three favourites for the presidential election are all "elected people" of God. In other words, God has elected three people, but he plans only one presidential chair. So who will be the "true elected one" and who will be the "reprobate?"

In fact, as Guiblehon (2010) underlines, we are in a sort of conceptualization of events which engenders three interpretations: first of all, power is of divine and not human essence. It is God who will decide when the time comes who will inherit the presidential chair. Then, the accession to power and its control are from now on a sign of divine blessing, and they are also a means of "excommunication" of certain political opponents and the legitimising of the political power of the others. Finally, the vision of an "elected people" and of a President of the Republic elected by God is contrary to a democratic and egalitarian conception of citizens or candidates having the same rights and the same chances during the elections (Guiblehon 2010).

The revelations also underline the mission that God entrusts to his elected one. For instance, the divine mission of Laurent Gbagbo is not only the liberation of Ivory Coast but also of Africa from the colonial yoke of France. It is he who will "get Ivory Coast out of this economic and politico-military precariousness" so that it may become "an economic and military power and above all a Christian power worldwide" envied by the whole world, a "second Jerusalem."[15]

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[12] According to the daily newspapers close to Alassane Ouattara *(Le Jour, Le Patriote, Le Mandat),* 250 Evangelical ministers met Alassane Ouattara and his wife before the elections of 2010.

[13] The cover of the work carries the photo of Alassane Ouattara.

[14] *Le Nouveau Réveil*, July 2009.

[15] On this subject, Venance Konan is ironical: "God gave Ivory Coast and the power to Laurent Gbagbo, and only God can withdraw them from him."

Let us notice that the two other candidates, Henri Konan Bédié and Alassane Ouattara, although elected, did not see any divine mission granted to them. So, would Laurent Gbagbo be the "true elected one" for the time being since he has been entrusted with a divine mission?

On the one hand, these prophecies take sides in the electoral contest on behalf of one or the other of the two candidates, leaving little room for the political issues at stake and for the interplay of forces at work in the presidential elections. Each party was sure of prophecy going to be fulfilled in its favour, and treated the opposite side as Satan or the Devil, and hence as "outcasts" or "non-chosen ones". On the other hand, the revelations have mobilized the political and religious imagination. Now, according to Castoradis (1975), it is in the imagination that a community invents the inaugural social significations which decide what its real problems are, irreducible to the rational or functional realities of the moment.

On the other hand, those prophecies have been reinforced by the different "divine" signs which appeared during the fighting in Abidjan. Thus, on 17 March, 2011 and Saturday, 19 March, 2011, the national television showed "a rainbow-like crown surrounding the sun"[16] as a "divine sign"; then, right after the attack on the headquarters of the armed forces of Ivory Coast another sign, which was seen, was announced in the Newsreel at 8 pm, "a cloud spreading in the sky of Abidjan from which a particle detached before ending its journey in the hands of a soldier loyal to Laurent Gbagbo." Then there were other visions of drawings of human hearts in saucers of several women.

These signs are interpreted by the press and the pro-Gbagbo pastors as "divine" signs or "the presence of God and his intervention in Ivory Coast [...] to lead the war of Ivory Coast on the side of the defence and security forces [...] against Satan, in order to allow the rebirth of Ivory Coast[...]."[17]

Finally, the theory of the Predestined race linked to the exercise of power has fostered feelings of a complex of "non-elect" or "outcast" within the non-Christian communities and other denominations, for it is seen as a battlefield between the Good, represented by the party of Gbagbo, and the Bad one, "the axis of Evil". This Manichean and demobilizing vision has had an impact on the course of events following the elections and has reinforced the logic of conflict and opposition in which people were caught, as well as of avoidance and discrimination. Indeed, it gave the impression that the pastors had set themselves up as instruments of God's judgment; we will come back to this.

[16] These signs appeared simultaneously in several cities of the country (Abidjan, Agboville, Soubré).

[17] Comments of the journalist on the national television, first on 17 March, then on 19 March 2011 in the 8pm news.

3.3 Instrumentalization of the religious feelings of Laurent Gbagbo by pastors and vice-versa?

If one of the impacts of those prophecies is the mobilization of religious feelings and the emergence of a new political language, in the eyes of the opposition press and the political opponents of Laurent Gbagbo, as we will see, the prophecies have above all influenced his decision to stay in power after the results of the second round of the presidential elections. According to that press, Gbagbo lost the presidential elections in the polls. The winner is Alassane Ouattara to whom the power has to be given. In other words, we have three categories of people who are called into question by a single argument. First of all, Laurent Gbagbo. The journalist Venance Konan explains that Laurent Gbagbo lost the power, but he uses "religion as a trick to persist in power."[18] In other words, if Laurent Gbagbo clings to power, it is because he believes in the prophecies of those pastors. Then, against the Evangelical Church, but moreover against its prophets and pastors, one of whom is the prophet Koné Malachie, who is blamed for having convinced Laurent Gbagbo that he has been divinely elected until 2015,[19] having the divine mission to save Ivory Coast, whereas as a matter of fact he has lost against his rival Alassane Ouattara. That means that the pastors had instrumentalized Laurent Gbagbo. Venance Konan explains:

> I think that his head is in the clouds, as he has begun to believe that God was really with him, that He has chosen him. Then, there were more and more pastors around him, (some) "prophets" who have a dialogue with God and are in mystic frenzies. The manipulator has been manipulated by his own creation.[20]

The French newspaper, *Le Parisien Aujourd'hui* (28 Dec 2010) is of the same opinion: "Surrounded by Evangelists, Gbagbo is a mystic who believes that he is there by divine right."

Other violent attacks in the headlines of the opposition press against Laurent Gbagbo follow: "Religious swindling: Laurent Gbagbo, prisoner of many pastors" (Yorohon 2010); "Laurent Gbagbo or when faith in false prophecies causes madness"[21], "These pastors have been known for their unfailing support to Gbagbo since 2000 for financial privileges and for personal interests" (Bakassien 2011a); "With Gbagbo's men of God it is the God of money"[22] (Bakassien 2011a); "[…] These alimentary Evangelical pastors […] There is eating at the palace" […] to

[18] Interview broadcast in *20minutes.fr,* on Thursday 7 April 2011.
[19] See the seven celestial decrees of Koné Malachie below.
[20] Interview in *20 minutes.fr,* on Thursday 7 April 2011.
[21] http://touretec.centerblog.net/137-quand-la-foi-aux-fausses-propheties-pousse-a-la-folie.
[22] The daily news paper *Le Patriote* of 3 November 2010.

say that there is feasting and money (Bakassien 2011a); "for reasons of filling the stomach you compromise yourselves by allying with Gbagbo [...]" (Gouet 2010).

Let us point out that some of those accusations go on to say that pastors are corrupt (cf. Bayart 2006[23]). Finally, the criticism against Simone Gbagbo is more virulent, and it is on two levels. On the political level, she has always been considered by a great number of the political class (including her own party) as incarnating the radical wing of the Ivorian Popular Front, Laurent Gbagbo's party. The journalist Venance Konan compares her to a very wicked biblical character who manipulated her husband: "Jezabel, a very authoritative woman inclined to crime."[24] On the religious level, she is described as "mystic"; Venance Konan explains:

> Simone Gbagbo has completely been in a religious delirium since 1996. That year, she had a miraculous escape from a road accident, and she met Koré Moïse, who caused her to join the evangelical faith. She often appeared on television in a mystical trance and every Wednesday, as a member of Parliament, she organized a prayer meeting at the House of Parliament.[25]

For the journalist, while Simone Ehivet Gbagbo instrumentalizes her husband, he himself also has a great responsibility:

> It is possible that it is she who leads him, but we should not believe that Laurent Gbagbo is completely manipulated by his wife. She is certainly a woman of power and an ideologist, they founded the *Front Populaire Ivoirien* (FPI) together and she has often acted as if she were the co-President of Ivory Coast. But actually, both are responsible. It is not necessarily she who leads him in the evil way. Laurent Gbagbo does not want to renounce power. He has a lot of important advantages that he does not want to lose. Religion is a trick to remain in power.[26]

Finally for the political opponents and the opposition press, Laurent Gbagbo has been the victim of a politico-religious imagination and of the instrumentalization of his pastors. But Laurent Gbagbo himself, as a man with many years of experience on the political battlefield, refuses to acknowledge the use of religion as an argument in the political struggle and answers: "It would be simplistic to believe that a President cannot dissociate his faith from his position."[27]

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[23] J-F Bayart qualifies it as "stomach politics."

[24] The daily newspaper *Nouveau Réveil* of Thursday 13 January 2011 titled on its first page: Bédié speaks (still!) to his brother Gbagbo/ Venance Konan to Gbagbo: "the night of your destiny is going to fall."

[25] Interview of Venance Konan in *20minutes.fr,* on Thursday 7 April 2011.

[26] Interview of Venance Konan in *20minutes.fr,* on Thursday 7 April 2011.

[27] During an interview of Laurent Gbagbo on the Ivorian television on 24 January 2009.

Although there are different points of view, there is a double instrumentalization: First of all on Gbagbo's part. He used the Evangelical Church, particularly its leaders, for his political purposes by his generosity hoping to get their vote, then, the Evangelical leaders also manipulated Gbagbo, by making him believe that through prophecies and divine revelations he was God's choice, at the cost of invalidating 600,000 citizens' votes in the North of the country.

In any case, even if other factors of the post-electoral crisis (such as the political and geo-strategic appetites, local and western economic interests, struggles of position and style of political leadership) can be mentioned, the Evangelical religious feeling has been more decisive with Gbagbo and his camp in causing them to get stuck with a die-hard and at the limit suicidal determination.

3.4 "Laurent Gbagbo and the Evangelical Church are one and the same"

Since the post-electoral crisis, according to popular feeling, the Church in general, and notably the Evangelical churches and some Evangelical pastors at the centre of the big controversy are partly responsible for the worsening of the post-electoral crisis. Those churches and their leaders, on the other hand, think that they are victims of violence and confusion between themselves and Gbagbo. However, everybody acknowledges an outburst of violence against all the social categories and against all the religious communities as well. In other words, there was a brutalization of the Ivorian society and an appalling loss of respect for human life.

Keeping this in mind, one may wonder about specific reasons for violence perpetrated against the Evangelical church and its leaders, and how this relates to their alleged ties with Gbagbo. In fact, the Evangelical pastors complain about remarks and accusations levelled at them by certain leaders of the new Power, and they also complain about violence perpetrated against them by the Republican Forces of Ivory Coast (FRCI).

Thus, Ally Coulibaly, the Ambassador of Ivory Coast in Paris, a high-level representative of the Ivorian State, commenting charges brought against the FRCI for their alleged role in the massacres in the West of the country, and therefore against the new government which he represents in France, had this to say:

> And it is Caritas, the Catholic rescue organization, a NGO which alleges the figure of this death toll of 1000, without any investigation. When we know that this NGO is close to the Church, and that the Church never wanted Alassane Ouattara to win [...] it is even a matter of question what Caritas is trying to do.[28]

[28] Ally Coulibaly made this statement on radio *France Info,* on 4 April 2011.

The daily *Le Nouveau Réveil* (Tuesday, 17 May 2011) featured the title "Evangelical Churches of Ivory Coast and the post-electoral crisis: the failure of faith". The journalist concludes: "The beginning of this failure of faith means the end of Laurent Gbagbo."

During an electoral meeting of Alassane Ouattara, an eminent leader of his party asserted: "Laurent Gbagbo and the Evangelical Church are one and the same."[29] Let us also mention another case of innuendo and violence reported by the same daily (*Le Nouveau Réveil,* 17 May 2011). In describing the following scene in front of an evangelical church whose pastor is in exile now, the paper stresses the relations between the pastor and Gbagbo's clan, particularly Simone Ehivet Gbagbo:

> This Sunday, 8 May, The Leaders' Church of Cocody-Plateau Dokoui is attended by unusual visitors [...]. In front of the church is an Escort four-wheel drive vehicle on which it is written "FRCI", Republican Force of Côte d'Ivoire. We do not know if the two soldiers who are sleeping on the reclined seats of the vehicle are there because they are escorting an illustrious church member who has recently joined President Alassane Ouattara, or because they are there to watch the actions and the gestures of the leader of the church. This person in charge is none else than Guy Vincent Kodja, self-proclaimed Bishop of the Evangelical church [...]. Pastor Kodja is the nephew of Simone Gbagbo, the deposed First Lady, wife of Laurent Gbagbo [...].

Now this minister had already escaped an assassination attempt which the governmental daily, *Fraternité Matin,* had reported:

> "We also learn that Bishop Guy Vincent was the target of strangers around 10 pm [...]. He escaped, which cannot be said of his driver and his friend, who were both killed." (Marie-Adèle Djidjé 2011).

According to the daily *Soir-Info* (of 25 and 26 June 2011), the Evangelical Confederation of Ivory Coast, led by its President Bishop Kassi d' Azito, met the President of the Supreme Court. Echoing this meeting, the newspaper relates that one of the attendants reported that the President of the Supreme Court (a former Minister of Justice) intends to prosecute certain pastors:

> [...] He displayed great firmness on the judicial procedures which could be undertaken against some of the pastors in exile. And this for purchasing war weapons

[29] "The meeting of 14 October 2010 in Abobo-gare [one of the districts of Abidjan]", as reported in the daily *L'Inter* of Friday, 15 October 2010.

> and changing churches into hiding places of weapons. With documents, pictures and sound, the President of the Supreme Court showed us (the pastors present) the gravity of the facts blamed on some of our people to the point of sometimes leaving us speechless [...]. The source made it plain that the President of the Supreme Court refused to give specific guarantees for the return of the exiled pastors.[30]

Finally, if the international[31] press and the report of the spokesman of the Human Rights of the UN, Rupert Colville (during a press conference on 6 May in Geneva), do not make direct links between the violence against churches and Laurent Gbagbo's membership of the Church, they confirm attacks on churches at diverse places in the country by elements of the Republican Forces of Ivory Coast (FRCI) which are favourable to the new political authorities. There is no clear evidence in support of allegations according to which violence suffered by Christians would have been somehow orchestrated at the summit of the State, or even that it is the direct result of their supposed allegiance to Gbagbo, but in a context of strong socio-political and ethno-regional tensions and of generalized disorder, such amalgams have impacts on the population.

In any case, this violence causes questions to be raised: Does it need to be interpreted as being the revenge of non-Christians or other communities against the Christians among whom Laurent Gbagbo is counted? Or, is it the revenge of the "predestined" or "elected" ones against those who were rejected, the "non-elected", i.e. those who lost the power in the elections?

Up to now, violence is still continuing and could jeopardize religious freedom. However, Bishop Kassi d'Azito, President of the Evangelical Churches Confederation of Ivory Coast (Confeci), who serves as a link between the new authorities and the other denominations and the National Board of directors of the Evangelical Protestant Churches of Ivory Coast[32] admits that certain Evangelical pastors "have stuck their necks out too far into politics and by some of their statements have taken a position contrary to Christian ethics".[33] Then, Bishop Kassi d'Azito portrays a gloomy picture of the situation of the Evangelical churches: "Now, throughout the whole national territory, 1,700 places of worship or evangelical churches have been closed, with churches destroyed and pastors killed, hidden or in exile in France (60), in Ghana (134), or in Togo (75) because of violence."[34]

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30 This information was confirmed by pastor K. J. during an interview on 8 July 2011.

31 Report of Reuters news agency of 6 May 2011.

32 Through the voice of its General Secretary, Rev. Makosso Camille Ariel Joshua, „Père du Sursaut Spirituel". All Board members claimed to be victims of aggression by the Republican Forces of Ivory Coast (FRCI).

33 Interview on 8 July 2011 in Cocody from 4pm to 6pm.

34 Interview on 8 July 2011 in Cocody from 4pm to 6pm.

As to the President of the National Steering Committee of the Evangelical and Protestant churches of Ivory Coast, he insists that "undoubtedly Evangelical leaders have their share of responsibility, but holding them responsible for the crisis as a whole is overstating the case against them and will not contribute to reconciliation. There are too many innuendos and unfounded accusations."[35] Another Evangelical pastor agrees:

> Some of our pastoral colleagues have behaved as politicians, not as men of God. They have made un-Christian speeches and prophecies in favour of Laurent Gbagbo and against Alassane Ouattara. But is it for this that they must be accused of selling weapons? All have failed, the exponents of the political class as well as men of God from all religious denominations.[36]

On the contrary, two of the ministers in exile in Ghana, consider that they "are being persecuted by the new regime because of their adherence to the evangelical faith."[37]

We have two different readings here: while the partisans of the new regime think that ministers must be prosecuted for the sale or hiding of arms or for having supported Laurent Gbagbo, the ministers see themselves as victims of persecution for the sake of their evangelical faith, and there is a lack of religious freedom under the new regime in Ivory Coast.

However that may be, given the fact that Muslims also underwent violence in which there was destruction of mosques and the death of some imams at the height of the crisis,[38] these amalgams, or these comments, afford political opportunities of confrontation of "fears against fears": fear of being "non-predestined" tomorrow and losing power, against fear of being more durably excluded, and of being deprived of it. The long term result of all this, against the backdrop of political competition is the risk to produce a society where everybody is against everybody else. Because today's "elected" ones can become tomorrow's "non-elected" or "outcasts" and today's "outcasts" can turn out to be tomorrow's "elected".

3.5 Religion as a register of legitimating political power

The relationship between the political and the religious spheres has given rise to some excitement in the 1990's (Gilles 2004), the date marking the beginning of the

[35] Interview on 8 July 2011 in Cocody from 4pm to 6pm.

[36] Interview with Pastor Jean in Cocody on 8 July 2011.

[37] Phone interview on 7 July 2011 at 5 pm from Abidjan.

[38] "Côte d'Ivoire: un imam tué lors de heurts à Abidjan (responsables religieux)" published by AFP on Wednesday, 16 March 2011.

processes of democratization in sub-Saharan Africa. The various national conferences appointed men of God, in particular ministers or priests, as "Presidents" of these consultations, bringing them to the foreground of the political scene. This period also marks a strong expansion of the Pentecostal Churches the participants of which tend to position themselves in the public space, in particular in politics. This intervention in the political circles of participants of the Christian religion and also of Muslims (cf. Mary 2002) contributed to promote religion as a register of legitimization of political power.

This penetration of religion into the heart of the political sphere and its projection onto the public space can be explained by the fragility and the incapacity of African States to satisfy the needs and aspirations of the populations, and also by freedom of religion ensuing from political democratization. Furthermore, religious actors gained in credibility with the disfavored segments of society by launching initiatives in their favor in the social sphere: health, education, development, family, etc.

Since 1999, Ivory Coast has been going through a crisis of legitimacy because of the military-political situation. The effects accumulated by this crisis have increasingly provoked the decline of the capacity of the state to provide a satisfactory offer of the goods and the services which it is supposed to supply to the citizens. This is reflected in the fragmentation of institutional power, the disorganization of public services, and the reorganization of these services on the basis of unwritten rules becoming de facto the standard imposed by unofficial actors in quest of support from the political power. We also witness the disintegration of national identities as a sequel to the turning point marked by the rise of Ivorianness ("ivoirité") as a yardstick of citizenship, which has become comparable to a loaf of cheese that can be cut at one's whims into a quarter, a third, or two thirds of the whole, in a country that is, moreover, marked by strong genetic and therefore cultural intermingling of populations" (Akindès 2004).

Any reading of the political dynamism or the intervention of religion in the political sphere cannot ignore this context of conflict which generates a need for a kind of "puff of oxygen" to which the religious part is going to offer an answer by proposing and by building alternative identities. It is from this point of view that Dianteill (2006:264), observing the practices of the Pentecostal Churches in Latin America, thinks that they are not only based on feelings and compromise with the world, but also achieve an indirect contestation of the social order.

The religious references or the appearance of the theory of personal or individual predestination during these last electoral consultations in Ivory Coast, and the politico-religious imagination resulting from it, are all part of this process of producing new representations of political legitimization.

While Laurent Gbagbo is perceived by the Evangelical community mainly as the "first Christian President"[39], even as a "Christian political leader" with a divine mission to promote a "new birth of Ivory Coast", with a view of it becoming a new "Jerusalem" of sub-Saharan Africa, or even of the whole world (see Koné Malachie's prophecies above), Alassane Ouattara, too, is hailed by the Moslem community as "the first Muslim president". One could wonder if he did not put himself in this perspective in 1999 when his application for candidacy had been invalidated because of "doubtful nationality", and his comment was: "It is because I am Muslim and a native Jula from the North that they do not want me to be candidate for the Presidency of the Republic".[40]

At this junction, there is confusion between the fate of a "Nation" and that of an individual: the Nation cannot develop nor be imagined apart from this individual. He becomes a kind of "Messiah" or made up "Saviour", crystallizing in his person all the expectations, but also all frustrations. Without this Messiah no Nation, no "parousia": this is clearly a suicidal vision of democracy. Indeed, the consequence of this logic is to hinder the course of history and seriously damage the truth supposed to lead into collective freedom. To take the risk of such a biased approach will always end by adding to the frustrations which lead societies deeper into the deadlocks and crises of which they are supposed to be cured.

For one last time, let us emphasize, with respect to this theory of personal or individual predestination, its demobilizing effect on democratic processes. What it amounts to is a judgment on human life which is selective, anti-democratic and discriminatory. From the outset, it distinguishes the righteous from the wicked, the elected from the outcasts.

It is true that Christians concerned about loyalty to the Bible, too, cannot forsake this message on judgment and its finality in terms of salvation or perdition. However, is it up to a human authority to choose or to draw the line between destinies of human beings? Is God not omniscient? In fact, when God speaks about just men and about evil ones, it is not about closed categories of a priori limited access. The just men about whom God speaks, who have access to his Kingdom, do not establish a category of intrinsically superior elites having achieved all the moral and religious exploits: they are poor people, sinners who humbly accepted the grace of God and who live according to it.

In any case, this theory of individual predestination generated a kind of sectarian elitism which aroused an aversion with most people.

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[39] The prophet Kacou Séverin, referring to Laurent Gbagbo in his preaching in the 1990's, spoke about the first Ivorian president who would be Christian.

[40] This assertion is repeated on the site: http://www.touspourlacotedivoire.info/?m=20110408&paged=2.

Conclusion

The interferences between politics and religion, as we have seen, are complex, and more than ever raise the question of the separation between both spheres, but also that of the worldwide spread of new religious phenomena.

On the one hand, the question of the separation of politics and religion is worth being taken very seriously as far as Ivory Coast is concerned. In fact, if the political and religious leaders do not allow this issue to be debated openly, Ivory Coast will continue to be built on the alternation between politico-religious violence and amalgams between the public and the private sphere and vice versa, and this risks to happen at crucial moments of its history, as was the last presidential election.

With a definition of secularism in France in view, Baubérot (2003:16) identifies three axes of reflection: "The first one represents the respect for freedom of conscience and for worship; the second, the fight against any domination of religion over the State or civil society; the third, the equality of religions and convictions".[41]According to the author, different actors privilege different axes more than others: Thus, Christian believers will especially tend to emphasize the first one. On the other hand, as society has grown more secular, agnostics have constructed their secular identities, relying exclusively on the second axis. And the media, too, are inclined to talk about secularism from this angle, because it is the most conflictual one (Baubérot 2007).

In Ivory Coast, the political and religious leaders claim adherence to the first definition when it serves their interests, but in reality they practice an Ivorian brand of "civil religion"[42] (Bellah 1967), instrumentalizing politico-religious imagination for their purposes. Certainly, "lay morality does not exclude personal religious commitment nor individual faith" as Caillavet (1998) points out. But the question remains: Do we want separation, and what form of separation do we want? In any case, the French way of conceiving this separation, at least in its pure form, cannot suit us, since Ivory Coast has not the same history as France and the Ivorian context is different from that of France. It remains therefore to find the form of separation which is best adapted to our needs, and to define its modalities and the conditions of its application.

On the other hand, it is important to take into account the fact that the interferences between religion and politics are part of a cross-border phenomenon, which according to Mary, Fouchard & Otayek (2005) "refer to a logic of spreading the practices and values in a space which is not bounded by national borders […]".

[41] The Ivorian constitution also makes this separation.

[42] According to R. Bellah "the civil religion confers a spiritual dimension to politics ; it is a mainly utilitarian concept".

These two readings underline the importance of this question of politico-religious amalgams in the Ivorian context and show that the debate must get rid and stay clear of messy and simplistic interpretations if it is going to avoid the risk of it losing its significance and becoming a trivial matter.

The debate is open. It is part of a general reflection on the necessity of reinventing the social, cultural, religious, political and economic order for Ivory Coast.

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Religious freedom in education

Real pluralism and real democracy require real choices for parents

Michael P Donnelly[1]

Abstract

Modern governments increasing their role in education have caused increasing conflicts when parental religious or philosophical convictions conflict with values represented by school curriculum and activities. International human rights recognize the superior right of parents to control their child's education and free nations must not impose unreasonable constraints on private schools and should permit their citizens to homeschool. However countries like Germany and Sweden do excessively regulate private schools and either oppress or highly disfavor homeschooling causing some to flee while others have sought, and in at least one case received, political asylum in the United States.

Keywords Religious freedom, parental autonomy, government restrictions on religion, family integrity, persecution, suffering, democracy and pluralism, human sexuality.

1. Introduction

In June 2009, seven-year-old Domenic Johansson was seated on an international flight with his parents. The family was moving from Gotland, Sweden to his mother's home country of India. Annie and Christer Johansson planned to open a ministry to orphanages and to be near family. Minutes before the doors closed and without any warning, armed officers stormed the plane and took a stunned Domenic into state custody. Although subsequent court documents indicate that Domenic had a few cavities and had not received government-recommended vaccinations local authorities initiated the seizure because he had been cared for and homeschooled

[1] Michael P Donnelly (*1967) is the Director for International Affairs at the Home School Legal Defense Association (hslda.org), 1 Patrick Henry Cir., Purcellville, VA, 20132, USA. Donnelly earned a J.D. from Boston University School of Law and is a Paul J. Liacos Distinguished Scholar. He is an Adjunct Professor of Government at Patrick Henry College in Purcellville, VA where he teaches constitutional law. Donnelly is an advocate for home education and serves over 15,000 families in 11 states and 200 countries working with homeschooling organizations and helping resolve disputes between authorities and homeschooling families. A father of seven, Donnelly with his wife (to whom he is eternally grateful for her support) is a homeschooling parent. Paper received: 18 October 2011. Accepted: 12 December 2011. E-mail: miked@hslda.org. For more information visit: ww.hslda.org/about/staff/attorneys/donnelly.asp.

by his mother.[2] Annie Johansson had two earned university degrees. However, in Sweden, where 90% of 18-month-old children are in state-run daycare and only about one hundred families homeschool, this automatically placed the Johansson's outside the mainstream of society. Yet in Sweden this is apparently reason enough to seize a child and put him foster care without any prior notice or hearing. As of November 2011, Domenic has still not been returned to his parents and has not had any contact with them for nearly a full year.

Mrs. Lydia Fröhlich of Salzkotten, Germany was imprisoned for 10 days in July 2011 because she would not permit her child to participate in an elementary school sexual education program. The program presented to students in the third and fourth grade was a stage project called "My body belongs to me!" The program was characterized as a sexual abuse prevention program. However, applicants Eduard and Rita Wiens and others asserted that the program violated their religious convictions by teaching "to make a child's own feelings and will the basis of his or her sexual behavior" (ECHR Dojan: 6). After losing in all appeals courts in Germany, the family took their case to the European Court of Human Rights ("ECHR"). In September 2011 the Court dismissed their application, writing that Germany was within its "margin of appreciation" to imprison parents who seek to opt their children out of a few days of government school classes over religiously objectionable content. The Fröhlichs and five other families served jail time ranging from 10 days to six weeks (ECHR Dojan: 8).

When the Romeike family of Bissingen, Germany followed their religious convictions to homeschool their children in 2007 they were threatened by local authorities. After police forcibly took their children to school and thousands of dollars of fines were imposed, the family moved to the United States in 2008 and applied for political asylum. In January 2010, United States Federal Immigration Judge Lawrence O. Burman granted them asylum. Judge Burman stated that the family was persecuted because of their membership in the "particular social group" known as homeschoolers in Germany. Judge Burman also found that the German government was persecuting them on account of their religious convictions. Attorneys for the family released a press document stating the following:

> In his ruling, Burman said that the scariest thing about this case was the motivation of the government. He noted it appeared that rather than being concerned about the welfare of the children, the government was trying to stamp out parallel

[2] The author is an attorney for the family in this matter and has personal knowledge of the court documents and correspondence with local authorities and makes this assertion on the basis of personal information and belief as well as on the basis of statements made by authorities in correspondence with the author and made to the media immediately following the abduction.

> societies – something the judge called "odd" and just plain "silly." In his order the judge expressed concern that while Germany is a democratic country and is an ally, he noted that this particular policy of persecuting homeschoolers is "repellent to everything we believe as Americans." (HSLDA 2010)

Such occurrences in nations with otherwise strong commitments to democracy and pluralism raise questions about such society's willingness to tolerate pluralistic differences and their notions of liberty.

In this article we will use selected laws and cases from Germany, Sweden, the United States and the European Court of Human Rights to observe how certain governments protect, or in some cases do not protect, the religious and philosophical convictions of parents in the area of education and measure these protections against international human rights norms drawn primarily from the United Nations. Although these mentioned governments are known to respect human rights and support democracy and pluralism, the above examples raise questions as to whether Germany and Sweden, in particular, meet their international human rights obligations with respect to accommodating the religious convictions of parents who seek exemptions within or excuses from government-run school systems.

2. Democracy and pluralism

Diana Eck, a Harvard professor of comparative religion and the director of the Pluralism Project at Harvard University, argues that pluralism is more than "mere tolerance of differences; it requires some knowledge of our differences … tolerance is probably too thin a foundation for a society as religiously diverse and complex as that of America … pluralism requires the nurturing of constructive dialogue, revealing both common understandings and real differences" (Eck 2011).

For liberal democracies who at least speak about respect for differences within their societies, German and Swedish restrictive public policy toward private education arguably deny parents sufficiently meaningful opportunities to enroll their children in non-government school alternatives, either by making it difficult for private schools to exist independent of state control or by harshly treating parents who seek to teach their own children privately at home (Ray 2011). In the United States, where homeschooling is universally legal, government-run school systems are prevented from accommodating parental religious convictions due to the judicial theory of the separation of church and state. Internationally renowned education professors Drs. Charles Glenn and Jan de Groof write that the right of parents to guide the development of their children and to choose the appropriate form of education for them is fundamental and that to deny that choice is unjust and unworthy of a free society (Glenn & De Groof 2005:1).

3. A dilemma

In the opinion of many religious parents, the government school system is hostile to their religious convictions (Shortt 2004:12). An increasing number of court and legislative conflicts between governments and parents over education show this plainly (DeGroff 2009:128-132). Key areas of conflict hinge on issues such as: whether parents may exempt students from certain classes with objectionable content; whether citizens or governments may allocate tax monies to the support of private religious schools; to what extent parents may influence content selection in classes; whether prayer is permitted in schools or at school activities; to what extent may religious student groups exist; and others.

In the United States one observes that private education is virtually unregulated and widely available. Most state laws permit religious private schools to exist with minimal or no state controls beyond assurance that a minimum education is provided. In most cases, private school teachers need not be state certified, subjects are only generally prescribed, and the administration of the schools is left to private parties. This is not so in Europe, where significant government controls and involvement make it more difficult for private schools to exist. These controls include curriculum approval requirements, waiting periods, and requirements that schools provide a unique or distinguishing feature, have a certain minimum financial capitalization, and other bureaucratic hurdles (ECHR Dojan: 10). Consequently, parents have fewer private schools from which to choose and those that do exist are usually not much different in curriculum and prevailing worldview than the government schools. Such limited private school options make home education an even more important alternative.

In all 50 of the United States homeschooling is legal only following decades of legislative and legal conflicts. In Germany, homeschooling is prohibited and parents who attempt it are fined heavily, criminally prosecuted, or face threats to their custody rights. In Sweden, homeschooling is heavily disfavored and denied in many places by local authorities. Parents who attempt to homeschool in Germany or Sweden have faced social services investigations, resulting in some cases in the threat of or the actual taking of children from parental custody. Parents in these countries who seek for sincere religious or philosophical convictions, or pedagogical considerations, to homeschool their children face a stark choice: conform or leave. These realities demonstrate the conflict between parents and the state in the area of child rearing.

4. The hand that rocks the cradle rules the world[3]

Until the middle-ages the state played a minor role in education. The Reformation in Germany initiated the interest in literacy and the interest by ruling authorities

[3] William Ross Wallace poem, *"The Hand That Rocks The Cradle Is The Hand That Rules The World,"* 1865.

both in the church and in government to requiring education (Glenn 2011:1-3). In 1530, Luther delivered a sermon entitled "Keeping Children in School" stating:

> I maintain that the civil authorities are under obligation to compel the people to send their children to school, especially such as are promising… If the government can compel such citizens as are fit for military service to bear spear and rifle, to mount ramparts, and perform other martial duties in times of war, how much more has a right to compel the people to send their children to school, because in this case we are warring with the devil… (Glenn 2011:5)

Thus entered the state into the area of education asserting a forceful new and competing authority to influence the minds and values of children with the purpose of shaping society (Glenn 2011:8). This intrusion into an area previously reserved to parents and the church has resulted in increasing and continuing conflicts, first between the church and the state and now between the state and parents.

The United States Supreme Court has captured the now-predominant view of most civilized nations with respect to the importance of education as a state function:

> There is no doubt as to the power of a State, having a high responsibility for education of its citizens, to impose reasonable regulations for the control and duration of basic education. Providing government schools ranks at the very apex of the function of a State. (Wisconsin vs. Yoder 1972)

However, even if education is an *appropriate,* perhaps even *critical* state function, to what extent should a democratic state be permitted under human rights principles to *compel* parents to subject their children to instruction in the face of religious-based objections or in the absence of legitimate exemptions, to inhibit them from exiting the government school system entirely? A survey of key internationally recognized human rights documents demonstrates the fundamental right of parents to control and direct their children's education; not only that the parents' right be recognized but that the parents' right is *superior* to the State's interest in the education of its citizenry.

5. Parental rights in education are human rights

The Universal Declaration of Human Rights of 1948 states that "parents have a *prior right* to choose the kind of education that shall be given to their children" (emphasis added). The use of the word "prior" indicates the hierarchy and primacy of the right of parents in relation to the State. *The European Convention for the Protection of Human Rights and Fundamental Freedoms* from 1950 further provides in Article 2 of Protocol 1:

> In the exercise of any functions which it assumes in relation to education and teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own *religious and philosophical convictions.* (Emphasis added.)

The UN's *International Covenant on Economic, Social and Cultural Rights* entered into force in 1976, stating in Article 13.3:

> The States Parties to the present covenant undertake to have respect for the liberty of parents [...] to choose for their children schools, other than those established by public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure that *religious or moral education* of their children is in conformity with their own convictions. (Emphasis added.)

The *International Covenant on Civil and Political Rights,* also from 1976, provides in Article 18, paragraph 4 that:

> The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to *ensure the religious and moral education of their children in conformity with their own convictions.* (Emphasis added.)

6. Democratic values preclude educational monopolies

But for movements that seek to reshape or transform society, control of or at least influence over the educational policy-making apparatus is a crucial objective. Forces with influence over a child's education are able to steer them because of their tender age. Thus, a state-controlled educational system that is compulsory is a success factor for agents of social change.

For example, in early 20th century America, leading proponents of secular humanism viewed the government school system as a natural building block in the establishment of their worldview and their vision for future American society. Charles Francis Potter, along with others – including his contemporary and the influential architect of the modern American public school system, John Dewey – wrote and signed the Humanist Manifesto after founding the First Humanist Society of New York. Potter, in 1930, wrote:

> Education is thus our most powerful ally of humanism, and every public school is a school of humanism. What can the theistic Sunday school, meeting for an hour

> once a week, and teaching only a fraction of the children, do to stem the tide of a five-day program of humanistic teachings? (Potter 1930:128)

Potter and Dewey realized that education was a necessary ingredient to the imposition of their new philosophy. Schooling in the US was now compulsory and run by the government, who had the authority to make families comply under threat of criminal prosecution. Humanist writer John Dunphy captures the glee of the humanist movement:

> The classroom must and will become an area of conflict between the old and the new—the rotting corpse of Christianity, together with its adjacent evils and misery and the new faith of Humanism, resplendent in its promise of a world in which the never-realized Christian idea of 'Love thy Neighbor' will finally be achieved. (Dunphy 1983:26)

However, the view that government control of education is necessary to the survival of a democratic society is extreme and conflates "society" with "State." These concepts are not synonymous, and a government's interest in expanding its power may very well be at odds with the people's interest in freedom. History reveals ghastly consequences when government commandeers the education system and imposes its values for political purposes. In 1938, Adolph Hitler nationalized the German education system in order to cement his grip on a key institution within society (Spiegler 2009:299). Hitler knew the importance of controlling education as a means for directing society:

> When an opponent declares, "I will not come over to your side," I calmly say, "Your child belongs to us already … What are you? You will pass on. Your descendants, however, now stand in the new camp. In a short time they will know nothing else but this new community." (Shirer 1960:343)

Yet some legal scholars today seem to echo the idea that only the government can or should educate children. Emory University School of Law Professor Martha Albertson-Fineman says it is not enough that children have *the opportunity* to go to a government school but that home and private education must be *banned.*

> …public education *should be mandatory and universal.* Parental expressive interest could supplement but never supplant the public institutions where the basic and fundamental lesson would be taught and experienced by all American children: we must struggle together to define ourselves both as a collective and as individuals. (Albertson-Fineman 2009:235; emphasis added)

A somewhat less totalitarian view represented by University of North Carolina law professor Dr. Maxine Eichner argues that the state's interest in education is of at least equal importance to that of parents. The values necessary for the survival of "democracy" are not "spontaneous" but rather must be "nurtured" through education – an education that if not monopolized by the state is heavily regulated by it:

> In a liberal democracy, it is inevitable that there will be conflicts among parents, children, and the state's interests with respect to education. Given the *legitimacy of claims by the community* to have a say in how its future citizens should be educated; the equally legitimate claims of parents to have a say in how their own children should be educated; the need for children to develop the autonomy that liberalism demands; and the needs of the polity to ensure that children come to possess the civic virtues necessary to perpetuate a healthy liberal democracy, none of these interests can be allowed completely to dominate education in public schools. (Eichner 2006: abstract; emphasis added.)

By prioritizing the interests of "the community" for its "future citizens" as compared with the "claims of parents," Eichner relegates families to mere cogs in the gears of state machinery. Eichner assumes that the "claims of the community" are equal to or greater than those of the family.

Eichner's position raises many questions. Is there only one community? Only one spokesperson? Why should children be considered autonomous? Isn't it the very nature of a child to be *dependent* and not autonomous until they reach the age of majority? If liberalism requires that children be autonomous in relation to their family, where do they obtain these democratic values that must be nurtured for the good and survival of "polity"? Law professor Eric A. DeGroff sees destructive impact in a government education monopoly:

> It is difficult to imagine anything more destructive of liberty than a government with the authority to override parental choices concerning the development and values of the next generation – particularly religious or moral values. One of the keys to maintaining American democratic institutions has been the freedom of diverse families to choose for themselves what values to hold and what course to follow. Until the turn of the twentieth century, the courts routinely recognized and vindicated these rights when parental concerns collided with the curricular choices of public school officials. (DeGroff 2009:126-127)

However, it appears that the surrogate parent argued for by Albertson-Fineman and Eichner is a government-run education system. Law Prof. Bruce Hafen describes the dangers of state-controlled education:

> Monolithic control of the value transmission system is a hallmark of totalitarianism. Thus, for obvious reasons, the state nursery is the paradigm for a totalitarian society. An essential element in maintaining a system of limited government is to deny state control over child rearing, simply because child rearing has such power. Even if the system remains democratic, massive state involvement with the rearing of children invests the government with the capacity to influence powerfully, through socialization, the future outcomes of democratic political processes. (Hafen 1983: 480-481)

7. ECHR educational jurisprudence is weakening democracy

Several recent applications to the ECHR, an institution charged with adjudicating the individual rights of European citizens as articulated in the European Convention of Human Rights ("The Convention"), have raised questions about the legitimacy of this international judicial body in the area of adjudicating parental rights in the context of education especially where there is an issue regarding the protection of religious convictions.

Article 2 of Protocol 1 of the Convention states that:

> No person shall be denied the right to education. In the exercise of any functions which it assumes in relations to education and to teaching, the State shall respect the rights of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Two cases from Germany are of particular interest demonstrating the problem of banning home education in a pluralistic democracy. German parents face a Hobson's choice in certain instances where they have religious objections to either government schools or government school curriculum.

In *Konrad and Others v. Germany,* the ECHR decided not to inquire further into Germany's ban on homeschooling articulated in 2003 by the German Constitutional Court by dismissing the case without having a formal legal argument (ECHR Konrad 2006:3). The Konrad family had sought to educate their children at home for religious reasons. However they were fined by the local school authorities. They appealed the fines but were told by German courts that it was appropriate for the state to ban home education *in the name of* safeguarding pluralism and in defense of democracy (ECHR Konrad 2006:1). The ECHR rejected the *Konrad* application without allowing for factual or legal argumentation, holding that Germany was within its "margin of appreciation" to ban home education. Surprisingly, the court did not challenge the foreboding language used by the German court – that society had an interest in "stamping out parallel societies" and forcibly "integrating minorities."

Then, in 2011 in *Dojan and Others vs. Germany,* the Court dismissed another application from several German parents who had been incarcerated because they kept their children home, rather than sending them to school to attend certain class periods and activities that discussed human sexuality in a way that violated their religious convictions. Rejecting factual and legal argumentation again, the court upheld the German court's findings on the grounds of expediency:

> However, the setting and planning of the curriculum fall in principle within the competence of the contracting states. This mainly involves questions of expediency, on which it is not for the court to rule and whose solution may legitimately vary according to the country and the era. (ECHR Dojan: 13)

The ECHR seemed to adopt the German court's strange view of pluralism, writing that "[t]he second sentence of Article 2 of protocol no. 1 aims at safeguarding the possibility of pluralism in education, a possibility which is essential for the preservation of the 'democratic society' as conceived by the Convention. In view of the power of the modern state, it is above all through state teaching this aim must be realized" (ECHR Kjeldsen: 50).

Instead of protecting individuals from the power of the state to forcibly "integrate" them, the court upholds the power of the state to impose "democratic values" on its citizens. This sounds very much like Albertson-Fineman and Eichner's arguments that the state *must* enforce *its views.* The court appears to adopt Albertson-Fineman and Eichner's beliefs that government-run schools are the only way to develop and shape the character of children such that a democratic society can survive:

> The convention itself [is] an instrument designed to maintain and promote the ideas and ideals of a Democratic society. This is particularly true in that teaching is an integral part of the process whereby a school seeks to achieve the object for which it was established, including the development and molding of the character and mental abilities of its pupils as well as their personal independence. (ECHR Dojan: 14)

In *Dojan,* the Court reviews its previous cases on the subject of religious freedom in education and acknowledges that the Convention imposes a broad duty on the state to respect the religious convictions of parents when the state undertakes to provide education for children. The Court cites *Folgerø and Others v. Norway* for the idea that "the state is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents' religious and philosophical convictions. That is the limit that must not be exceeded" (ECHR Folgero: 84). The court continues, "it seems very difficult for many subjects taught at school not to have…philosophical

complexions or implications. The same is true of religious affinities" (ECHR Dojan: 14). The Court also reviewed the curriculum standards at issue in the German State of North Rhine Westphalia:

> … to provide pupils with knowledge biological, ethical, social, cultural aspects of sexuality according to their age and maturity in order to develop their own moral views and independent approach to sexuality. (ECHR Dojan: 10)

The court's dismissal of the application without hearing legal and factual argument before the grand chamber ignores parents' religious convictions and appears inconsistent with the focus of the Convention on *individuals'* rights. The court seems persuaded that the *"neutral* transmission of knowledge regarding procreation, contraception, pregnancy, and childbirth in accordance with the underlying legal provisions and the ensuing guidelines in the curriculum, which were based on current scientific and educational standards," is acceptable.

But for many, the topic of human sexuality is deeply personal and many religious traditions prescribe moral teaching about sexuality. Is it possible for the state to impart such information in a "neutral manner" when there are so many differing views about how, what and when children should be taught about human sexuality? Does a policy that specifically seeks to "promote [children's] own moral views and independent approach", in conflict with parents' religious convictions, cross the line of indoctrination? Isn't it the essence of *indoctrination* when the State encourages children to have different moral views from their parents? The court's findings in *Dojan* are not so different from rulings in similar cases from other tribunals in Europe and the United States.

8. A glaring difference: Europe vs. the United States

In contrast to Germany, Sweden and the European Court of Human Rights, American courts have been far more accommodating to religiously and philosophically motivated parents who seek to *remove* their children entirely from the government school classroom. Legal outcomes were initially uncertain for American parents in the 1970s and 1980s who sought to homeschool their children, as courts and legislative battles were fought over whether homeschooling was a legitimate exception to the compulsory attendance laws of the 50 states.

However, over two decades, virtually every state created laws, regulations, or court precedents to recognize that parents could choose to educate their own children at home. While most states did not explicitly connect homeschooling with religious conviction, one of the most significant victories for homeschoolers came in 1994 in Michigan (Gaither 2008:179). In *People v. DeJonge,* the Michigan Su-

preme Court ruled that it was an unconstitutional infringement on religious expression to require teacher certification for parents who homeschool their children for religious reasons. The Michigan Supreme Court declared:

> …the historical underpinnings of the First Amendment to the US Constitution and the case law in support of it compels the conclusion that the imposition of the certification requirement upon the DeJonges violates the free exercise clause. We so conclude because we find that the certification requirement is not essential to nor is it the least restrictive means of achieving the State's claimed interest. Thus, we reaffirm that sphere of inviolable conscience and belief which is the mark of a free people. We hold that the teacher certification requirement is an unconstitutional violation of the free exercise clause of the First Amendment as applied to families whose religious convictions prohibit the use of certified teachers. Such families, therefore, are exempt from the dictates of the teacher certification requirements. (DeJonge v. Michigan 1993:144)

The United States Supreme Court has also recognized that religious convictions are an appropriate factor on which to exempt children from government schools even when compulsory school laws provide otherwise. In the 1972 case of *Wisconsin vs. Yoder,* the United States Supreme Court ruled that Wisconsin's compulsory attendance law infringed upon the fundamental rights of Amish parents who wished their children to leave government school after age 14 or the completion of eighth grade. This respect for the role of parents was reaffirmed in 1979 when the United States Supreme Court wrote:

> Our jurisprudence historically has reflected Western civilization concepts of the family as a unit with broad parental authority over minor children. Our cases have consistently followed that course; our constitutional system long ago rejected any notion that a child is "the mere creature of the State" and, on the contrary, asserted that parents generally "have the right, coupled with the high duty, to recognize and prepare [their children] for additional obligations"… Surely, this includes a "high duty" to recognize symptoms of illness and to seek and follow medical advice. The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions. More important, historically it has recognized that natural bonds of affection lead parents to act in the best interests of their children. (Wisconsin vs. Yoder 1972:233)

However, in spite of this homage to parental authority, United States courts have drawn a line at the door of government school where such parental rights cease.

Parents of government school children have lost case after case where they have sought accommodation of their religious convictions. Parents in these cases have sought to exempt children from certain types of content, such as sexual education, condom distribution, and sexually explicit surveys and to require the inclusion of certain types of content, such as the teaching of intelligent design or creation along with the theory of evolution, or requiring sexual education to include an abstinence component (DeGroff 2006, Dahl 2008, Hodgson 2004). Virtually all rulings are in favor of the government allowing schools to choose curriculum and manage student attendance and schedules, stating that the disruption caused by giving effect to individual parental interests, religious or otherwise, was too great (DeGroff 2009). Sounding very much like the ECHR in *Dojan,* the United States First Circuit Courts of Appeals wrote 16 years earlier in 1995:

> The state cannot prevent parents from choosing a specific educational program – whether it be religious instruction at a private school or instruction of foreign language… We do not think, however, that this freedom encompasses a fundamental constitutional right to dictate the curriculum at the public school to which they have chosen to send their children… We think it is fundamentally different for the state to say to a parent, you can't teach your child German or send them to parochial school, than for the parent to say to the state, you can't teach my child subjects that are morally offensive to me. (Brown v. Hot, Sexy and Safer Productions: 533-534)

Thus, parents who place their children in the public school system in the United States face virtually identical challenges as parents in Germany, and much of Europe, regarding exempting their children from religiously objectionable content. However, unlike parents in Germany and other countries, American parents may legally withdraw their children from the public school and teach them at home without overreaching oversight, and in no case is the state able to require parents to teach subjects that are objectionable to their religious convictions.

9. Conclusion: Parental rights are fundamental to democracy and pluralism

The German Constitutional Court, the Swedish parliament, and American law professors Albertson-Fineman and Eichner argue that it is only possible for values to be taught by the State in government-run or approved institutions. This argument essentially says that in the name of survival, pluralistic societies must be intolerant of pluralism of education.

Parents in the United States enjoy broad discretion and opportunity to educate their children outside of the government school system. Thus if they encounter

irreconcilable conflicts over religious issues, they have an option to exercise liberty in accordance with their convictions. The decades-long struggle of the United States' homeschooling movement in legislatures and courts shows how democracy can work to protect the right of different views without doing violence to the human rights norm that parents are primarily responsible for the education of their children. Although the result in the United States was a patchwork of regulatory schemes representing diverse local views on achieving a balance between the State's interest in education and the right of parents, all fifty of the United States made it possible for parents to homeschool their children.

Countries that protect the right of parents to exempt their children from the government school system arguably demonstrate a true commitment to liberal democracy and pluralism. Societies that claim to be free and democratic might consider the words of the United States Supreme Court:

> The fundamental theory of liberty upon which all governments of this Union repose exclude any general power of the state to standardize its children by forcing them to accept teaching from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations. (Pierce v. Society of Sisters 1925: 535)

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Governing the faithful

A discussion of religious freedom and liberal democracies with particular focus on the United Kingdom

Nicholas Kerton-Johnson[1]

Abstract

This article examines the tension between liberal democratic government and citizens of faith with a particular focus on Christians in Great Britain. The article examines the reality of increasing cases of marginalization of Christians in liberal democracies and the contest of rights which is at the heart of these cases. The article questions the rise of a hierarchy of rights, representing a totalistic pluralism which threatens the foundational nature of a liberal democracy: freedom of conscience and belief. It closes with a discussion of the implications of this clash for believers living in Western states.

Keywords Religious freedom, liberal democracy, marginalization, faith, hierarchy, rights.

"Despotism may govern without faith, but liberty cannot" **Alexis DeToqueville**

"Freedom of religion is indeed the oldest of the international recognized human freedoms" **John Humphrey**, *principal writer of the Universal Declaration of Human Rights*

1. Introduction

This paper interrogates the relationship between the state and the faithful, those of religious faith who subscribe to traditional teachings and reside within liberal western democracies. Alexis DeToqueville made a clear claim for the primacy which religious freedom should be afforded within democracy where the very idea of freedom is founded on theological conceptions. This paper examines the relationship between liberal democratic government and religious believers who hold to traditional interpretations of their faith. It draws attention away from the much criticized lack of religious liberty in non-Western states[2] to look at the gradual erosion

[1] Dr. Nicholas Kerton-Johnson (*1974), Assistant Professor of Political Science, Taylor University. The author is also the CEO of The Ephesus Initiative, a research organization collating and analyzing cases of discrimination against Christians in Western states. American spelling is used in this paper. Paper received: 26 November 2011. Accepted: 4 December 2011. Contact details: Department of Political Science and International Relations, Reade Center, Taylor University, Upland, Indiana, 46989, E-mail: Nckertonjohnson@taylor.edu.

[2] For a few examples see the US State Department's Report on International Religious Freedom at http://www.state.gov/g/drl/rls/irf/2010/index.htm.

of religious rights and the increasing conflict between liberal progressive views and those of religious groups, with particular focus being placed on groups following traditional or evangelical Christian teaching. The United Kingdom is the principal case study for this paper, but it will also draw on theory from further afield.[3] The paper will firstly show the reality of marginalization, hostility and persecution (MHP) of traditional Christian beliefs including the major points of tension and opposition, will highlight major legislation leading to these "rights conflicts" and will discuss some of the current and potential outcomes for the faithful if they are, or perceive to be, increasingly marginalized. The issue of religious liberty is, and will continue to be, a defining feature of domestic and international politics. It has the ability to radically alter the social, legal and moral framework of liberal democratic states and realize a transnational Christian allegiance that will contest the state for the ultimate loyalty of the faithful.

It is beyond the scope of this paper to discuss the role of Christianity in securing democracy, enhancing pluralism and the general importance of religious freedom, but a few brief points can be made. There is, for example, a clear link between Christianity and freedom. Over 80% of free countries as defined by Freedom House are Christian majorities and many of the remaining have Christian minorities influential in the democratization process (Hertzke 2004:26). As a historical fact, modern democracies emerged out of Christian societies. Pluralism, the value of every human life, the historic struggle for freedom and autonomy of power apart from the state, all mark Christian history and Christianity's continuing contributions to democracy (Hertzke 2004:26).

The contribution of Christianity to the formation of western states and trends against Christians in these same states are subjects given little attention by scholars, who are either uninterested or particularly antithetical to Christianity. Secular myopia ignores the role of religion in society and in particular the incredibly vast suffering of believers. Hundreds of thousands of Christians have for decades suffered horrific persecution around the world with hardly a mention within Western academia (Marshall 1997:181-210). Why should a far less violent form of opposition attract attention? But attract attention it must. Not only is this a matter of basic human rights, enshrined in European and international law, but, if it should begin to result in disobedience, the consequences for the state are difficult to predict. One thing is certain. The evangelical and charismatic church is growing, and growing fast. The liberal church is largely dying. If church-state relations are to be defined,

[3] Thanks to Jon Davies who pointed out the importance of appreciating the different experiences felt by traditional religious majorities and more recent immigrant based minority religious communities. While the latter is a necessary area of study, the former category – Christian believers – are the focus of this study.

it will be by the more passionate, proselytizing groups of Christians represented in these churches and not a latitudianist remnant. It is, in other words, exactly that form of Christian expression which is leading to the clash of rights which is growing – the accommodating, liberalizing churches are, on the whole, dying. We don't live in an age of secularity; we live in an age of explosive, pervasive religiosity and conflict over rights is only likely to increase (Berger 2006).

2. The reality of MHP: Cases and surveys

The Pew Forum, in research released in late 2010, found that Christians face hostility in 71% of European states (Grim 2010:5). Christians in Western states, or at least Christians who adhere to traditional understanding of their faith, are facing increasing hostility within Western democracies.

It is not the purpose of this paper to question the legal merit of the following cases but to point to the contest of rights of which traditional Christian views form one side. It is, in the context of this paper, the appearance of MHP which is as important as its reality, for perception of hostility can be as powerful as reality in creating divisions between the state and the faithful. Two organizations in the UK handle the majority of MHP cases, the Christian Legal Centre (CLC) and the Christian Institute. The following cases all represent clients of these two organizations. This is, however, a fraction of actual incidents and are principally those that appear in the popular media or are pursued in court.

Gary McFarlane, an attorney and part-time marriage counselor, was fired for requesting not to advise homosexual clients. Lillian Ladele was fired for refusing to officiate civil partnerships and not only lost her case, but was refused right to appeal. A colleague of Mrs. Ladele, Theresa Davies, was demoted to a receptionist position for refusing to conduct civil partnerships of homosexual couples. These three cases all relate to Christians declaring that their faith could not allow them to support gay-marriage and that they should therefore not have to engage with such couples in the line of their work. In each case the right to religious freedom was subordinated to those of homosexual clients.

Caroline Petrie, a nurse, was suspended for offering to pray for a patient who was not herself offended by the prayer. Mrs. Petrie, a nurse with an outstanding career, was told that she could not bring her faith into her work. Medical work was essentially to be God free – an ironic situation for the faith at the center of charity and modern medicine. Mrs. Petrie was subsequently reinstated after a lengthy arbitration process. Shirley Chaplain, a nurse, was suspended for wearing a cross deemed a health hazard despite 30 years of excellent service while wearing a cross. Mrs. Chaplain was reinstated to a desk job pending her final 6 months prior to retirement. This is a less clear case of hostility to religious belief given the "health

hazard" claims. It is, however, an important case as the expression of Mrs. Chaplain's faith was subordinated to health policies which reflect a clear lack of concern for her faith. The wearing of a cross had not been problematic for 30 years and could not be shown to be a clear hazard to patients. Margaret Forrester, an NHS health worker, was suspended for airing views and presenting literature in private conversation with colleagues, that women having abortions were not being told of the full consequences of this act. In this case Mrs. Forrester was suspended for handing out Christian based information to colleagues, not clients. Her professional opinion even in discussion with colleagues was regarded as offensive because it was rooted in Christian belief. Mrs. Forrester was reinstated after action by the Christian Legal Centre.

Olive Jones, a teacher, was suspended for offering to pray for a sick pupil, but was later reinstated when, it is claimed, her employers realized she had not been appropriately briefed. This was only an offer to pray and here again it was effectively argued that a Christian did not have the right to express their faith in the course of their employment.

Peter and Hazelmary Bull, hotel owners, were fined for refusing a homosexual couple accommodation in a double-room, a policy also applied to unmarried heterosexuals. Mr. and Mrs. Bull's case again represented a hierarchy of rights in which religious belief is subordinated to the right to receive services. Duke Amachree was suspended for advising a terminally sick housing benefit recipient to put trust in God, in response to a discussion of faith initiated by the client. Mr. Amachree's lawyers were told that even saying "God bless you" would have been considered grounds for suspension. Even given the client's initiation of the conversation, state lawyers essentially argued for the complete privatization of faith – that it could play no role in Mr. Amachree's work.

Eunice and Owen Johns, who boasted a successful record of fostering, were denied further foster children on the basis of their faith. On appeal to the British courts, this ban was upheld because the Johns would not declare homosexual relationships acceptable. The British court essentially ruled that an evangelical belief system was no longer appropriate for fostering children because of their position on homosexuality.

These are a fraction of cases in the United Kingdom over the past two years. The Christian Legal Centre, which represented Eunice and Owen Johns in the UK High Court, are currently considering a further fifty requests for legal assistance.

In a 2009 survey conducted by ComRes, Christians were asked whether they thought that the risk of persecution in the UK had increased, decreased or stayed the same (ComRes, 2009/10). 23% thought it unchanged, 1% that it had decreased and a significant 76% that it had increased. This is a noteworthy statistic as it speaks

to a view, whether perceived or real, that the place of Christians in the UK is becoming increasingly difficult. Note that the question did not ask about marginalization, but used the strongly emotive term of persecution. When asked of the expected pattern of persecution in the next 5 years, those seeing a decrease were 2% of respondents, no change at 19% and those predicting a continuing trend of persecution 80%. What is a person of faith to do when faced with such a view, that freedom from persecution would not be absent from a liberal democracy founded not only on liberal democratic freedoms, but freedoms won in large part by the church itself? To add further nuance to this survey, 66% of respondents stated that Christians were discriminated against more than other faith groups, while 20% saw all faiths facing discrimination.

In 2010, ComRes completed a similar poll, this time targeting not Christians, but a broad range of respondents (ComRes, 2009/10). In this poll, the terminology referenced marginalization or "the pushing out or disregard of Christians' views in public life". The poll reveals some fascinating statistics. First, approximately 20% of respondents did not have an opinion on the matter. But here again, the highest category was amongst those who saw marginalization increasing, across all categories: "in public, media, workplace and government", numbering 38, 34, 31 and 31% respectively. Of these respondents, the highest category was consistently amongst those who had no religious affiliation and never attended church, showing that the perception of marginalization was not confined to the faithful.

When questioned on whether Christianity would be more or less marginalized over the next five years, the figures increased across the categories to 43, 40, 39 and 37%. Both Christian and non-Christian respondents again saw an increase in anti-Christian activity. This survey was also conducted after the general elections, when the new Conservative-Liberal Democrat alliance government was in power.

When asked whether Christians are free to express their faith, further interesting statistics emerged. While public and the press were still seen as avenues in which Christians are free to express their faith, a clear majority saw that the workplace and government were now restrictive of personal faith. As gay British historian David Starkey warns, "It seems to me that what we are doing is producing a tyrannous new morality that is every bit as oppressive as the old", arguing for a balance rather than hierarchy of rights. "I am very, very concerned that a new sort of liberal morality is coming in, which as I said, is as intolerant, is as oppressive, is as intrusive into family life" (Starkey 2011).

As the cases above show, Christians are being forced to choose between their occupation and religious belief as if faith is something which can be removed from personal choice and action when not in the home. If the guarantee of religious freedom is to have any meaning, it cannot only be referenced to private faith. Freedom

is not freedom if it is limited to weekends and evenings – religious belief must be tolerated in the workplace (Boucher 2010:20). Equality cannot be used to deprive people of their livelihood by forcing a choice between faith and work.. In summary, as Roger Trigg states, "Surveys show that a majority of church-going Christians tend to think that religious freedom, both of speech and practice, is under threat in what often appears to be an increasingly 'secular' country" (Trigg 2010:10).

3. Unequal equality

In liberal democracies, the principal area of contest is in law and in the United Kingdom, this is most powerfully felt in reference to the equalities project, initiated by the Labour government, but showing no signs of being altered by the current Conservative-Liberal Democrat coalition. The equalities project is increasingly ensuring the rights of some minorities against religion and the emergence of a hierarchy of rights. This is contrary to the heart of a liberal democracy which should include the even-handed treatment of different equality interests – none should dominate the other. Indeed, as Trigg argues, "The right to manifest a religion is considered so unimportant in the face of the 'equality agenda' that merely expressing an opinion can become harassment" (Trigg 2010:10) as many of the cases against Christians have proved. Boucher argues: "In the context of the maturing of this liberal democratic form, the rights of minorities have been upheld on the basis of two key principles: 'different (appropriate) treatment under the law' and the 'even-handed' treatment of different equality interests" (Boucher 2010:11). What is occurring in the United Kingdom is a shift from the government issuing legislation to protect minorities from laws designed with the majority in mind, to the enactment of laws designed with minorities in mind (Boucher 2010:12). The result is growing tension between differing minorities and the establishment of a hierarchy of rights which now threatens certain minorities, especially the religious, but Christians in particular.[4]

As Canadian Justice J. A. McKenzie argues, "A religiously informed conscience should not be accorded any privilege, but neither should it be placed under a disability. In a truly free society moral positions advance or retreat in their influence on law and public policy through decisions of public officials who are not required to pass a religious litmus test" (quoted in Benson 2004:93). If a religiously informed conscience is disadvantaged, this is a distortion of the very liberal values apparently being protected (Benson 2004:94).

[4] Cases relating to sexual morality are common, but cases against prayer, wearing of crosses and council orders to prevent worship music point to a deeper antagonism against Christianity which goes beyond equality legislation.

As the cases listed above demonstrate, the two areas where the contest of rights is principally being fought is in relation to employment and the provision of goods and services. The case of Lillian Ladele is illustrative of a missed opportunity to employ an even-handed and balanced approach, as well as revealing the contested nature of legal decision making. Ladele's principal defense rested on her view that she could not actively enable same-sex unions and reconcile such actions with her faith. Islington Council declared this clear discrimination against homosexuals and as she was employed to administer UK law, she could not pick and choose which parts of the law to uphold. The Employment Tribunal handed down its ruling in July 2008, recognizing the direct conflict between two protected rights – religion/belief and sexual orientation, neither of which should override the other. The tribunal ruled that Mrs. Ladele's faith should be accommodated and also criticized the council for the manner in which Mrs. Ladele "was less favorably treated on the grounds of her orthodox Christian religion" (Trigg 2010:11). The tribunal's ruling was a clear attempt to balance competing rights. It was, however, overturned by the Employment Appeal Tribunal, held in December 2008, which ruled that the council could require all registrars to perform all services without claims to religious objections, clearly signaling that religious belief should not be given equal weight. Moreover, the tribunal argued that employees could not claim freedom to manifest their beliefs as they "could resign and take up other employment" – referencing an earlier decision by the European Court. Furthermore, the tribunal ruled that "the limitations imposed on freedom of religion are particularly strong where a person has to carry out state functions" (Trigg 2010:11). This is an alarming ruling. Similarly, in the case of the Johns, the court "noted that there was tension between the equality provisions concerning religious discrimination and those concerning sexual orientation, but ruled that in regards to fostering, 'the equality provisions concerning sexual orientation should take precedence'" (Mackay 2011). The court, quoting a European court's previous ruling deemed the traditional Christian views of the Johns as "infectious" – a dehumanizing and dangerous term.

In viewing the June 2007 Report "Parliamentary Assembly of the Council of Europe: State, Religion, Secularity and Human Rights", there is no doubt that in a clash between a particular religion and human rights, it is human rights which must always prevail. The explanatory memorandum attached to the recommendations says that "if there is ever a conflict between human rights and the dictates of faith, the state must always defend human rights". Thus potential battles between religion and an ideology of human rights become explicit: if human rights are at stake, religion must always give way (Trigg 2010:35). But, how can religious freedom be separated from basic human rights when it is a protected human right in itself? In fact not only is freedom of religion a human right, it is, within a broader freedom of

conscience, arguably the foundation of all human rights. As the religious freedom policy center of the Hudson Institute, led by Paul Marshall notes:

Religious freedom is pivotal to a free society. Thomas Jefferson and America's founders called it the "first freedom"…freedom of thought, conscience and religion is the prerequisite for the exercise of all other basic human rights. In theory and practice, free expression, freedom of press and freedom of association depend on the prior guarantee of a free conscience. The historical reality is that where religious freedom is denied, so too are other basic human rights.[5]

What appears to occur in this report is the downgrading of "religious freedom when its exercise is liable to cut across the will of the state. Yet it is precisely at such a time that the right to such freedom means something. A freedom merely to conform is no great freedom" (Trigg 2010:36). As Trigg goes on to argue, "It is thus perverse in the extreme to appeal to human rights as justification for the marginalization of Christianity in our society. To do that is to begin to dig up the roots of the belief in freedom which our democracy upholds. It is to challenge a major foundation of precisely those rights" (Trigg 2010:57). Or, as Nicholas Wolterstorff contends, all UN documents pertaining to human rights are grounded in human dignity, Judeo-Christian identity. Any secular grounds for determining human dignity are at best arguable and even the slightest doubt as to the place and saliency of religious rights in upholding broader rights should provide caution in the silencing or downgrading of the religious voice in Western states. Human rights will be better protected ultimately if the religious voice is one that is allowed to speak and contest (Foreword to Trigg 2010:8-9). Secularists argue that Christians should not be able to discriminate if they are in state employment. But the state should be the model equalities employer – creating space for all equality strands (Boucher 2010:20). It seems particularly problematic that public work can be identified as a religious-free environment, when the very legislature that formulates regulations is officially led by the monarch, the protector of the faith; is passed by a parliament which opens with prayer and a state in which every public servant receives authority through the "Queen in Parliament under God".

The advancement of equality strands should not damage other rights, whether religious, gender, sexual or otherwise (Boucher 2010:22). The Sexual Orientation Regulations (SOR) of 2007 are, however, a strong example of the failure of equalities legislation. One result of these regulations was changes in the Charity Commission's treatment of religious adoption agencies. In particular, Catholic agencies, some of which had operated for a century were told they could no longer limit potential

[5] The Religious Freedom Policy Center, Hudson Institute: "Why Religious Freedom" http://crf.hudson.org/index.cfm?fuseaction=mission.

adoptive parents to heterosexuals. Catholic adoption agencies were few in number but very successful, catering especially for Catholics. There were far more adoption agencies that would place children with homosexual couples. On the basis of a single complaint, the Charity Commission forced these adoption agencies to abandon their faith principles or lose government funding and thereby be forced to close (Boucher 2010:25). In addition, the Catholic agencies were refused a right of discrimination which is given to same-sex groups. Regulation 18 of the SOR allows for discrimination on the basis of sexual orientation if the charity was established for the provision of services to a particular sexual orientation. This regulation was drafted in order to empower homosexual groups, although homosexual groups are not specifically listed in this regulation; the government consultation confirmed that this regulation was designed to only cover "charities that promote LGB rights or provide counseling services for LGB victims of domestic abuse"[6]. Catholic adoption agencies seeking permission to discriminate on sexual grounds in order to only place children with heterosexual couples were refused in what can only be deemed a double standard – in other words one can discriminate on a sexual basis if one is a sexual group, but not if one is a religious group. The state is essentially empowering a system of conflict.

The UK's Equality Bill of 2009-2010 was a further example of the attempted establishment of a hierarchy of rights. Passed by parliament, this legislation would have prevented religious organizations discriminating against non-believers for positions of employment. This would mean that no faith group could deny homosexuals, Muslims, Sikhs, Satanists or atheists from employment positions on the basis of their faith position. The legislation would likely have led to increased marginalization of traditional Christian views. Exemptions for religious organizations were secured through a vote in the House of Lords, with one Lord stating that "the Equality Bill was, for Christian freedom, the 'single most damaging Bill' to come before her in 18 years as a member of the House of Lords" (Carey 2009). Religions require the right to freely associate and organize their communal gatherings for worship. Those people whom churches select to lead their worship must be of the same faith. Similarly, the previous EU Equal Treatment Directive of 2000 denied religious groups the right to discriminate on a faith basis, except for clergy. How is it that political parties can discriminate on the basis of political belief, but religious groups were threatened with discrimination should they refuse to employ someone outside their faith tradition (Boucher 2010:18)? Even when the UK government's Genuine Occupational Requirements gave churches more freedom, this did not prevent humanist and homosexual lobby groups challenging religious organizations on the basis of discrimination.

[6] Paragraph 3.39 of the Government SOR consultation.

Unfortunately for the contest of rights and the possibility of resolution within liberal democracies, it is the acquiescing faiths that are dying. Evangelicals and Pentecostalists are thriving, with renewalist congregations having grown from 6% to 25% of all Christians and is now the fastest growing religious movement in the world – including in many liberal democracies. Renewalist churches generally have a high regard for traditional understandings of scripture and stand opposed to a liberalizing political movement (Micklethwait and Wooldridge 2009:217). Given that secularization as a general rule seeks to eliminate the "acknowledgement of the supernatural", renewalist churches are particularly problematic for any attempt to secularize liberal democracies (Horton 1994:62).

Ian Hall, paraphrasing Martin Wight, writes of his contention, even in 1948 that we were in an age which was "'a transparent moment in history', a time of great peril for Christianity and all Christians. Faith had been abandoned and assailed; for the first time since Constantine's conversion of the Roman Empire, secularism and 'paganism' were dominant"(Hall 2006:21). Martin Wight also argued against the dominance of any political form, whether this be revolutionary Marxism or liberal democracies. Christianity has stood as the *fait accompli* of Western states for several hundred years. Even as the boundaries of its dominance and political influence have retracted it has been the accepted religion of European, North American and several post-colonial states on every continent. Indeed, it was at the heart of the international system (Philpott 2000). What is now occurring is a pronounced separation of not just church and state, but secular and sacred as certain traditional Christian understandings are being marginalized by decisions of the court and acts of government. As the severe treatment of Christians by communist regimes has shown, religion can provide a troubling source of alternate power and challenge to a state. Are liberal democracies becoming "impatient with those who, in the name of a religion, refuse to accept what is the current conception of individual freedom"? With the imposition of law on the faithful, religious freedom is being challenged in a manner more reminiscent of coercion by a totalitarian regime than tolerant democratic practice; or as Campos puts it:

> Political Liberalism is ultimately a paean to a secular creed that has within it the potential to become every bit as monistic, compulsory, and intolerant of any significant deviation from social verities as the traditional modes of belief it replaced and derided (quoted in Benson 2004:95).

Benson adds a very important element to this discussion. Focused on religious freedom in Canada, Benson argues that pluralistic society has a distinct choice between structural or shared pluralism in which differing beliefs are tolerated or relativistic or totalistic pluralism. This latter pluralism "views society as moving towards the ar-

ticulation of only one public policy, and such a view is antagonistic to the notion of plurality and tolerance of diversity" (Benson 2010:3). To refer back to Justice Mackenzie, "moral positions are to be accorded standing in the public square irrespective of whether the position flows out of a conscience that is religiously informed or not" (quoted in Benson 2010:22). This reflects philosopher John Gray's *modus vivendi*. The lack of living together with different values pushes liberal democracies ever closer to a "species of fundamentalism" (Gray 2000:21).

It is not yet clear where these trends will lead, but one thing is clear – a traditional Christian worldview has shifted away from its foundational position in the establishment of International Society to take its place alongside other challengers to the state for ultimate loyalty.

4. Conclusion

As liberal democracies experience decreasing consensus, it has become necessary to increase law, to find in the instrumentality of the state solutions to public problems (Hunter 2010:102). There exists within this role of the state a myth that the state is and indeed can be neutral. As Hunter argues, this is impossible: "Law infers a moral judgment; policy implies a worldview" (Hunter 2010:102). The state is increasingly the area for the contest of moral positions each declaring its good, with many areas of life which for centuries reflected Christian thought being challenged by alternate ideologies. In such a politicized environment the cases which reflect tolerance of views based on faith become even more important. As new agendas have arisen, these have increasingly become zero sum games, rooted in power rather than persuasion, and compromise. There are of course areas over which faith groups will not compromise, but the power that is enforcing uniformity upon faith will lead to either the alteration of that faith or the alienation of the faithful from not only the state, but the democratic and legal process which is supposed to be their protector.

Thomas Jefferson argued that democracy itself is only safe when citizens are convinced that "liberties are the gift of God" in contrast to the modern liberal democratic state in which it is politicians and judges who define our rights and liberties – and as such are no more certain than the prevailing preferences of culture or power (quoted in Farr 2008:87). James Madison went even further than Jefferson, arguing that the duty that is owed to God is both prior to and more important than any claim of Civil Society, and furthermore, that this duty was to be exercised freely without punishment or restraint of the Magistrate (ibid). Even at a most basic level, "the citizen whose public self is guided by religious faith might reasonably ask why the will of any of the brilliant philosophers of the liberal tradition, or, for that matter, the will of the Supreme Court…is more relevant to moral decisions than the

will of God. So far, liberal theory has not presented an adequate answer" (Carter 1993:226). Evangelical and traditionally minded Christians will continue to find their primary loyalty and understanding of morality in their faith.

We are, in essence, experiencing the first modern cases of western democracies declaring what is and is not legal with regards to traditional and established religious beliefs. The ultimate impact of this movement is to move those of faith towards questions of identity and loyalty. Just as many second generation British Muslims identify more with their suffering Muslim "brothers" overseas, so too will Christians increasingly look past the state to other localities of leadership and identity. This was an often overlooked weakness in Huntington's *Clash of Civilizations,* a failure to demarcate in the Western civilization a people who would remain more loyal to their faith than their state or civilization. Huntington did of course prioritize religion as an identity marker, but this was largely still contained within civilizations. What we are likely to see in the future is a break-up of civilizational loyalties, not because of the power of globalization, but an increasing unity of faith empowered by globalization. It is likely, for example, that China already has more committed Christians than Europe, as do some African states. The complexity of Christianity is dramatically changing and patterns of loyalty are likely to change. Ugandan Bishops overseeing a mainly white evangelical American church is a sign of transnational authority and loyalty that will not just have implications for the Anglican Communion but for the state itself.

Not dissimilar to the Three-Self-Church in China, liberal democracies will find Christians who agree with a shifting moral position, helping justify further discriminatory views of orthodox belief and driving believers away from the state and towards transnational unions. Christianity will increasingly look to transnational alliances which will vie for space in the state-centric international system as religious bodies attract loyalties once reserved for the state (Carlson and Owens 2003:9). The church, a key founding institution and driver of the state-system, will likely be forced to shift its loyalties away from the state, becoming one of a plethora of non-state actors pressurizing the state. As Richard Neuhaus argues with regards to the free exercise of religion:

> No other regime in human history had ever supposed that it could deny itself the right to attempt to control what its people believed about things most binding… The free exercise of religion is the most radical form of free speech and free association in that it enables people to speak and act under the auspices of an authority expressly declared to be greater than the authority of the state, and greater than the authority of the people from whom the state derives its authority (quoted in Hunter 2010:113-4).

Ultimately, as Roger Trigg argues, "It must be the mark of any free democratic society that it can tolerate the existence of practices of which it disapproves" (Trigg 2010:16). This is not merely for religion's sake, for it is "the autonomy of the religions … [which] makes them worth protecting" (Carter 1993:147). The United Kingdom and other liberal democracies are showing an increasing inability to balance faith and other human rights, whether firing Christian employees, banning minarets in Switzerland or veils in France, liberal democracies risk alienating the faithful with profound consequences for the state and international society.

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The sexual agenda and religious freedom

Challenges in the Western world

Stephen Baskerville[1]

Abstract

The sexual agenda is today's greatest threat to religious freedom in the developed world. Campaigns for women's and homosexual rights, same-sex marriage, public education, and other issues related to family and sexuality have provoked the preponderance of cases, and proponents have described Christian and other religious principles as direct impediments to their agenda. But what has precipitated most cases is the increasing role of the state in previously private areas of life, leading to claims that freedom must be curtailed when it involves government officials providing public services. This too proceeds from the sexual agenda, because such state services arise from the breakdown of family life, where they were previously performed. Critical here is the state's claim to redefine marriage, less through same-sex marriage than divorce, which itself represents a long-standing threat to religious freedom. Growing state power over family life and sexuality has also been transferred to supranational organizations, where many clashes between sexual militants and religious believers now arise.

Keywords: sexuality, gender, feminism, family, marriage, Christian, welfare, divorce, United Nations.

The greatest threat to religious freedom – and therefore to freedom generally – in the Western world today is the sexual agenda. It may eventually prove to be the greatest in the world, though this remains to be seen.

Most serious cases of curtailing religious expression and practice in the West today involve sexual and family matters: women's rights, homosexuality, marriage, education, plus others that the media and even religious freedom advocates ignore.[2]

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[1] Stephen Baskerville is Associate Professor of Government at Patrick Henry College and Research Fellow at the Howard Center for Family, Religion, and Society and at the Independent Institute. He holds a PhD from the London School of Economics and has taught political science and international affairs at Howard University (1987-1992, 1997-2005), Palacky University in the Czech Republic (1992-1997), and the Russian State University for the Humanities (2011). He is the author of *Taken Into Custody: The War against Fathers, Marriage, and the Family* (Cumberland House, 2007) and writes on international affairs, political theory, and the politics of the family. Paper received: 5 December 2011. Accepted: 15 December 2011. Mailing address: Patrick Henry College, 10 Patrick Henry Circle, Purcellville, Virginia 20132, USA, Tel.: +1.540.441.8232, Email: skbaskerville@phc.edu.

[2] See cases in *Marginalising Christians* (Newcastle: Christian Institute, 2009), http://tinyurl.com/754k8qa, and *Shadow Report, 2005-2010* (Vienna: Observatory on Intolerance and Discrimination Against Christians in Europe, 2010), http://tinyurl.com/2wvteq5.

Even conflicts that appear to be between religions or cultures, such as religiously mandated clothing in Western countries, usually involve components of sexual and family life, such as the role of women or of public education.

Even the United Nations Economic and Social Council, observing that "Christianity is…under pressure from a form of secularism, particularly in Europe," attests that, "This form of prejudice against Christians or ideas based on religion, which exists both in Europe and in the United States, mainly concerns questions relating to sex, marriage, and the family, on which the Catholic, Muslim, and Orthodox churches have taken stands."[3]

Yet it is striking how difficult it seems for this obvious truth to be stated, even by religious freedom advocates. It is not difficult to see why. Sexual issues are the third rail of today's politics.

Indeed, it is clear that we are now arriving at that point where an unstoppable force meets an immovable object. Sexual militants with expansive definitions of "discrimination," "inequality," and even "violence" have arrived at a direct confrontation with – and even claim the authority to silence – Christians and others whose consciences will not permit them to implement, participate in, endorse, or acquiesce in government policy concerning family life: state employees, contractors, entrepreneurs, parents, and ordinary citizens. Something must "give."

The general assumption is that one or the other of the two groups must give way, since it is increasingly apparent that no accommodation is possible. The often unspoken inference is that what must yield is religious belief and practice. Another UN body makes clear its view that no middle ground is possible and that religious freedom is simply incompatible with sexual liberation. "In all countries, the most significant factors inhibiting women's ability to participate in public life have been the cultural framework of values and religious beliefs," insists a UN committee. "True gender equality [does] not allow for varying interpretations of obligations under international legal norms depending on internal religious rules, traditions, and customs."[4] The conclusion is that those whose religious rules, traditions, and customs conflict with the UN committee's view of women's rights, must find new religious rules, traditions, and customs.

But there is another dimension to the problem which those on both sides prefer to ignore. This is the role of the state, whose expansion into new areas of life has largely precipitated this confrontation. It has also precipitated others, and what we

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[3] Quoted in *Shadow Report,* 11.

[4] United Nations Division for the Advancement of Women, General Recommendations made by the Committee on the Elimination of Discrimination Against Women. No. 19, 11th session (1992), http://tinyurl.com/sputw; Report of the Committee on the Elimination of Discrimination Against Women. 13th sess. (A/49/38), 39 (New York: UN Women, 1994), 39.

are seeing here is only one facet of a larger crisis of the modern state. The clash between sexual militants and religious believers therefore presents an opportunity for Western civilization to come to terms with its larger problems.

Moreover, it is clearly in the interests of believers to do so. The erosion of religious freedom in the West is gradual, like the proverbial frog in the kettle. Without a decided response, Christians will not only be "marginalized," as many already complain; they will lose their most basic freedoms, as will others. Only by raising the stakes and confronting the expanding scope of government power can Christians and others provoke the needed public debate on the erosion of freedom.

1. The role of the state

Most (though not all) high-profile cases are precipitated because of involvement by the state. Lillian Ladele was a registrar dismissed for refusing to officiate civil partnerships for homosexual couples. Theresa Davies was likewise demoted from registrar to receptionist for the same reason. Eunice and Owen Johns were rejected as foster parents, though they had already served repeatedly and without incident, solely because their faith would not permit them to inculcate homosexuality in children. Catholic adoption agencies have been denied government funding in Britain (on the basis of a single complaint) and the United States because of their refusal to place children with homosexual couples.[5]

In each case, the role of government funding is invoked as justification. Britain's Employment Appeal Tribunal, referencing an earlier decision by the European Court, held in Mrs. Ladele's case that the local authority could require all registrars to perform all services without accommodating religious objections, suggesting that employees who objected were free to "resign and take up other employment." The Tribunal also ruled that "the limitations imposed on freedom of religion are particularly strong where a person has to carry out state functions."[6]

Likewise in the United States, New York Governor Andrew Cuomo, who pushed through the state's same-sex marriage law, has said that "those who cannot follow the new law should not hold the position of town clerk." The state Department of Health said it is a misdemeanor for a clerk to refuse to provide a marriage license to eligible applicants.[7] In the context of Catholic adoption agencies, Illinois Deputy Communications Director Kendall Marlowe argued that,

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[5] Nicholas Kerton-Johnson, "Governing the faithful," *IJRF 4(2011)2*. I am grateful to Professor Kerton-Johnson for advance access to his manuscript.

[6] *Ibid.,* citing R. Trigg, "Free to believe? Religious freedom in a liberal society," London: *Theos,* 2010, 11.

[7] Kevin Jones, "Observers see gay agenda threatening religious freedom," *Catholic News Agency,* 29 September 2011 (http://tinyurl.com/3vcz7u2).

> Every faith-based organization in the state of Illinois has the full capacity and the full right to pursue their religious freedom. The question is what happens when you are paid with taxpayers' money, state money, to provide state services? And in those cases we have to insist that those agencies comply with Illinois law. [8]

The principle operates toward anyone enjoying the enforced generosity of one's fellow citizens as channeled through the state machinery, which can use funding as leverage to punish failure to follow ideologically approved orders. In 2007, Brighton Council demanded that a home for elderly Christians "question elderly residents every three months about their sexual orientation, use images of LGBT [Lesbian, Gay, Bisexual, and Transgender] couples in its promotional literature, publicize LGBT events to elderly residents, and force staff to attend a [homosexual lobby's] presentation on LGBT issues." Pilgrim Homes refused "because to do so would unduly distress the elderly residents and undermine the home's religious ethos." The Council withdrew a £13,000 grant and accused the home of "institutionalized homophobia."[9] "Today, there is growing pressure to marginalize Christian groups which receive public funding," according to the Christian Institute.

> . . . projects in receipt of public funds have been pressurized to lay aside aspects of their religious ethos or risk losing Government finance. Government ministers have told Christian groups that they are welcome to apply for grants as long as they don't try to promote their faith.[10]

One response is for religious groups simply to forego government funding. One might admire the response of one Catholic charity, which indeed may be the most constructive course in the long run: "We have to do it in honoring our own tenets and our faith that call us to do this," said their spokesman. "If we can't do it in a faith-filled mission, then we can't do it using public money. We'll do it on our own terms."[11] Yet this raises problems to which we will return.

When faced with this principle, the most venerated historical and constitutional protections quickly wilt. One can argue that Britain is still an explicitly Christian country, with an established church and a royal governorship. Alternatively, a non-denominational state with a seemingly unequivocal protection like the American First Amendment should guarantee not only belief, but the "free exercise" of that belief. Article 9 of the European Convention on Human Rights provides that: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom . . . to mani-

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[8] Stephanie Samuel, "Judge allows state to break contracts with Catholic charities," *Christian Post,* 30 September 2011, http://tinyurl.com/74xzh3v.

[9] *Marginalising Christians,* 62

[10] *Ibid.,* 61.

[11] Samuel, "Judge allows State."

fest his religion or belief, in worship, teaching, practice, and observance." Yet such provisions are quickly sidelined when state functions and state funding are invoked.

Though liberal democracies generally recognize some obligation to accommodate the religious practices of their citizens insofar as this can be done consistent with the legitimate requirements of public order, there is no guarantee that they will allow practice that is inconsistent with secular law. Ultimately of course, it is the state that decides, acting, as it effectively always does, as judge in its own case. Moreover, the extensive literature on this subject may be of only marginal relevance here. In practice, there appears to be a difference between tolerating religious practices that contravene the letter of some laws – sacramental drug use, for example, or exemption from some medical statutes – which a liberal and stable state can do without serious loss to its authority, and permitting religious principles to challenge and limit the exercise of power by the state itself.

Attempts to accommodate consciences of state employees do not appear promising in the face of a determined alliance of government officials and sexual militants. Registrar Lillian Ladele offered to delegate marriage registrations to other registrars, and apparently this has proved workable in some jurisdictions. A lower court had ruled that Mrs. Ladele's faith should be accommodated and that she was "less favorably treated on the grounds of her orthodox Christian religion."[12] And indeed, there can be little doubt that officials have gone out of their way to marginalize Christians. As Kerton-Johnson explains in another case:

> In addition, the Catholic agencies were refused a right of discrimination which is given to same-sex groups. Regulation 18 of the SOR (Sexual Orientation Regulations) allows for discrimination on the basis of sexual orientation. This regulation was drafted in order to empower homosexual groups, although not specifically limited in the regulations. Catholic adoption agencies seeking permission to discriminate on sexual grounds rather than religious were refused in what can only be deemed a double standard – in other words one can discriminate on a sexual basis if one is a sexual group, but not if one is a religious group![13]

Kerton-Johnson's conclusion that "the state is essentially empowering a system of conflict" is true on more levels than one.

Government sponsored healthcare has extended this principle to medical practitioners. Under Britain's National Health Service and similar systems, medical practitioners may still opt out of performing abortions, though efforts are continually underway to limit or remove this protection.[14] One commentator, quoting Gover-

[12] Kerton-Johnson, "Governing the faithful," (citing Trigg, "Free to believe").
[13] Kerton-Johnson, "Governing the faithful."
[14] "Pas d'objection de conscience pour les médecins espagnols, " http://tinyurl.com/7runy8g.

nor Cuomo, apparently believes that receiving "state-issued licenses" makes all pharmacists "public health workers" with an attendant obligation to repress any scruples about issuing abortion-inducing drugs.[15] Given that pharmacists may not operate without licenses, by this principle all licensed merchants become government officials by virtue of the state permitting them to operate.

This question has come to a head in the case of Rose Marie Belforti, a New York town clerk and "one of several town clerks who have said the state's Marriage Equality Act, the measure…that legalized same-sex marriage in New York, violates their religious beliefs."[16] Accordingly, she delegated the task to a deputy. Homosexual militants immediately challenged the action. "To suggest that service providers might pick and choose their clients upon the basis of personal prejudice would also set a dangerous precedent for the delivery of public services across the board," they asserted. "Such a precedent could have significant deleterious and unintended consequences for future public service delivery."[17] Governor Cuomo had likewise stated, "When you enforce the laws of the state, you don't get to pick and choose."

The key phrase is "delivery of public services." By delegating to the state the provisions of our private lives that we once provided for ourselves as individuals, or families, or private charities, we have handed to the state the power to control, if not our actual consciences, then any meaningful public exercise of them. The state directs the practical manifestation of our consciences less by fiat (at least initially) than because it has enticed, or otherwise, absorbed increasing numbers of us onto its payroll. When the state is the boss, the state also becomes the conscience.

Liberal Democrat MP Lynne Featherstone in the UK has likewise stated in the House of Commons that "carrying out public services cannot be a matter of conscience" and that people with strong faith convictions "might ultimately make different choices about their careers." On her blog she writes, "In the delivery of public services you have to do the job, and if there are elements of the job that you cannot do in all conscience then it isn't the job for you."[18]

2. Disturbing ethical implications

It might be replied that any task, especially one in the public service, must be performed as "a matter of conscience" and that demanding that civil servants perform

[15] Linda Greenhouse, "Refused and confused", *New York Times,* 5 October 2011, http://tinyurl.com/73q6w6x.

[16] Thomas Kaplan, "Rights collide as town clerk sidesteps role in gay marriages," *New York Times,* 27 September 2011, http://tinyurl.com/3u3xh2g.

[17] Quoted in Jessica Satherley, "Marriage counselor who was sacked by state for refusing to give sex therapy to gay couples takes case to European court," *Daily Mail,* 26 September 2011, http://tinyurl.com/768b2dy.

[18] *Marginalising Christians,* 46.

their duties contrary to their consciences is unhealthy in any society. The conscientious objections of public servants serve as a valuable form of "civil disobedience" serving to prick the public conscience about morally questionable government actions. (At least two other clerks in New York resigned rather than implement the new policies.)[19] Still, one must then be prepared to accept the consequences of disobedience, which is to suffer the penalty which in this case means job loss. It is naïve to believe that any state will indefinitely tolerate accusatory fingers being pointed from among its own functionaries, even (or especially) when they are valid. This is all the more so when the actions to which they object rationalize a huge increase in government power, as the sexual agenda does.

Yet the argument that scrupulous consciences may resign and seek employment elsewhere ignores several considerations. The fact that there is only so much other employment people trained in one profession can take up is not in itself the most serious. Suffering for one's conscience is something believers must expect. More serious is that the state is changing the rules after the employment agreement. Ms. Featherstone's assertion that "it isn't the job for you" disregards the fact that it was the job to which both parties agreed in the employment contract and that the state has rewritten the job description after the fact. Of course governments routinely implement policy innovations, but to insist that they may do so with no regard for the ethical implications as reflected by the consciences of those who must implement them – to the point where civil servants may be discarded for acting upon moral scruples widely shared by their society – is to exorcise ethics from public policy altogether and reduce government officials to amoral robots. The world's most sophisticated and admired systems of civil administration all rigorously inculcate an ethic of moral rectitude and conscientious public service. Yet Ms. Featherstone is advocating just the opposite. This pushes not only Christians and believers out of public policy, but ethics itself.

Also noteworthy is that sexual agendas are altering job descriptions to depart from the ideological neutrality with which civil servants are normally expected to perform their duties and which is being invoked here to rationalize ignoring their moral objections. In 2006, firemen in Glasgow "were punished by their state employers for refusing to march in a 'gay pride' rally." Previous rallies had apparently mocked the Catholic Church to which some firemen belonged. "Instead of participating in the event, the firemen handed out fire safety leaflets to members of the public on a nearby street." Consequently, they were issued written warnings and ordered by the Strathclyde Fire Board to undergo "diversity" training. They were

[19] Efrem Graham, "Town clerks bullied over NY gay marriage law," *CBN News*, 7 November 2011, http://tinyurl.com/7j5rtg9.

also told explicitly that the refusal would damage their careers.[20] Pressuring civil servants to support ideological causes is normally considered a breach of administrative neutrality.

More serious perhaps is that police too are now finding their duties redefined in ideological terms, as they are required to endorse the agendas of sexual pressure groups and apply such agendas when enforcing the law. North Wales Police have announced plans to display rainbow stickers (a symbol of gay liberation) in all police stations indicating "commitment to the LGBT (lesbian, gay, bisexual and transgender) community."[21] Ideology is also replacing standard codes of police professionalism. In Britain in 2010 street preacher Dale McAlpine was arrested for his words by a policeman who identified himself as the "liaison officer for the bisexual-lesbian-gay-transsexual community" and who admitted taking the action because of his own feelings. "I am a homosexual, I find that offensive," officer Sam Adams apparently told McAlpine before arresting him. The power to arrest and incarcerate people with whose opinions they disagree is not one that free societies normally leave to individual policemen. Nor do they normally create special police units with mandates to protect only certain members of society or obliterate the distinction between hurt feelings and crime.[22] Only those classed in sexual categories enjoy these privileges.

But perhaps most serious in the long run is that the expansion of state proprietorship into new functions and new areas of life is itself continually narrowing alternative employment opportunities and with them alternative moral voices. As the state turns entire spheres of economic and personal life into state monopolies, it restricts the range of other options, both for employees and consumers. After all, if the state claims a monopoly or near-monopoly over the availability of newly "public" services such as education, medicine, eldercare, foster care, adoption, and (most problematic of all) marriage, then it is not clear what alternative employment is or ever will be possible.

Significantly, this trend is itself attributable largely to the sexual revolution, since many such functions were at one time performed privately in the home, mostly by women, or by the local community, private charities and churches, and the private market. Demand for services like adoption and foster care has also exploded with the increase in single motherhood encouraged by feminism. With the expansion of the welfare state (which itself further encourages family dissolution and single motherhood), these services have been taken over by the state, whose function-

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[20] *Marginalising Christians,* 47.

[21] "Police force displays rainbow stickers at front desks to promote diversity," Christian Concern website:http://tinyurl.com/7mn3r5p.

[22] James Tozer, "Christian preacher vows to fight after he's arrested for 'Public Order' offences after saying homosexuality is a sin", *Daily Mail,* 3 May 2010, http://tinyurl.com/7ymxvjw.

aries (still mostly women) can be pressured more easily to accommodate their consciences to the official morality. If ideologically motivated political innovations are driving people out of work for the sake of their consciences, this should be raising concerns about the propriety of not only the policy innovation itself, but also the expansion of government power into previously private realms (as well as the innovative sexual morality that rationalizes both). When this is accompanied by requirements that the tasks of government functionaries "cannot be a matter of conscience" we can see the danger of nationalizing the care and upbringing of our citizens. When the state becomes a monopolist, alternative employment – and the moral diversity that goes with it – disappears.

A similar trend operates for consumers in areas like education. Clashes with school authorities – likewise occasioned mostly by the sexual agenda like sex education or beliefs about homosexuality – arise only (or at least initially) in government schools, where in countries like Germany and Sweden parents are prevented from removing their children from the state system, or teachers are squeezed out of alternative employment opportunities by the taxpayer-funded near-monopoly of public education.[23]

3. Expanding state power

All this renders religious freedom highly insecure. Nor does it stop there. Having acquired this leverage, which increases its scope and power with each new function it takes on, the state extends its reach to those who have nothing to do with its services except as objects of their purview.

Thus even private schools, especially in continental Europe, find the content of their instruction dictated by the state – and again, most likely when it involves sexual matters.[24] Other examples include bed-and-breakfast owners Peter and Hazelmary Bull, who currently face heavy fines for "discriminating" against two homosexuals by refusing to allow them to cohabit in their Cornwall home, or the proprietor of a café in England threatened by police for displaying allegedly "homophobic" biblical verses.[25] These illustrate how the state now claims the power to regulate private transactions, even when no state support is involved.

These are purely private transactions in which the state has no role; yet it claims the power to interfere nonetheless. It is perhaps a measure of the impoverishment of our political culture as we abdicate moral decisions to the state that this distinc-

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[23] Mike Donnelly, "Religious freedom in education," *IIJRF 4(2011)2;* "Student punished for Christian beliefs about homosexuality pushes back," Liberty Counsel website: http://tinyurl.com/7c82yc6.

[24] Observatory on Intolerance and Discrimination Against Christians website: http://tinyurl.com/7egpjn8; http://tinyurl.com/7399v3z.

[25] Christian Concern website: http://tinyurl.com/7zxmm74.

tion is now lost on many people, who accept government control without questioning its legitimacy. Arguably, this in turn results from the erosion of religious values, which require that we at least try to distinguish what is legitimately Caesar's and what is God's (Mark 12:17).

Openly criminal actions are the logical next step and are now taken against, for example, street preachers like McAlpine in Britain, who have been arrested and fined for expressing views about homosexuality. In continental Europe, criminal punishments such as incarceration, are also meted out against parents for educating their children at home themselves instead of in school.[26] This of course represents the most direct threat of all to freedom at the hands of an expanding state sector. While this trend needs further exploration elsewhere, it is worth suggesting here that even this may proceed in part from both the sexual revolution and an expanding social services sector, which together have contributed to the increasingly "gendered" and bureaucratic quality of policing, the creation of new plainclothes quasi-police functionaries such as social workers and child protective services who are largely unrestrained by due process protections, the staffing of these functions largely by ideologically trained and ideologically driven feminists, and consequent pressures to justify those functions by creating new categories of crime that can only be committed by non-violent, politically defined criminals such as heterosexual males, married heterosexual parents, and religious believers.[27]

This erosion of religious freedom and other freedoms, in short, results largely from our failure to consider the enormous implications of politicizing sexuality and of transferring significant areas of our private and family lives to an expansive state sector. Space does not permit exploration of the different facets, each of which could serve as the focus for in-depth research. But the most prominent example in today's politics is also the most fundamental for standing at the fault line of church-state jurisdiction and for its critical role in mediating the complex interaction of public and private life: marriage. It is also the most poorly understood.

4. Marriage as religious freedom

While homosexuality and same-sex marriage have sparked the most controversial cases today, the sexual revolution's confrontation with religious belief did not begin

[26] Donnelly, "Religious freedom"; "Mother jailed upon taking son out of sex ed," Observatory on Intolerance website: http://tinyurl.com/7l6f9f7.

[27] The politicization and feminization of policing and criminal justice have been explored in some areas, most notably child protection and domestic violence, but not others. See Susan Orr, *Child protection at the crossroads: Child abuse, child protection, and recommendations for Reform* (Los Angeles: Reason Public Policy Institute, 1999); Donald Dutton, *Rethinking domestic violence* (Vancouver: UBC Press, 2007); Marie Gottschalk, *The prison and the gallows: The politics of mass incarceration in America* (Cambridge: Cambridge University Press, 2006).

with the newly politicized homosexual agenda. The erosion of marriage over decades (and even centuries) has significantly weakened both families and churches vis-à-vis the state and with it their leverage to protect themselves from government domination. Strikingly, this has occurred with hardly a word of opposition or protest from the churches themselves.[28]

Family decline has been continuous since the beginning of modern history and has progressed in inverse relation to rising power of the modern state.[29] Yet the full social and political consequences of the state's increasing control over marriage and the family became evident not when the state took on the role of officiating marriages, but only when it began claiming the power to dissolve them, and above all since the 1970's with the advent of "no-fault" divorce, which may yet prove to be the greatest legislative corrosive to religious freedom enacted in the Western democracies. For it allowed the state, unilaterally and without cause, to abrogate the marriage covenant and thus nullify the ministry in a realm of fundamental social importance. Under no-fault provisions, divorce is decreed automatically and physically enforced by the state with no say whatever to either a guiltless spouse or to the church that consecrated the supposedly sacred bond.[30]

The state had been acquiring an increasing role in marriage since at least the Reformation, and even today the respective roles of church and state in marriage are poorly understood. This reflects the larger problem that marriage's role in mediating the relationship between public and private life has been entirely taken over by the state. Despite the especially acute crisis of marriage over at least two decades, and extensive public discussion about it, there has been virtually no systematic effort by political theorists, philosophers, ethicists, social scientists, or theologians to delineate the precise social role of marriage in the relationship between the individual, family, and church, on the one hand, and the state.

Even more striking is the almost complete lack of protest or opposition from pastors and churches, as one of their most important offices was simply countermanded and eliminated in what Maggie Gallagher describes as "the abolition of marriage."[31] A parishioner facing unilateral divorce today who approaches a priest

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[28] Mark H. Smith, "Religion, divorce, and the missing culture war in America," *Political Science Quarterly,* vol. 125, no. 1 (Spring 2010). And since the Reformation, Protestant churches themselves have shifted marriage from a religious sacrament to a civil ordinance, not without occasional misgivings.

[29] This is the theme of Carle Zimmerman's classic study, *Family and civilization* (repr. Wilmington: Intercollegiate Studies Institute, 2008).

[30] Maggie Gallagher, *The abolition of marriage* (Washington: Regnery, 1996); Stephen Baskerville, *Taken into custody: The war against fathers, marriage, and the family* (Nashville: Cumberland House, 2007), ch. 1; Judy Parejko, *Stolen vows: The illusion of no-fault divorce and the rise of the American divorce industry* (Collierville, Tennessee: Instant Publisher, 2002).

[31] Gallagher, *Abolition of marriage.*

or pastor may receive an offer of prayer and advice on finding a lawyer, but he will certainly find no objection or resistance from the church as state officials abrogate his marriage covenant, evict him from his home, separate him from his children, confiscate his property, and even incarcerate him without trial.[32]

Presaging the larger implications, involuntarily divorced parents have for years faced almost complete abrogation of their religious freedom over their children, whose religious upbringing passes into the hands of government officials. Even when the divorce is involuntary and literally "no fault" of the parent, that parent loses all say in the religious upbringing of his children, including what religious worship they may or must attend and even how he or she may instruct them in private. This has met no challenge by churches or religious advocacy groups. An exception that proved the rule was a 1997 ruling of the Massachusetts Supreme Court prohibiting a father from taking his children to Christian services. The ruling received some media attention but no opposition from either churches or civil libertarians.[33] "This willingness of courts to disfavor a broad range of parental ideologies – . . .atheist or fundamentalist, racist or pro-polygamist, pro-homosexual or anti-homosexual – should lead us to take a hard look at the doctrine that allows such results," writes Eugene Volokh.[34] Volokh documents how routine practices and rulings in American courts directly violate First Amendment protections and control intimate details of innocent citizens' private lives: "Courts have. . .ordered parents to reveal their homosexuality to their children, or to conceal it. They have ordered parents not to swear in front of their children, and to install internet filters." One parent was ordered to "make sure that there is nothing in the religious upbringing or teaching that the minor child is exposed to that can be considered homophobic." Significantly, most cases Volokh cites involve beliefs about gender relations.[35]

Parents' attempts to educate their children in their own beliefs and instill in them religious or civic values are prohibited by family court judges. "Courts have restricted a parent's religious speech when such speech was seen as inconsistent with the religious education that the custodial parent was providing." This is based on "the theory. . .that the children will be made confused and unhappy by the con-

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[32] Baskerville, *Taken into custody,* chs. 2-4; David Heleniak, "The new star chamber," *Rutgers Law Review,* vol. 57, no. 3 (Spring 2005).

[33] "Custody wars: SJC sets dangerous precedent," *Boston Globe,* 15 December 1997; "In divorce, court can have say in child's faith," *Boston Globe,* 10 December 1997, A1.

[34] Eugene Volokh, "Parent-Child speech and child custody speech restrictions," *New York Law Review* 81 (May 2006), 643.

[35] *Ibid.,* 640-641.As with no-fault divorce itself, Anglo-American (including Canadian) family law and its practitioners, especially involving divorce and custody of children, create the major innovations that are subsequently adopted elsewhere, including in international conventions. See Stephen Baskerville, "Globalizing the Family," *Touchstone* (January-February 2011).

tradictory teachings." One court ordered that "each party will impress upon the children the need for religious tolerance and not permit any third party to attempt to teach them otherwise." Involuntary divorce thus empowers officials to prohibit parents from confusing their children with religion.[36]

While parents arguably surrender certain freedoms over their children when they agree to divorce, the point here is that a parent who has neither agreed to a divorce nor given grounds for one can still be summarily stripped of these protections. "No-fault" divorce thus becomes a backdoor method of restricting the religious freedom of legally unimpeachable parents. "Child custody speech restrictions may be imposed on a parent even when the family's unity was abrogated by the other parent," Volokh observes. "The law here doesn't distinguish the leaving parent from the one who gets left." Thus a law-abiding citizen minding his own business loses his First Amendment protections the moment his spouse files for divorce, without any grounds, and transfers the children to government control.

This also provides a wedge for restricting the freedom of all parents. "The law almost never restricts parental speech in intact families," Volokh notes. "You are free to teach your child racism, communism, or the propriety of adultery or promiscuity. Judges won't decide whether your teachings confuse the child, cause him nightmares, or risk molding him into an immoral person." Yet this will not last indefinitely even for married parents. "It's not clear that ideological restrictions limited to child custody disputes will stay limited," Volokh adds. "The government sometimes wants to interfere with parents' teaching their children even when there is no dispute between parents. … Many of the arguments supporting child custody speech restrictions…would also apply to restrictions imposed on intact families."[37]

5. Weakening of the churches

Even more striking, none of the advocacy organizations claiming to promote a "pro-family" agenda, and who vigorously oppose same-sex marriage, has ever contested involuntary divorce as a political issue.[38] Yet it is by far the most serious and direct cause of family disintegration. It is also clear that the state's abrogation of the marriage covenant through involuntary divorce preceded and opened the way for same-sex marriage and made it more attractive to homosexuals.[39]

Arguably this failure, more than any other, has weakened the churches' moral authority. More than any other ecclesiastical ordinance, marriage exerts a direct

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[36] *Ibid.,* 642-643.

[37] *Ibid.,* 673, 707-708.

[38] Smith, "Religion, divorce, and the missing culture."

[39] Stephen Baskerville, "The dangerous rise of sexual politics," *The Family in America,* vol. 22, no. 2 (2008).

impact on people's daily lives. The failure to defend it has certainly weakened the churches in relation to the state, which has unequivocally declared its supremacy over marriage and reduced the churches to the role of ornament. By refusing to defend their marriage ministry from this massive aggrandizement of state power, the churches deprived themselves of any institutional defense for themselves or their flock, as the state redefined marriage out of existence and then assumed as bureaucratic "public services" the tasks once performed within the married household.

If the churches could not, or would not, defend their authority over marriage from nationalization, it is not likely that they can now defend their or their parishioners' authority over education, adoption, foster care, or the rest – services which have themselves expanded largely because of the sexual revolution and consequent breakdown of marriage and the family. In the most critical contest between church and state begun four decades ago with no-fault divorce in the United States, the churches surrendered without a fight.

6. Internationalizing the sexual agenda

Perhaps ironically, as it consolidates its power vis-à-vis citizens, families, and churches, the state in turn transfers power upward to authorities that are even more remote from these institutions: supranational organizations. Here too the cutting edge is the sexual agenda. This process is still in its early stages, but sexual issues are already a major focus of global governance. Indeed, sexual liberation has replaced Marxism as the dominant ideology in fields like economic development and stands at the vanguard of human rights innovations and international criminal jurisdiction. While the aspirations of transnational organizations like the UN and the European Union to exert influence in the realm of high politics encounter strong resistance from nation-states guarding their sovereignty, little such resistance is offered against sexual activism, which now constitutes a huge proportion of UN and global governance activities. Noting "CEDAW (the UN women's rights treaty) articles that oblige the state to correct any inconsistency between international human rights laws and the religious and customary laws operating within its territory," a feminist advocate describes how sexual liberation stands at the vanguard of a trend to tailor human rights law to ideological agendas:

While international human rights law moves forward to meet the demands of the international women's movement *(sic!)*…women's rights are under challenge from alternative cultural expressions….The movement is not only generating new interpretations of existing human rights doctrine…but it is also generating new rights. The most controversial is the issue of sexual rights.[40]

[40] Quoted in Stephen Baskerville, "Sex and the problem of human rights," *Independent Review,* vol. 16,

The challenge to religious freedom is thus very direct. "Cultural and religious values cannot be allowed to undermine the universality of women's rights," insists a UN committee. Because Ireland's Catholic voters have voted down several referenda to legalize abortion, the UN committee suggests restricting how the Irish may vote. "The influence of the Church is strongly felt not only in attitudes and stereotypes, but also in official State policy. In particular, women's right to health, including reproductive health, is compromised by this influence." Because Norway's protection for religious minorities leaves them free to disagree with feminist doctrine concerning "family and personal affairs," the Norwegian government is instructed to regulate the religious freedom – and apparently the private lives – of its citizens:

The Committee is especially concerned with provisions in the Norwegian legislation to exempt certain religious communities from compliance with the equal rights law. Since women often face greater discrimination in family and personal affairs in certain communities and in religion, they asked the Government to amend the Norwegian Equal Status Act to eliminate exceptions based on religion.[41]

7. Conclusion

The world's major religions all now stand in direct conflict with the sexual agenda. In the West, it has largely neutered the willingness to defend freedom. Sexual liberation and government centralization are mutually augmenting and have the potential to spiral out of control. The result is not simply the marginalizing but the criminalization of Christianity and elimination of its attendant values of sexual discipline, family integrity, and limited government.

Sexual agendas now pervade virtually all social institutions: schools, universities, charities, medicine, the judiciary, corporations, foundations, churches, governments, international organizations – all have become thoroughly saturated with the politics of sex, with hardly a challenge. If scholars hope to understand this trend – and if Christians and other believers wish to redeem any of these institutions – they must directly confront the sexual agenda. So far, when confronted with the politics of sex, many scholars and Christians simply avert their eyes.

no. 3 (Winter 2012).

41 Patrick Fagan, William Saunders, and Michael Fragoso, *How UN conventions on women's and children's rights undermine family, religion, and sovereignty* (Washington: Family Research Council, 2009), 24-25.

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Sabbath observance, law and religious freedom

Challenges facing the Seventh-day Adventist Church

Mxolisi Michael Sokupa[1]

Abstract

This article focuses on Sabbath observance and the challenges facing the members of the Seventh-day Adventist Church globally and in South Africa in particular. The American experience marked the early beginnings of the church's response to these challenges. The paper highlights some interaction with laws in America. A case study on Sabbath observance in South Africa offers a different perspective that has not been explored before. This paper should spark a debate that will go on for some time within the Sabbatarian groups in South Africa.

Key words Sabbath, law, religious freedom, Seventh-day Adventist Church, Blue Laws.

1. Introduction

Seventh-day Adventists observe the seventh day as Sabbath based on their understanding and interpretation of Scripture (General Conference of Seventh-day Adventists, 2005:249-266). The Sabbath as it is observed by Seventh-day Adventists commemorates God's rest at the completion of His creative work (Exod 20:11). Some view the Sabbath as exclusively for the Hebrews and that it was given to them as a token of God's deliverance after the Egyptian slavery (Knight 2003:134; Cox 1753:16). But both Jews and Gentiles may share in this memorial day "set apart as God's own rest day in the beginning, blessed and sanctified for the good of man, and pointing forward to that eternal rest when the heavens and the earth are made new" (Andrews & Conradi 1912:219). In his earlier work Andrews traced the history of the Sabbath from creation. This work also includes the reasons for the change of the day of worship to Sunday (Andrews 1887). This paper shows that the seventh-day Sabbath as observed by the Seventh-day Adventist Church and other Sabbatarian groups has been a subject of discussion, especially with reference to Sunday laws in the USA. Sabbath observance as practiced by Seventh-day Adventists has never

[1] Mxolisi Michael Sokupa (*1968) is a senior lecturer at Helderberg College and a Research Fellow of Stellenbosch University, South Africa. – This article is abbreviated from a presentation at the Conference on Law and Religion in South Africa held at Stellenbosch, 20-23 September 2011. The original full length article can be found in the official conference publication, a 2012 Supplement of the Dutch Reformed Theological Journal. Published with the permission of the conference editor. Paper received: 1 November 2011. Accepted: 19 December 2011. Contact: Helderberg College, P.O. Box 22, Somerset West 7130, South Africa, Email: sokupam@hbc.ac.za.

been tested in a law court in South Africa. This paper discusses a case of the first black minister in South Africa with reference to Sabbath observance, preaching and teaching. A Seventh-day Adventist historian, A. Makapela, acknowledges personal freedom, personal choice and personal identity as values that had become important for the Church. He also claims that "these and many other ideas had democratised the Protestant churches and above all had also made it possible for the American Constitution and the Bill of Rights to be framed" (Makapela 1995:36,37). Therefore, in looking at law and religious freedom, a global perspective will be kept in view as we look at the South African Context. The reason for this is that there is a global representative structure through which the church operates across many continents and countries of the world. The Seventh-day Adventist Church has four levels of church administration: Local church (individual believers), local conference or local field/mission (organized churches in a state, province or territory), union conference or union mission (composed of conferences, missions or fields within a larger territory), and the General Conference (all unions in all parts of the world divided according to divisions which are administrative structures of the General Conference). The Seventh-day Adventist Church follows a representative form of church governance (General Conference of Seventh-day Adventists 2005:26).

2. Background

After nearly 150 years the Seventh-day Adventist Church has just started a process of reviewing its ecclesiology. While the Seventh-day Adventist Church traces its identity from Scripture and claims the entire Judeo-Christian heritage, there are Christian traditions that have contributed more in the shaping of the church, such as the Free Church movements particularly since the radical reformation. There are common values between the Seventh-day Adventist Church and churches that claim this particular tradition and Cartwright enumerates a few: "voluntary membership, believer's baptism, separation from the world, mission and witness of all members, church discipline, and the rejection of the state-church alliance" (Cartwright 1994:26,27). The mid-nineteenth century marks an important period of development for the Seventh-day Adventist Church.

The early development of the Seventh-day Adventist Church may be traced from the Millerite movement of the 1840's in the United States of America (Knight 1999:13-50). William Miller's preaching drew people from different denominations, among others Methodists and Baptists. The movement experienced a major disappointment in 1844 in hoping that Christ would come that year, based on their interpretation of Daniel 8:14. After studying this passage, they concluded that the cleansing of the sanctuary referred to the second coming of Christ. After examining this passage later, they found that Christ entered a new phase of his ministry in heaven (Knight 1999:32). The fundamental beliefs of the Seventh-day Advent-

ist Church outline the church's doctrinal teachings. These were developed from a rigorous study of the Scriptures. In 1860 the name "Seventh-day Adventist" was decided upon, and in 1863 the church was formally organized. In 1874 the first missionary was sent to Europe. In 1896 the first Seventh-day Adventist conference structure was organized in South Africa. Today the Seventh-day Adventist Church consists of over 16 million members across the globe. The Southern Africa Union Conference as of June 2010 has over 122,231 members within its territory. The church world-wide is growing by one million members every year.[2]

Within the Seventh-day Adventist Church, there is no doctrine that has tested its members on matters of religious liberty more than the Seventh-day Sabbath. There are other concerned groups on the subject of days of rest as well (Gallagher, 2001:12). The contribution of the Seventh-day Adventists on matters of religious liberty began with a response to Sunday laws. Therefore the main focus of the discussion in this article is on the response of the Seventh-day Adventist Church to Sunday laws in the past, present and future.

3. Religious liberty and law in the history of the Seventh-day Adventist Church

The seventh-day Sabbath was observed by Jews and adherents to the Old Testament Scriptures until the middle of the fourth century. During the fourth century the conversion of a Roman Emperor Constantine into Christianity brought some changes in the way the church was viewed and also placed the church in a favourable position (Davies 1965:159). Sunday laws date back to the time of Constantine, who wrote the first Sunday observance act in the fourth century. In 321 Constantine raised Sunday to the level of other pagan holidays by "suspending the work of the courts and of the city population on that day (Coleman 1914:32,33).

In tracing Sunday law history during the succeeding sixteen hundred years, we find that such laws were developed where governments recognized an established church, in other words where there was no separation of church and state.

Sunday laws were imported into America from Europe during the seventeenth century by the colonists, who believed that secular government could legislate both civil and religious conduct (Costa 2010:190).

Since World War II, certain merchandising outlets operating mainly through suburban branches have discovered that some customers wish to shop on Sunday. Other retailers, in their endeavour to suppress Sunday selling competition, have sought to modernize the old Sunday Blue Laws, to secularize them and use them as an instrument of competitive control.

[2] www.adventist.org.za/index.php/about/adventist-history.

Religious intolerance is clearly portrayed in the way the Puritans of New England treated those who were deviant, with particular reference to the Blue Laws of the seventeenth and eighteenth centuries. By means of "the whipping post, the ducking stool, the stocks, the pillory, fines, prisons, and gibbet", force was exercised against the will of individuals to obey these Blue Laws (*Liberty* 1963:18f).

It is important to note that the notion of "Blue Laws"[3] is seen in a negative way by some writers. Wylie insists that such laws should be regarded as Sabbath laws. In his introduction he states:

> It is not too much to say that our Sabbath laws were introduced in a period of our highest national ideals, and have been operative through the noblest periods of our national history. Can it be denied by any – even by those most addicted to the reproachful terms, "puritanical," "Blue Laws" that the American Sabbath has conserved if not created the national character on its best side by law-abiding, self-control and serious view of the citizen's responsibilities? (Wylie 1905:ii)

Some incidences that illustrate the way these Blue Laws operated may be cited. In 1670 "two lovers, John Lewis and Sarah Chapman, were accused and tried for 'sitting together on the Lord's day under an apple tree in Goodman Chapman's orchard.'" "A Dunstable soldier, for 'wetting a piece of old hat to put in his shoe' to protect his foot – for doing his heavy work on the Lord's day, was fined, and paid forty shillings." "Captain Kemble, of Boston, was in 1656 set for two hours in the public stocks, for his 'lewd and unseemly behaviour, which consisted in kissing his wife 'publicquely' on the Sabbath day, upon the doorstep of his house," on his return from a three year's voyage. A man who had fallen into the water and absented himself from church to dry his only suit of clothes, was found guilty and "publicly whipped" (*Liberty* 1963:18f; Earle 2004:146). Therefore the introduction of Sunday laws brought tension relating to Sabbath observance.

4. The response of the Seventh-day Adventist Church to the Sunday laws

Sunday laws affected the Seventh-day Adventist Church in its early stages of development in the USA around 1888. The church, however, responded to this crisis through active interaction with the government. Alonzo T. Jones, an editor of a Seventh-day Adventist Magazine, *American Sentinel,* challenged Senator Henry W.

[3] Blue Laws may be defined as follows: "local and state laws that prohibit or restrict individuals from engaging in certain acts on Sunday and impose legal sanctions on violators. These regulations are commonly referred to by names: "Blue Laws", "Sunday legislation", "Sunday-closing laws", or "Sunday Statutes" (Laband & Heinbuch 1987:11).

Blair with his national Sunday Observance Bill. Morgan observes that Jones saw the enforcement of Sunday as a worship day disadvantaging the observers of a Saturday Sabbath. The Seventh-day Adventists whom Jones was representing had to choose between giving up one sixth of their work time or live against their consciences (Morgan 2010:12). Morgan points out that even "a proposed exemption for 'Seventh-day believers' would solve nothing.... It would reflect mere toleration of difference, not recognition of human right" (Morgan 2010:12). In the light of the above observation, it seems that the Sunday laws have had an impact in America and in countries where such laws were legally enforced. This is evidenced by the fact that long after the laws were scrapped, Sunday is still a day where most business activities, particularly in the public sector, are closed. In South Africa where freedom of religion is protected, Seventh-day Adventists face different challenges in which they are limited in the amount of hours they can work per week in certain sectors. Therefore this does have an indirect impact on their livelihood and economic participation. This means that exemption from work on Saturday is not enough in some work situations, it takes away the right to work on Sunday because the place is closed on Sunday when a Seventh-day Adventist can work.

The response of the Seventh-day Adventist Church to the 1888 Sunday Law crisis, according to Morgan, was not limited to individual work, there was also an effort towards grass roots organization. For example, the church's International Tract Society solicited support from church members through signed petitions. The members were also urged to get their friends to sign the petition. According to Morgan there was a balance in the way Jones approached the question of religious freedom. He opposed the Sunday bill as well as the Christianization of education (Morgan 2010:13).

Therefore the Seventh-day Adventist Church in the USA responded to the Sunday laws by engaging in discussions with the government and also by soliciting support, not only from its own members but from those who sympathize with them on matters of religious freedom (Höschele 2010:164). The American experience that is discussed above illustrated how Seventh-day Adventists respond to matters of religious freedom. In other parts of the world the issue may not be Sunday laws, it may be homosexuality and law and how the church responds to the rights offered to such individuals within the church community. The next section looks at a case of religious intolerance with reference to the Sabbath within the South African context.

5. Richard Moko: A case study in the pre-1994 South Africa

As a background and preamble to Moko's case it is important to sketch the relationship between church and state within the Seventh-day Adventist Church. In the late

nineteenth century the Seventh-day Adventist Church was growing through its missionary thrust. It was around this time that missionaries were sent to South Africa (Pantalone 1998:45; Du Preez 2010:95f). The position of the church at this time on the matter of the relationship with the state was that there should be no relationship with governments.[4] This included offers like tax exemption and donations from the government. It was during this time that the British South African Company under the leadership of John Cecil Rodes offered 6,000 acres of land in Mashonaland, Rhodesia, to P.J.D. Wessels, who was a prominent leader of the Seventh-day Adventist Church and attended the General Conference (a highest governance body within the Seventh-day Adventist Church) in the USA. At this 1893 meeting of the General Conference Wessels reported to the committee about the land offer. He saw missionary possibilities and how this would help in the growth of mission work in Mashonaland (Costa 2010:137).

Costa (2010:137) further observes that Wessel's arguments were met with opposition from A.T. Jones (referred to earlier in this paper as one of the champions of religious liberty). Jones advocated for a clear separation between church and state that would not accommodate such relationships with the state. Ellen G. White, one of the pioneers of the Seventh-day Adventist Church, opposed Jones and the leaders who supported his views of radical separation between church and state ("Nineteenth Meeting" *General Conference Daily Bulletin,* March 6, 1893; Costa 2010:138).

The background sketched above gives some indication that there was a very positive relationship between the church and state in South Africa. There were no laws that were enforced against the Seventh-day Sabbath worship in South Africa. However, even within such a context of a healthy relationship between church and state, there were problems that were faced by Seventh-day Adventist pioneers in South Africa. This section addresses a case particularly demonstrating elements of religious intolerance within the context of the pre-1994 South Africa.

Richard Moko was the first indigenous Seventh-day Adventist minister in South Africa (Cooks 1986:4). In 1903 Moko was working in East London preaching and establishing the Seventh-day Adventist Church there (Mafani 2011:32f).

A petition was signed by members of Independent and Presbyterian churches in East London East Bank area in which Moko was accused of preaching heresy by teaching that Saturday and not Sunday was the Sabbath day. He was encouraging the younger generation to stay away from work on Saturdays. The petitioners demanded that Moko be expelled from the township (Mafani 2011:33).

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[4] "A.T. Jones raised sharp arguments for radical separation of church and state that found support among Adventist Leaders" (Costa 2010:137; cf. General Conference Daily Bulletin, 6 March 1893, 486).

The location superintendent, Lloyd, gave way to the petitioners by giving Moko one week's notice within which to leave the location. Lloyd was aware that he was acting outside the ambit of the law, as there was no provision in location regulation for such action. Moko was a registered tenant in the East Bank Location. Therefore his expulsion had to be based on a contravention of the law.

"The Town Fathers, on the other hand decided to act with greater prudence because, they pointed out, such drastic action as expelling a person from the location merely because he was exercising religious freedom could have established a serious precedent."[5]

At this time there was no reference to a bill of rights or any document that protected religious freedom. Moko therefore depended on the judgment of those who were handling his case.

"Lloyd was therefore instructed to serve notice upon Moko, calling upon him to 'desist from causing discontent' amongst the township residents otherwise he would indeed be evicted in terms of Section 13 of Act 11 of 1895."[6]

In his letter of appeal against eviction, Moko denied the charges that were levelled against him and appealed for a hearing claiming that this was all based on "difference in religious opinions" (Mafani 2011:35).

Headman Minnie on the other hand claimed that the call for rest on Saturday would cause labor shortage in East London. On the other hand Superintendent Lloyd of East London believed that it was not acceptable for an African to be away from work every Saturday (Tankard; CL, SA Native Affairs [Lagden] Commission, 1903-5 II, 822-4).

There are many other cases of intolerance where freedom of expression was deprived that were never documented.

Moko's case has demonstrated that even within a context where there is no enforcement of Sunday laws or legal restriction of worship on a Saturday Sabbath, there were elements of intolerance. Therefore this case is important for the Seventh-day Adventist Church in South Africa, to ensure that religious expression and freedom is afforded for those who worship on a day that is not popular in the business sector and the religious arena.

6. A current Seventh-day Adventist perspective in South Africa (post-1994)

The Seventh-day Adventist Church in South Africa is part of a global church family. Through the years of apartheid, which did not leave the church unscathed, the

[5] Tankard, www.eastlondon-labyrinth.com/townships/moko.jsp; cf. CA, 3/ELN 453. H Minie to Location Superintendent, 29.2. 1904).

[6] Tankard, www.eastlondon-labyrinth.com/townships/moko.jsp.

global vision of a world-wide united church was maintained.[7] There is Seventh-day Adventist presence in almost every country around the world.[8] With the headquarters in Washington USA, the church is administered through its 13 regional divisions across the globe. The Church in South Africa is part of this world-wide structure under the Southern Africa Indian Ocean Division. This division includes such countries as: Angola, Botswana, Comoros, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Reunion, Sao Tome and Principe, Seychelles, South Africa, Swaziland, Zambia, Zimbabwe, and Ascesion, St. Helena, and Tristan da Cunha Islands. The headquarters of this Division are in Pretoria, South Africa. The church in South Africa is administered through the Southern Africa Union Conference, which includes Namibia, Lesotho, Swaziland and the entire South African territory. The headquarters for this union are in Bloemfontein. The union is administered through six conferences (Cape, KwazuluNatal-Free State, Lesotho Trans-Orange, Transvaal, Swaziland) and one field (Namibia) under which the local churches fall.

Globally "high concentrations of Adventists are found in Central and South America, throughout Africa, the Philippines and many other areas. In composition, 39 percent of Adventists are African, 30 percent Hispanic, 14 percent East Asian, and 11 percent Caucasian." With reference to its mission "the church places great emphasis on different aspects of human freedom and responsibility. These include: religious liberty and human rights, humanitarian aid and development, better lifestyles, health and wholeness, education and personal growth, as well as social issues and community involvement."[9]

7. Religious freedom and law for Seventh-day Adventists

In the post-1994 era of democracy the Seventh-day Adventist Church in South Africa has been challenged to adjust some of its practices and policies to be in line with, for example, the Labour Laws.[10] Other cases were relating to issues of restructuring and the rights of certain groups in the process of restructuring which has been a process that started in the 1980's and has not been concluded to date. The church in South Africa through its legal advisors has attempted to not only become reactionary, but to put mechanisms in place that will help shape its relation with the South African Law. For example, most institutions of the church have offices or

[7] This is evidenced by the statement of the Seventh-day Adventist Church to the Truth and Reconciliation Commission (Boraine 2000:180-181).

[8] By 2005 the Seventh-day Adventist had presence in 203 of the 208 countries recognised by the United Nations (see www.religionfacts.com/christianity/denominations/seventh_day_adventist.htm).

[9] www.adventist.org/world-church/index.html.

[10] For example, the Southern Africa Union Conference had a policy that favoured what was termed the head of the household (which consisted of exclusively of men). This policy was scrapped because it is discriminatory.

structures that deal with human relation aspects of administration that look into policies versus labour law to ensure good labour practice within the church.

One of the challenges currently is to document the principles followed by the Seventh-day Adventist Church on religious freedom as part of local church policy. So far these are found in the policy documents of the higher structures of church organization that focus on global issues and largely an American context. However, the Seventh-day Adventist Church policies do accommodate and respect local practices in so far as they are in harmony with the general principles that the church upholds.

Another challenge that could be mentioned is that there seems to be a bias against private service providers in education in South Africa. Most private service providers are Christian-based. The government is holding back on allowing institutions to be given a university charter. Students who are in such private institutions do not have access to government aid as individuals. Even so such service providers as private institutions have a role to play within the education sector.

7.1 The position of the Seventh-day Adventist Church on church and state

Seventh-day Adventists believe in separation of church and state. However they do not believe separation of church and state to be a moral principle taught in Scripture, but rather a philosophy of government under which a moral principle, religious liberty, is best achieved. Seventh-day Adventists do not believe in absolute separation of church and state (Hofstrader 2011:6).

7.2 The religious freedom principles as held by the Seventh-day Adventist Church

The Seventh-day Adventist Church defines religious freedom with reference to worship. This gives one freedom to worship God without force and coercion. The Seventh-day Adventist Church takes a position that "the union of church and state is a sure formula for discrimination and intolerance and offers a fertile soil for the spread of persecution." (2008-2009 FL 05 p 309.) Further, "separation of church and state offers the best safeguard for religious liberty and is in harmony with Jesus' statement, 'Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's' (Matt 22:21). This means that civil government is entitled to respectful and willing obedience, to the extent that civil laws and regulations are not in conflict with God's requirements, for it is necessary 'to obey God rather than men' (Acts 5:29)" (*GC Working Policy* 2008-2009 FL 05 p 309).

Seventh-day Adventists oppose all forms of discrimination based on race, ethnicity, nationality, colour, or gender. We believe that every person was created in the image of God, who made all nations of one blood (Acts 17:26). We endeavour to carry on the reconciling ministry of Jesus Christ, who died for the whole world so that in Him "there is neither Jew nor Greek" (Gal 3:28). Any form of racism eats

the heart out of the Christian gospel. One of the most troubling aspects of our times is the manifestation of racism and tribalism in many societies, sometimes with violence, always with the denigration of men and women. As a worldwide body in more than 200 nations, Seventh-day Adventists seek to manifest acceptance, love, and respect toward all, and to spread this healing message throughout society.

South Africa has experienced a wave of xenophobia in the past decade. This has to be included in the list of unacceptable ways of treating fellow human beings.

> The equality of all people is one of the tenets of our church. Our Fundamental Belief No. 13 states: 'In Christ we are a new creation; distinctions of race, culture, learning and nationality, and differences between high and low, rich and poor, male and female, must not be divisive among us. We are all equal in Christ, who by one Spirit has bonded us into one fellowship with Him, and with one another, we are to serve and be served without partiality or reservation.[11]

8. Conclusion

The seventh-day Sabbath is an important teaching in the life of the members of the Seventh-day Adventist Church and other Sabbatarian groups. The Sabbath presents a potential problem when the state prescribes a day of worship other than the seventh-day Sabbath. The Seventh-day Adventist Church has made strides globally and in America particularly to define, defend and promote religious freedom. This paper has highlighted a few challenges that the Seventh-day Adventist Church faces in South Africa. While we enjoy the privilege of religious freedom and participate in defining that freedom for ourselves, we are aware that government systems are dynamic. It is the masses that make and influence law, not the few that sit in parliament. Regarding the future, the Seventh-day Adventist Church has a view that is based on apocalyptic eschatology. This view provides a warning for us and those with whom we associate in the "struggle" for religious freedom in South Africa that there are no permanent guarantees for religious freedom. A continuous engagement, clustering, and collaboration should map our way forward.

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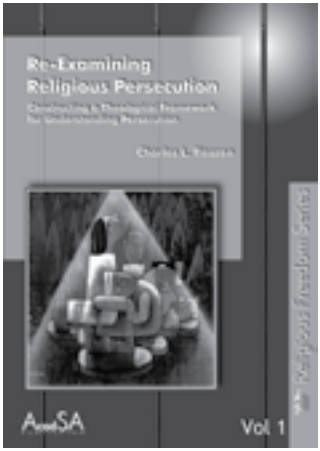
Re-Examining Religious Persecution

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.

Todd M. Johnson, Center for the Study of Global Christianity, South Hamilton, MA, USA

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ISSN 1995-011X
ISBN 978-1-920212-31-5
2008, 92 pages, Rand 90,00 (~ 10,00 €; ~ 13 US$)

International Institute for Religious Freedom (IIRF)
of the World Evangelical Alliance

Friedrichstr. 38 2nd Floor 53111 Bonn **Germany** Bonn@iirf.eu	PO Box 535 Edgemead 7407 Cape Town **South Africa** CapeTown@iirf.eu	32, Ebenezer Place Dehiwela (Colombo) **Sri Lanka** Colombo@iirf.eu

God's mission through suffering and martyrdom

A Korean perspective

Roy Stults[1] and Paul (Young Kee) Lee[2]

Abstract

Dr. Lee weaves together a theology of persecution with an historical study of persecution, both in the ancient church and in the modern Korean Church. He focuses on themes such as instrumental suffering, which is a description of the method God uses to reach and redeem the world. This instrumental suffering, the suffering that is utilized to accomplish the will and work of God, is seen in the ministry and mission of Jesus, the Apostle Paul, the Early Church, and in the experience of the Korean church. Instrumental suffering can be seen as a factor that contributed to the great growth of the contemporary Korean church in South Korea. Instrumental suffering is expected of all followers of Christ and should shape and inform our present ministry and mission.

Keywords Persecution studies, instrumental suffering, impassability of God, theology of persecution, martyrdom, suffering, Korea.

1. Introduction

There is growing interest and a consequent production of new materials in the area of persecution studies, evidenced by the increasing amount of articles, monographs, and university and seminary classes in this particular area of study. Paul (Young Kee) Lee caught the vision a decade ago. In 1999 his dissertation on "God's mission in suffering and martyrdom" was accepted by Fuller Theological Seminary in Pasadena, California. Its publication in book form is in process. This essay will try to give a synopsis of his book.[3]

[1] Donald LeRoy Stults (*1946) received doctorates in missiology (USA), and theology (Britain). He is currently the Online Workshop Coordinator for Voice of the Martyrs USA and has the responsibility for setting up online classes in persecution studies (www.vomclassroom.com). He served as a missionary educator in Asia and Europe and taught persecution studies classes at Oklahoma Wesleyan University as a (Full) Professor of Religion and Philosophy along with the late Glenn Penner, who was there as a visiting professor. He has written books on Asian theology and a theology of mission to the Western world (based on the thought and writings of Lesslie Newbigin). He has written this article based on the dissertation of Young Kee Lee and in lieu of the author. Paper received: 1 July 2011. Accepted: 26 November. Contact: P.O. Box 443, Bartlesville, OK 74005-0443, USA, phone: +1 (918) 338-8488, E-mail: rstults@vom-usa.org.

[2] Paul (Young Kee) Lee (*1953) received a doctorate in missiology (USA). He is a missionary with the One Mission Society, serving in East Asia. His is also Professor of Missiology and Dean of School Development at America Evangelical University. He serves as an Adjunct Professor at Hope International University. He has served as a youth pastor, missionary to Thailand, Senior Pastor, and Educational Pastor. E-mail: smile24lee@gmail.com.

[3] The concluding chapter has been published under the same title in: C. Sauer & R. Howell (eds.): Suf-

1.1 Instrumental suffering

The work is both a biblical theology and an historical overview of the role of suffering and martyrdom in the accomplishment of God's mission to and for the world. A key idea and a key word in Lee's writing is the word "instrumental." By instrumental, Lee means that something (in this case suffering and martyrdom) is God's method in accomplishing his mission. It is the determining element, the pivotal action that brings about the desired result. Suffering and martyrdom are instrumental to God's plan and method of carrying out that plan. Indeed, it is not *a* method God uses; it is *the* method. It is inescapable and indispensible. If we are to be part of God's mission to the world, we will personally have to participate in this method. We become instruments in God's work and we will have to suffer, to some degree, to accomplish this work, in a manner worthy of God. It is built into the *modus operandi.* It *is* the *modus operandi.*

To a certain degree this sounds somewhat superficial – God had a plan to rescue mankind and he chose a procedure that would best accomplish that goal. It sounds so pragmatic and practical. It goes, however, much deeper than that. In fact, it is not impersonal, like a well functioning factory that has an automated mechanical process or procedure to produce a product. It is deeply personal, involving God himself. The Son of God becomes incarnated in order to personally experience suffering and death on behalf of mankind. It is integral to his mission and this mission reflects the very nature of God. It is redemptive suffering and it is quite personal and profound because it involves the person of Jesus Christ, who is both God and man. The followers of Christ do not participate in redemptive suffering in the same manner or degree that Christ did but, as a part of the redemptive process to rescue mankind and bring about reconciliation, they will have to suffer as well in completing God's mission. It will require sacrifice and self-denial, and can only be brought about by many trials and tribulations.

1.2 The suffering of the Korean church

What makes Lee's book unique and invaluable is the extensive section on the role of suffering, sacrifice, and martyrdom in the context of the trials and tribulations of the Korean church in that nation's struggle for freedom to be an independent, sovereign nation and how that factors into the subsequent growth of the church. Korean Christians suffered greatly both as patriots and as believers since the forces they faced were bent not only on destroying the church but the nation as well. In many ways the historical struggle continues in the North, where a large portion of Korean people suffer because of a political ideology that prides itself on being the most repressive persecutors of the church on the planet. What is ironic about this is that Pyongyang was once the center of Christianity in

fering, persecution and martyrdom. Theological reflections (Religious Freedom Series, 2). Kempton Park/ Bonn 2010, 215-256.

all of Asia and the faith flourished there in a manner unseen in any other area of Asia at the time. This was so despite its initial struggle with Christianity due to the early Korean culture's disdain of any interference from the outside. Once the Hermit Kingdom, as it is known to Koreans, was forced open, it embraced Christianity with unparalleled zeal. However, in just a few short decades, the church was suppressed, forced underground, and virtually decimated by another zealous force that occupies much of northern Asia. Instead of bringing peace and prosperity, it has brought only pain and poverty. The suffering of Korea and Koreans continues, representing a long history of repression and oppression. Lee intertwines the theme of the instrumentality of suffering and martyrdom with the one bright aspect that has emerged as a result of this suffering – the tremendous growth and zeal of Christianity in South Korea. Lee's conclusion is that this could not have happened as it has without the tremendous price many Korean Christians paid to serve God and to free their country.

1.3 Organization of the book

Like a good scholar, Lee lays out his argument in sections, building layer upon layer, climaxing with impassioned stories of courage from his native land. He then applies his observations and conclusions to the realms of missions and missiology, spiritual warfare, and the contemporary practices of ministry. It becomes, above all, a superb practical theology that is both pastoral and missiological, which, in reality, should never be divorced from each other.

2. Redemption through suffering

The first layer of his argument sets up the context which must be recognized to understand clearly God's redemption actions in history. Although we are familiar with the story of the Fall, Lee introduces it in order to present the important theme and truth of suffering as a means of countering, in fact destroying, the effects of the Fall. The abuse of genuine free will given to humanity by God and the deliberate choice to disobey led to God's judgment upon mankind, primarily but not entirely confined to a break in intimate relationship with the Creator. This was, of course, precipitated by Satan, who lured Adam and Eve away from God and set up doubt in their minds so that they rejected God's authority. Lee explains the prior existence of evil through a brief description of Satan and his origin and subsequent rebellion. The result of the Fall of mankind through Satan's deception is spiritual death, accompanied by physical death and decay in the cosmos. Things have gone awry and as long as sin and death prevails, they will continue in that state. But they will not always prevail.

The introduction of suffering and death into the picture becomes the very means by which God will profoundly respond and resolve this tragic situation. In essence, God takes upon himself the very punishment he has meted out and uses it to ulti-

mately defeat the source and cause of the rebellion, evil itself. Suffering becomes the means or instrument for defeating the cause of suffering.

2.1 The redemptive suffering of Christ

When one observes the ministry of Christ, it becomes clear that he saw salvation accomplished through suffering as the means of ultimate healing, a multi-dimensional healing of the social, spiritual, and physical realms. Through raising people from the dead and through his own resurrection from the dead, salvation and healing would go so far as to defeat death itself. In the meantime, even the righteous must suffer. Lee specifically seeks to dispel the idea that we must have a fatalistic attitude toward sickness as if it was something we must only endure. We should actively seek to alleviate suffering due to sickness. Like Christ, it is a way of defying the effects of evil in this world. Suffering, however, is something we are likely to encounter as we seek to do his will in a real world with real dangers and with a powerful enemy. To a certain degree, understood correctly, this suffering can have a redemptive quality. Christ's suffering was totally redemptive in every way. The suffering of the followers of Christ is redemptive only in the sense that it is a part of the process that will bring about the actual redemption of persons, as well as the cosmos. It was a pattern for Christ's life and ministry and it will be the pattern of ministry for his followers as well. It also defines the manner in which God's mission is to be carried out – not by the sword but by enduring unjust pain and humiliation.

2.2 The pain of God

Dr. Lee draws on many theologians, East and West, and introduces to us many names with which we would not be familiar. One name that is familiar is that of Kazoh Kitamori. There is a certain irony, if one viewed it from the world's perspective, in using him since he was a Japanese theologian and anyone remotely familiar with Korean history would know that Japanese Imperialism was the cause of much pain and suffering to Koreans, especially Korean Christians. However, in true Christian fashion, Lee expresses no personal animosity toward a Japanese brother. Kitamori's writings on the pain of God are enlightening to read if not controversial in light of the longstanding debate in the church over the passability or impassability of God. Lee writes:

> Kitamori argues that our pain is actually healed when it serves the pain of God. This is what Jesus meant when he said to His disciples: "For whoever wants to save his life will lose it, but whoever loses his life for me will find it" (Mt. 16:25). Our wounds would be healed when they serve our Lord's wounds (1 Pet. 2:24). (Lee 1999:53)

Lee chides the Western Church somewhat when he quotes John Stott's (1986:322) statement that "the place of suffering in service" is seldom taught today. It is something that the persecuted church understands well and the Western church needs to

relearn. In all fairness, it is something the whole church, East and West, North and South, must never forget.

2.3 Suffering a part of the call of the Apostle Paul

Dr. Lee then addresses suffering in the ministry and missionary work of the Apostle Paul, which is especially relevant for missions and missiology. The vision that Saul experiences on the road to Damascus profoundly alters the course of his life and history as well. He is confronted by Jesus who specifically asks why Saul was persecuting him! As a Jewish scholar, Saul would not have put the concepts of Messiah and suffering together. Saul's experience with the Messiah who suffers is reinforced by the explanation of his missionary calling, which requires him to suffer to fulfill God's will for his life. His quick mind put it all together and he did not hesitate to acknowledge that Jesus was his Lord. There is never a hint in his writings that the prediction and reality of his sufferings ever deterred him from his mission. It went along with the territory. It was the chosen method by God to reach the world.

Lee mentions Simon Kistemaker's (n.d.:341) five reasons why Paul was the perfect choice to be a missionary. The question is not addressed as to why Paul would have to suffer as a missionary. He had no special qualification although some might argue that he had caused suffering so this was a part of his redemption. That may have been in Paul's mind. In reality the question is not asked nor is this particularly mentioned because he had no special qualification or even any special calling. In reality it is a part of the calling of anyone called to be a missionary. If suffering is a part of the plan for all servants of God, then Paul would be no exception. He was a servant of the risen Christ. He would suffer.

3. A theology of martyrdom in the Early Church

This truth is born out in the subsequent decades and centuries of church history. Persecution would be sporadic, sometimes intense, sometimes spotty, but always lurking and ready to spring forth somewhere in the life of the church. Dr. Lee gives a rather extensive picture of persecution of the Early Church and the development of the concept of martyrdom. The term martyr, which of course means witness, begins to accrue the added meaning of one who dies for witnessing. Stephen is called a martyr. Before long the term is used to refer almost exclusively to one who dies for the faith.

Lee takes the discussion one step further by introducing the idea of a theology of persecution in the writings of Clement and Tertullian. The question that is central to this discussion is the issue of volunteer martyrdom. There were those who were so zealous in their faith that they sought martyrdom, some to the point of provoking their enemies to kill them so they could attain the high honor of being killed for their faith. Lee writes:

> Suffering and death at the hands of the persecutors were regarded so highly that there were many Christians by the second century who actually courted their own deaths in the name of the "martyrs." This phenomenon of voluntary martyrdom cannot be said to have been a temporal sentiment of the day because it continued for more than a hundred years. This movement of voluntary martyrdom not only astonished the persecutors, but also the spread of voluntary martyrdom had become so alarming to many thoughtful church leaders that they gradually developed a sharp distinction between the courted martyrdom and the right kind of martyrdom that came as a result of persecution. (Lee 1999:229)

Tertullian seems to speak in favor of volunteer martyrdom while Clement speaks against it, since to him it appears to be suicide. Clement also talked about a phenomenon that occurred when people were facing martyrdom. He called it a "defense," an *apologia,* a special ability given to martyrs by the Holy Spirit to bring people into the kingdom.

4. Persecution and church growth in Korea

A theme that was briefly introduced earlier in the book is re-introduced more fully at this point. Lee is concerned to discover what connection there might be between persecution and church growth. He feels that to a certain degree it is insensitive to talk about church growth in the context of the subject of persecution. Dr. Lee's sense of propriety compels him to think that it seems to be cold calculation at a time when people need to have a deep reverence for the topic of dying for the faith. The question is raised by the misunderstood statement by Tertullian that the blood of Christians who die for the faith is the seed from which the church experiences greater growth. Lee notes that martyrdom does often strengthen the church, but that at times it has destroyed it in certain locations.

For those who wish to know and understand the phenomenal growth of the church in South Korea, Lee has given a robust explanation of the beginnings of Christianity in Korea. In what was obviously God's providential timing, Protestant missionaries arrived on the shores of Korea precisely when Koreans were the most receptive. Lee delves into the historical factors that converged to bring about one of the most dramatic and unpredicted episodes in mission history. A country that consistently repelled any foreign influence eventually embraced Christianity in a way unparalleled in Asian church history. For Koreans, Christianity has never entirely been viewed as a Western religion. Equally as astounding is how the center of Christianity in Asia, the city of Pyongyang, went from being filled with Christians to being the place of great persecution, disappointment, and death as communism almost totally rooted out Christianity from that city.

The first wave of severe persecution was experienced much earlier by Catholic Christians who had denounced ancestor worship. By the time Protestant missionaries arrived, about a century after the Catholic missionaries, there was little central government support for Confucianism so persecution of those who denounced ancestor worship was far less strenuous.

The next threat to Christianity came from Japan's attempt to annex Korea, which it did occupy from 1910 to 1945. It was a time of severe suffering for Korean Christians particularly. It gave birth to the March First Movement – a patriotic movement initiated and sustained by Christians. They based their idea of national freedom on Christian faith. Lee recounts in detail this very significant era in Korean history. The issue during the Japanese occupation was Shinto Shrine worship, which was defined and promoted by the Japanese government as a patriotic duty but was seen by many Christians as idolatry. Many Christians died as a result of their refusal to participate in the so-called patriotic ceremonies. It caused a rift in the church in Korea because some Christian leaders taught that the worship was to be seen only as a patriotic ceremony and not as a religious act. However, many Christians made no such distinction and paid for it with the forfeiture of their life. Lee reflects on this era:

> The Korean church found great encouragement in the sufferings of Christ and heartily welcomed the message of the gospel of salvation. From the Bible they knew how God had rescued the Israelite people from the bondage of slavery under the Egyptian empire. They loved Moses who led the Israelite people out of that bondage to freedom and independence in the land of promise. They nurtured their love and concern for their beloved nation with the word of God. They believed that the God of the Bible was on their side in their suffering and groaning under the Japanese control. (Lee 1999:312)

In some ways the division of the church at this time set a pattern for Christianity in Korea because church division has been a serious problem in the church since that time. This was truly one negative result of persecution.

Not long after the end of Japanese occupation, the Korean War broke out and Christians went through another horrific period of severe suffering. It lasted only three years but it was devastating, both to the country and to the church. The communists of North Korea and China, with their vast armies, sought to crush the church while forcing the population to submit to communist rule. The brutal atrocities of that era are well chronicled and documented, as is the heroic and courageous witness of Christians who died for no other reason than their allegiance to Christ. Most of the Christian churches were in the northern part of the country (now North Korea). At the end of recounting many stories of suffering and martyrdom in the context of the Korean War, Lee steps back and reflects on this suffering and martyr-

dom of Koreans from a missiological perspective. It was not only a time of shame and humiliation, but also a time of glory and honor because it truly contributed to the future growth and stability of the church in Korea. He writes:

The persecution of the Christian churches by the Russian Communists was a cruel and merciless one and the Korean War was tragic for Korea. We cannot explain such persecutions and tragedies. But what is significant from a missiological point of view is that God can use such historical events providentially for the advancement of the gospel. Despite suffering and martyrdom, the church in South Korea surprised the world by its rapid growth and missionary zeal. (Lee 1999:333)

5. Conclusion

The third and last part of Lee's book seeks to bring all the themes together.

5.1 Suffering as a part of mission theology

He presents the evidence why he thinks that the instrumentality of suffering and martyrdom needs to be a part of contemporary mission theology. "The pattern of suffering and death," he writes, "is to be reflected in the life and ministry of His disciples" (Lee 1999:341). When Jesus affirmed this to his immediate disciples, he was also affirming it for all subsequent followers. And it proved to be the case in the immediate years following the death of those who walked with Jesus. It has been a reality throughout the ages of the church and is a reality in many parts of the world today, in spite of the fact that many in Western countries might try to deny it. Lee utilizes the writings of Paul Marshall and Nina Shea, as well as others, to support his contention that persecution is not confined to the past, as much as we may wish this was true.

Lee advocates a theology of martyrdom to be a part of Christian theology and goes into some detail about the theological arguments that have denied the passability of God. Lee believes that it was the concepts of *apatheia* (not having emotion or passion) and *autarkeia* (being self-sufficient) attributed to God that have left Western theologians generally (with some notable exceptions) uninterested in the idea of suffering as being a part of God's mission to the world. His conclusion is that "all these theologians missed the missionary dimension of Christian martyrdom which is supposed to reflect the pattern of suffering and death of Jesus Christ in God's mission. Their focus on the suffering of God results in neglecting the aspect of Christian suffering and martyrdom, so that they have little understanding of this kind of instrumental suffering in fulfilling God's mission" (Lee 1999:349).

Lee (1999:349) asserts that "the phenomenon of persecution cannot be explained exhaustively as exclusively the work of Satan. As we have seen in the life and ministry of Jesus Christ, the breaking out of persecution can have divine as well as human factors. In fact, by faith we can even say sometimes God has a higher purpose in allowing

persecution among His people". To follow Jesus in self-denial and cross-bearing will mean suffering and martyrdom. This is the Principle of the Cross, Lee says. "However, not all Christians are called to suffer and die for the sake of Jesus' name in the literal sense, even though they are called to live by the principle of the cross in their life and witness in this world" (Lee 1999:359). Lee has an extended discussion of the meaning of the cross for His disciples in that he talks about the concept of "escapability." A person must choose to carry the cross of Christ; therefore, it is possible to escape this responsibility. However, to do so has negative consequences. On the other hand, when one hears the call of God and is moved by it, the response is to obey. "When the will of God in suffering and martyrdom is revealed and confirmed to the Christian martyrs through the ministry of the Holy Spirit, they are willing to obey God's calling to suffer and die for Christ's sake" (Lee 1999:377).

5.2 Suffering and spiritual warfare

Lee then discusses the very practical issue of spiritual warfare in the context of instrumental suffering in the process of fulfilling God's mission. Spiritual warfare was present in Christ's ministry and it is a part of ours as well, even when we are not fully aware of it. Warfare implies suffering, and suffering as a part of spiritual warfare is no exception. We recognize early on that we are weak before the powers that seek our demise and we must allow God to display his power through us to defeat the enemy. It is paradoxical but God's power is displayed through suffering. As we sacrifice and suffer for him, he is able to defeat our enemy. It is been proven true on many occasions, not the least through the suffering of the Korean church.

5.3 Instrumental suffering for ministry

Finally, instrumental suffering is essential for ministry. Lee is advocating a different understanding of ministry than what is generally understood today. His understanding of ministry includes all followers of Christ who comprise a *holy* priesthood who intercede for the lost as well as the found. Instrumental suffering must become the mode of Christian witness of the church before the world in order to be truly faithful to the mission and method of God's mission to the world.

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Books ordered for review

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International standards for constitutional religious freedom protections

Recommendations

United States Commission on International Religious Freedom (USCIRF)[1]

Several countries in the world are or soon will be drafting new constitutions. It is vital that these constitutions protect universal human rights, including the right to freedom of religion or belief. Based on its experience analyzing constitutions against international standards,[2] the U.S. Commission on International Religious Freedom (USCIRF) offers the following guideposts for the full protection of religious freedom consistent with international human rights law:

Freedom of religion or belief is a universal right

The 193 member states of the United Nations have agreed, by signing the UN Charter, to "practice tolerance" and to "promot[e] and encourag[e] respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion." These rights and freedoms include the freedom of thought, conscience, and religion or belief, which is protected and affirmed in numerous international instruments, including the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights (ICCPR), and the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

Article 18 of the Universal Declaration of Human Rights provides:

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

[1] The United States Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal commission created by the U.S. Congress to monitor and report on the status of freedom of religion or belief and give independent policy recommendations to the President, the Secretary of State, and members of Congress. – This piece was published at http://tinyurl.com/USCIRF11 on 10 December 2011 and first appeared in the Yale *Journal of International Affairs.* Reproduced with kind permission by USCIRF.

[2] USCIRF, "The Religion-State Relationship and the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Predominately Muslim Countries," March 2005; USCIRF, "Iraq's Draft Permanent Constitution: Analysis and Recommendations," September 2005; USCIRF, "Iraq's Permanent Constitution: Analysis and Recommendations," March 2006.

community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 18 of the ICCPR similarly 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.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Freedom of religion or belief is a broad right for every individual

Respecting religious freedom consistent with international human rights law is not only a matter of protecting the freedom of religious communities, as groups, to engage in worship and other collective activities. It also encompasses the freedom of every individual to hold, or not to hold, any religion or belief, as well as the freedom to manifest such a religion or belief, subject only to narrow limitations allowed under international law.

Thus, religious freedom is not only for religious minorities. It affords members of a country's religious majority the freedom to debate interpretations of the dominant religion, as well as to dissent or otherwise refuse to follow the favored interpretation. In addition, religious freedom is not only for religious communities deemed "traditional." It also includes the rights of individuals or communities to hold new beliefs, polytheistic beliefs, non-theistic beliefs, or atheistic beliefs.[3] Religious freedom also encompasses more than just a right to worship or to practice religious rites; its full enjoyment requires that other rights must also be respected. The full scope of the right to manifest religion or belief includes the rights of worship, observance, practice, expression, and teaching, broadly construed, including

[3] See Hum. Rts. Comm., gen. cmt. 22, art. 18, para. 2 (forty-eighth session, 1993), UN Doc. CCPR/C/21/Rev.1/Add.4 (1994), [hereinafter HRC General Comment No. 22].

property rights regarding meeting places, the freedom to manage religious institutions, and the freedom to possess, publish, and distribute liturgical and educational materials.

Finally, religious freedom is not only for a country's citizens. International human rights standards require a state to extend rights and equal status to "all individuals within its territory and subject to its jurisdiction."[4]

Freedom of religion or belief includes freedom of religious choice and expression

Religious freedom includes the freedom to keep or to change one's religion or belief without coercion.[5] It also includes the freedom to manifest one's religion or belief through public expression, including expression intended to persuade another individual to change his or her religious beliefs or affiliation voluntarily. Any limitations on these freedoms must be prescribed by a narrowly-construed law, based on a ground specified in ICCPR Article 18, non-discriminatory, not destructive of guaranteed rights, and not based solely on a single tradition.

Permissible limitations on freedom of religion or belief are narrow

Under international law, the broad right to freedom of religion or belief, including the management of religious institutions, may be subject to only 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. Limitations are not allowed on grounds not specified in ICCPR Article 18, even grounds that may be permitted to restrict other rights protected in the Covenant. For example, national security is not a permissible limitation, and States cannot derogate from this right during a declared public emergency. Limitations also must be consistent with the ICCPR's provisions requiring equality before the law for all and prohibiting any measures that would destroy guaranteed rights.[6] Finally, limitations on the freedom to manifest a religion or belief that rely on morality must be based on principles not deriving from a single tradition.[7]

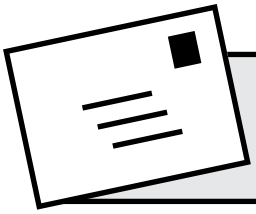
Establishing an official religion cannot justify rights violations or discrimination

Under international standards, a state may declare an official religion, provided that basic rights, including the individual right to freedom of thought, conscience, and

[4] ICCPR, Article 2(1).
[5] ICCPR, Article 18(2).
[6] ICCPR, Articles 2 and 5.
[7] HRC General Comment No. 22, at para. 8.

religion or belief, are respected for all without discrimination. Thus, the existence of a state religion cannot be a basis for discriminating against or impairing any rights of adherents of other religions or non-believers or their communities. Providing benefits to official state religions not available to other faiths would constitute discrimination, as would excepting state religions from burdensome processes required for faith communities to establish legal personality. Under the ICCPR, the fact that "a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant."[8]

[8] HRC General Comment No. 22, at para 9.



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Study Consultation on Freedom of Religion and Rights of Religious Minorities

WCC Commission of the Churches on International Affairs

Istanbul, Turkey, 28 November to 2 December 2011

A communiqué adopted at a World Council of Churches (WCC) consultation in Turkey advocates international standards of protecting religious minorities' rights to freedom of religious expression. The communiqué was drafted at the International Study Consultation on Freedom of Religion and the Rights of Religious Minorities organized by the WCC Commission of the Churches on International Affairs (CCIA) and hosted by the Ecumenical Patriarchate of Constantinople.

The communiqué was prepared by participants of the consultation representing churches, Christian organizations, academia, civil society, human rights organizations and legal professionals from 23 countries in Africa, Asia, Middle East, the Americas and Europe.

Since the last study on the subject of freedom of religion by CCIA in 1981, there have been several political developments following the cold war and the rise of religious extremism. Dr Mathews George Chunakara, director of the CCIA, says, "Taking account of these factors and building on the outcomes of the Istanbul consultation, WCC will be analyzing these emerging trends in other countries."

The consultation was mandated by the CCIA's 50th meeting in 2010, and follows the International Ecumenical Peace Convocation, which took place in Kingston, Jamaica in May of this year.

The final report prepared in early 2012 by a CCIA working group will be presented at the CCIA meeting in China in June 2012 seeking a mandate for further follow-up actions. A WCC statement is to be presented on "freedom of religion and rights of religious minorities" at the upcoming 10th Assembly of the WCC at Busan, Korea in 2013. The final report adopted at the CCIA meeting in China will be shared with the WCC's constituency.[9]

Communiqué[10]

We, the participants of the *International Study Consultation on Freedom of Religion and the Rights of Religious Minorities* - drawn from churches, church

[9] For the full press release see: http://www.oikoumene.org/en/news/news-management/eng/a/article/1634/wcc-consultation-promotes.html.

[10] URL: www.oikoumene.org/en/resources/documents/wcc-commissions/international-affairs/human-rights-and-impunity/religious-minorities-and-rights-for-religious-freedom.html.

related organisations, academia, civil society and human rights organisations and the legal profession in 23 countries in Africa, Asia, the Middle East, the Americas and Europe - met in Istanbul, Turkey as part of an international study consultation organised by *the Commission of the Churches on International Affairs of the World Council of Churches.* The Consultation analysed the situations of rights of religious minorities and freedom of religion in various contexts.

We wish to express our deep gratitude to His All Holiness, the Ecumenical Patriarch Bartholomew I for welcoming us and addressing the participants, and express our joy in sharing in an audience with Him and in attending the Holy Liturgy for the Feast of St. Andrew, Patron Saint of the Ecumenical Patriarchate.

During the Study Consultation we received reports on the position of religious freedom and the rights of religious minorities in 27 countries. These furthered our common understanding of the rights to which all people are entitled, highlighted many human rights concerns and enabled us to identify a number of steps to be taken to ensure freedom of religion and belief and the rights of religious minorities in various contexts.

We recognise that respect for freedom of religion or belief is a common good and a prerequisite for the democratic and peaceful progress of human society. Widespread and grievous violations of this freedom affect the stability, security and development of many states and severely impact upon the daily lives of individuals, families and communities, especially their peaceful coexistence.

We affirm that all people are endowed with inherent dignity. We recognise and reiterate the significance of international human rights standards relating to religion and belief and to religious minorities. In relation to matters of religion or belief the international human rights framework provides all persons with the right to:

- have or adopt the religion or belief of one's choice, including the right to change one's religion;
- manifest religion both privately and publicly, alone or with others, in worship, teaching, observance and practice;
- protection from discrimination in any sphere of life on the basis of religion or belief; coercion in matters of religion or belief;
- bring up children in accordance with their own beliefs;
- conscientious objection.

It is the duty of states and governing authorities to respect, protect and promote the freedom of religion or belief, in all its dimensions, for all individuals under their jurisdiction or control without regard to their religion or belief.

We recognise and welcome positive steps taken towards a fuller respect for freedom of religion or belief in a number of contexts. However, we also witness serious violations of these rights with grave concern.

During the study consultation several examples regarding the non-fulfilment of the right to religious freedom have been highlighted. In several contexts practices exist to limit the right to change one's religious status that can result in the separation of families, material and social deprivation or even criminal prosecution, imprisonment or the death penalty. Anti-conversion provisions found in a number of countries, are open to misuse, and contribute to negative public perceptions of and violence towards religious minority communities.

Many individuals are facing serious difficulties in freely professing and practicing their religion or belief as they see appropriate in the face of state or religious compulsion. In certain cases there is also state interference in the decision making processes of a religious group, while in other cases religious law and jurisprudence is imposed by state sanction. At the same time, existing blasphemy laws have a chilling effect on public discourse and on the right to profess religion or belief, and impact disproportionately on members of minority religions.

Numerous religious communities encounter problems in obtaining the legal status necessary to function; in acquiring, building or maintaining of properties such as places of worship and burial grounds or facilities; and in providing religious and theological training. These difficulties seriously impact on their ability to manifest religious faith.

Discrimination on the basis of religion or belief is also seriously affecting the ability of religious minorities to access their rights to education, healthcare and employment and to participate in the democratic process. Discriminatory legislation and state practices provide a legitimising framework for wider discrimination in society. Deprivation, social exclusion and violence towards minorities are the inevitable results of systematic discrimination and threaten the social fabric of society.

In many instances, educational syllabuses and text books portray negatively or under-represent the role of religious minority groups in society and serve to affirm existing societal prejudices and promote intolerance and discrimination. Moreover, obligatory religious education of children of minority religious backgrounds in the majority faith, violates the rights of parents and children. Furthermore, existing legislation and state practice with regard to mixed marriages in certain countries can also impact negatively on the right to religious freedom with regard to the bringing up of children of such marriages.

Also the media in many countries are responsible for the negative portrayal of religious groups, thus perpetuating false stereotypes and exacerbating discrimination.

Lastly, the failure of states to protect religious minorities from violence, threatens, in some cases, the very survival of communities and is in violation of states' international obligations. The culture of impunity created by failures to investigate and prosecute crimes against members of minority communities is a threat to the long-term stability of nations.

In moving forwards, the participants in the Study Consultation:

- urge states to strengthen the existing protection mechanisms and devise effective safeguards against violations of national and international law relating to religious freedom;
- call for concerted and coordinated efforts on the part of religious, civil society and state actors in order to address violations of this right;
- invite the Commission of Churches of International Affairs (CCIA) of the World Council of Churches (WCC) to do a follow up to this Consultation and elaborate an action plan which can address among others the relationship between secularism and religion, the issue of growing nationalism and politicization of religion, the rights and obligations of religious minorities and awareness raising and education for the promotion and protection of the right to freedom of religion or belief;
- propose as possible follow up, the organisation of thematic and region-specific Consultations and the exploration of the possibility for the creation of an ecumenical Forum on religious freedom and human rights;

The promotion and protection of freedom of religion or belief should be the concern and work of all. The participants recalled the statement by the Ecumenical Patriarch, "we are called to be prophetic societies of transformation in a world that has reached a deadlock. Prophetic societies of peace in a global society threatened by war, prophetic societies of dialogue in a civilization characterized by ambivalence and hostility and prophetic societies of reconciliation with the creation of God in an era, that the future of the earth is at risk".

Send your opinion piece to
editor@iirf.eu

International Conference on Freedom of Faith: the Problem of Discrimination and Persecution against Christians

Moscow, 30 November – 1 December 2011

Department for External Church Relations of the Russian Orthodox Church

The International Conference on Freedom of Faith: Problem of Discrimination and Persecution against Christians completed its work in Moscow on December 1, 2011, by issuing a communiqué. The text is given below. [11]

The International Conference on Freedom of Faith: Problem of Discrimination and Persecution against Christians took place in Moscow on November 30 – December 1, 2011. Taking part in the Conference were representatives of the Christian, Muslim and Jewish communities from Russia, Austria, Armenia, Belgium, Germany, Greece, Iraq, Italy, Cyprus, Lebanon, Syria, the USA, Pakistan, Poland, Ukraine and France, diplomats, scholars, public and state figures.

The delegates expressed their concern about the situation of Christians in certain regions of the world, especially in the countries where they are in minority. Particular attention was paid to the situation of Christians in Iraq and other Middle East countries, in Egypt and other countries of North Africa, as well as in Pakistan, Afghanistan, Nigeria, North Sudan, Indonesia, Eritrea, and India. Leaders and representatives of religious communities condemned acts of violence and discrimination against Christians, and spoke up for immediate measures to be taken in defense of the persecuted believers.

The participants in the Conference supported the statement on the growing manifestations of Christianophobia in the world issued by the Holy Synod of the Russian Orthodox Church on 30 May 2011, the statement of His Holiness Patriarch Kirill of Moscow and All Russia on anti-Christian actions in the capital of Egypt on 11 October 2011, and other appeals in support of the persecuted Christians.

The participants welcomed the efforts of international organizations aimed at ensuring the rights of Christians, including the European Parliament Resolution on the Situation of Christians in the Context of Freedom of Religion, the OSCE high-level meeting on Preventing and Responding to Hate Incidents and Crimes against Christians held in Rome on 12 September 2011, and other measures.

[11] URL: www.mospat.ru/en/2011/12/01/news53750. Issued on 1 December 2011 by the Department for External Church Relations of the Russian Orthodox Church.

The participants met with His Holiness Patriarch Kirill of Moscow and All Russia, who expressed his solidarity with Christian communities, representatives of which are becoming victims of violence and discrimination. The Patriarch stated an intention of the Russian Orthodox Church to consistently speak up in their defense and support.

The participants addressed an appeal to all the authorities to do anything possible to stop violence against Christian communities and believers, to stop killings, and desecration of churches and holy objects.

The participants in the meeting believe it inadmissible to link the violation of the rights of Christians with any traditional religion, and condemned extremism which uses religious feelings of believers for the escalation of hatred towards Christian communities.

In order to accomplish the task of ensuring the rights of Christians and to achieve peace among representatives of all religions, the participants in the Conference spoke up for the necessity of supporting inter-Christian and inter-religious dialogue, the results of which ought to be a basis for good neighbourly relations among the followers of all traditional religions.

All those present unanimously called to develop a comprehensive and effective mechanism for protecting Christians and Christian communities who are subjected to persecution or restrictions in their religious life and work.

The participants called for the just judicial examination of the cases of violence against Christians and expressed their willingness to render legal aid to the victims wherever possible.

They underscored the necessity to draw serious attention of the world community to the problems of religious education and to work out norms and standards which would stand as barriers to spreading the ideology of hatred.

The delegates expressed their readiness to cooperate in defending Christian minorities in the regions where they are persecuted. This cooperation should include the exchange of information on the situation and the facts of discrimination of Christians, as well as material, legal, and political support to the persecuted. A desire was expressed to facilitate the establishment of an international body for monitoring discrimination against Christians and rendering assistance to them.

The participants arrived at a conclusion about the necessity to continue the studies in the problem of discrimination against Christians in the world and involve in these studies the leaders of all traditional religious communities, representatives of international organizations, national states, and civil society.

Noteworthy

The noteworthy items are structured in four groups: dates, annual reports and global surveys, regional and country reports (sorted alphabetically), and specific issues. 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 and Megan Conlon (Patrick Henry College) and edited by Prof. Dr Christof Sauer. Submissions welcome to: Noteworthy@iirf.eu.

Dates

Berkley Center: Religious Freedom Project

http://berkleycenter.georgetown.edu/rfp/events

- Religious Freedom and Violent Religious Extremism. Symposium on the Arab Spring 16 March, 2012 - Georgetown
- Conference on Religious Freedom and Equality: Emerging Conflicts in North America and Europe 11-13 April, 2012 – Oxford

The Secular Challenge to Religious Freedom

The International Religious Liberty Association will be holding its 7th World Congress on 24-27 April 2012 in Punta Cana, Dominican Republic. The conference will feature some lectures from experts on religious liberty from around the globe who will answer the question, "What happens when the very belief that creates space for religious diversity – that is, tolerance – clashes against religious beliefs deemed 'intolerant'?" Registration is open at http://irla.org/7th-world-congress.htm.

Annual global surveys

Pew Forum: Rising Restrictions on Religion

Washington, August 2011, 117 p. http://tinyurl.com/pew2011. This second transnational survey reports that between 2006 and 2009 restrictions on religious belief increased for nearly a third of the world's population. The report discusses the implication of these changes, especially where restrictions changed in very populous countries. As was the case in their baseline report, the new study scored countries on two indexes: The Government Restrictions Index (which measures government laws and policies that restrict religious beliefs or practices) and The Social Hostilities Index (which measures acts of religious hostility by private individuals, organizations, and social groups).

US Department of State: International Religious Freedom Report 2010

13 Sept. 2011. http://www.state.gov/g/drl/rls/irf/2010_5/index.htm
The current report covers a six-month period from 1 July 2010 to 31 December 2010, because the Department of State is shifting to a calendar year reporting period.

OD World Watch List 2012

Ermelo, Netherlands, 4 January 2012, 61 p. http://blog.opendoorsusa.org/world-watch-list. The Christian organization "Open Doors" compiles a comprehensive list of the top 50 countries where persecution of Christians is most severe. It covers the period of 1 November 2010 to 31 October 2011 and is available in various languages (opendoors.org).

Regional and country reports

France: Ban of face veil

Unveiling the Truth: Why 32 Muslim Women Wear the Full-face Veil in France. Open Society Foundations. April 2011, 174 p. http://tinyurl.com/veil2011. Following a period of intense public debate, legislation banning the face veil in France came into effect on April 11, 2011. The At Home in Europe project of the Open Society Foundations examines the position of minority and marginalised groups in a changing Europe, with the overall aim of contributing to better informed policies and debate on diversity and equality in Europe. Through research and advocacy with policymakers, civil society, and local communities, the project explores issues that affect participation of Muslims and other groups at the local, national, and European levels. (Summary fact sheet, and French versions also available).

India: Waiting for Justice

Christian Solidarity Worldwide (CSW) welcomes the report by The National People's Tribunal on Kandhamal, 'Waiting for Justice', released on 2 December 2011, which provides a "troubling" assessment of the current situation in the aftermath of the 2008 communal violence in Orissa state, India and issues a raft of recommendations to the state government. http://tinyurl.com/justice11. The report is not yet available online but might be expected here: www.iptindia.org.

India: Communalism, anti-conversion and religious freedom

CSW, Briefing, June 2011, 42 p. http://tinyurl.com/commu11.

Pakistan: Discrimination in educational system

Connecting the Dots: Education and Religious Discrimination in Pakistan. A Study of Public Schools and Madrassas, USCIRF, Washington DC, USA, November 2011,

139 p. http://tinyurl.com/Pak2011. A study sponsored by the US Commission on Religious Freedom found that Pakistan's public schools systematically portray religious minorities negatively and reinforce cultural biases and acts of discrimination. The discrimination has an effect on the opportunities available to these minorities in the realms of employment, higher education, and personal safety. USCIRF called for substantial curricular reforms that promote respect for freedom of religion or belief.

Pakistan: CLAAS fights against abuse of blasphemy laws

http://www.claas.org.uk/blasphemy-campaigns.aspx.
The Centre for Legal Aid Assistance and Settlement (CLAAS) is an interdenominational association working to help Christians in Pakistan persecuted for their faith. In particular the centre fights against the abuse of blasphemy laws in Pakistan to harass Christians. On its webpage many cases, from death sentences for alleged insulting of Mohammed to forced conversions and marriages of Christian girls are documented. The director of CLAAS, Josef Francis, at present (November 2011) is the object of serious death threats.

Moldova: Report of Special Rapporteur

Country visit of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, to the Republic of Moldova (1-8 September 2011). Press statement, Chisinau, 8 September 2011. http://tinyurl.com/Moldava11. Source: www.ohchr.org.

Nepal: CSW appeal to Assembly

Christian Solidarity Worldwide, 22 August 2011, 20 p. http://tinyurl.com/Nep11. CSW published an appeal to the Constituent Assembly in Nepal to allow full religious freedom. This Assembly, elected in 2008 at the end of the civil war, decided to transform Nepal into a secular republic and is discussing the details of a new constitution in which, according to the last version, it will be forbidden to convince people to change their religion. The CSW-paper is directed against that clause.

North Korea: International Coalition to Stop Crimes against Humanity in North Korea (ICNK)

CSW, 12 September 2011. http://tinyurl.com/ICNK2011. Christian Solidarity Worldwide (CSW), Human Rights Watch (HRW) and Open North Korea in a conference in Tokyo succeeded to unite over 25 international human rights organisations and legal experts from the Aegis Trust and the International Center for Transitional Justice (ICTJ), to form a coalition to campaign for a United Nations (UN) investigation into crimes against humanity in North Korea.

Reports, journals, projects

OSCE: Hate incidents and crimes against Christians

Summary report of the OSCE high-level meeting on preventing and responding to hate incidents and crimes against Christians, 12 September 2011, Rome. Warsaw, 18 October 2011, 36 p. http://www.osce.org/odihr/85579.

Debate in UK House of Lords: Christians in the Middle East

London, 9 December 2011, 10.05am – 2.36pm, Columns 923-990. Includes a speech by the Archbishop of Canterbury. Text: http://tinyurl.com/Lords2011. Video: http://tinyurl.com/LordsTV2011.

The Review of Faith & International Affairs "Religion and Presidential Leadership in US Foreign Policy"

23 November 2011, http://www.tandfonline.com/toc/rfia20/9/4.
This collection features essays by leading experts on select past US presidents: George Washington, Thomas Jefferson, Abraham Lincoln, Woodrow Wilson, Dwight Eisenhower, John F. Kennedy, Jimmy Carter, and George W. Bush. Soome free sample articles available.

Fides et Libertas 2010

This issue of the Journal of the International Religious Liberty Association contains the papers from a symposium on Human Rights and Religious Freedom. Full text online: http://irla.org/assets/files/Fides/Fides2010.pdf.

- The Image of God: Rights, Reason, and Order – Jeremy Waldron
- Religion and Equality – Kent Greenawalt
- Religion and Freedom of Expression – Carolyn Evans
- A Conscripted Prophet's Guesses About the Future of Religious Liberty in America – Douglas Laycock
- Religious Liberty, Church Autonomy, and the Structure of Freedom – Richard W. Garnett
- Religious Organizations and the State: The Laws of Ecclesiastical Polity and the Civil Courts – William W. Bassett
- The Right to Self-Determination of Religious Communities – Johan D. van der Vyver
- Faith-Based Family Laws in Western Democracies? – John Witte, Jr. and Joel A. Nichols
- Religious Liberty, Western Foundations, International Dimensions – David Little
- Permissible Limitations on Religion – T. Jeremy Gunn
- Projects of The Center for the Study of Law and Religion at Emory University
- Publications of The Center for the Study of Law and Religion at Emory University

St. Francis Magazine

Vol 7 No 1+2 (February / April 2011) http://www.stfrancismagazine.info/ja/content/category/4/40/38/

Articles of interest:

- Preparing missionaries for growth by suffering, Roger Foster
- Relocation as a response to persecution, Jonathan Andrews
- Impact of persecution on the church in China, Andrew Chi Sing Ma
- A theology of risk and suffering in the gospels, John R. Philip
- Suffering with special reference to the apostle Paul, J. Bryson Arthur
- Theology of risk and security for missionaries in the Arab World, Smythe & Smythe
- The martyrdom of Ignatius and Polycarp as models for suffering for the modern church, John Stringer
- The cross and discipleship - and Indian perspective, Ellen Alexander
- A Latin American view of suffering, D. Cesar
- What is available and needed in discipleship materials for helping believers prepare for suffering

Roger Trigg: Religious Freedom and Extremism

http://tinyurl.com/Trigg11. Berkley Center (Georgetown University, Washington D.C.) has a project on the relationships between religious freedom and political extremism. A paper by Prof. Roger Trigg (Universities of Warwick and Oxford) stresses the danger, that religious freedom may be used to enclose religious communities into actual or imaginary ghettos, immunising them from communication with other people.

Christian Foundations of Religious Liberty and Rule of Law

This project from the Center for the Study of Law and Religion at Emory University directed by John Witte, Jr. explores the relationship between church and state throughout Western history and the interaction of law and the church. The project has already sponsored forthcoming publications by John Witte, Jr., e.g. *Law and Protestantism II: The Legal Teachings of the Calvinist Tradition.* http://tinyurl.com/Witte11.

Law, Religion, and Human Rights

This project from the Center for the Study of Law and Religion at Emory University has the purpose of making the past 20 years of research from the Center available to the public. It also assesses the current and future state of religion and human rights around the world. http://tinyurl.com/Emor11.

Books ordered for review

for more books ordered see p 128

- **The blackwell companion to religion and violence,** ed. by Andrew R. Murphy, Chichester, West Sussex, UK: Wiley-Blackwell, 2011, 632 p., ISBN 978-1405191319, US$ 199.95.
- **The challenge of Islam: Calling the church to act with new decisiveness, humility and devotion,** by Stuart Robinson, Mt Gravatt, QLD, Australia: City Harvest, 2011, 45 p., UPC: 978-0977560295, US$ 4.99.
- **The future of the global church: History, trends, and possibilities,** by Patrick Johnstone, Colorado Springs, CO: Biblica, 2011, 256 p., ISBN 978-1606571323, US$ 26.39.
- **The hidden people of North Korea: Everyday life in the hermit kingdom,** by Ralph Hassig & Kongdan Oh, Lanham, MD: Rowman & Littlefield, 2010, 296 p., ISBN 978-0742567184, US$ 32.54.
- **The privilege of persecution: And other things the global church knows that we don't,** by Carl Moeller & David W. Hegg, Chicago, IL: Moody, 2011, 160 p., ISBN 978-0802454171, US$ 11.89.
- **The responsibility to protect: The promise of stopping mass atrocities in our time,** by Jared Genser & Irwin Cotler: Oxford University Press, 2011, 412 p., ISBN 978-0199797769, US$ 85.00.
- **The right to religious freedom in international law: Between group rights and individual rights,** by Anat Scolnicov, New York: Routledge, 2010, 280 p., ISBN 978-0415481144, US$ 110.56.
- **Without freedom of religion or belief in North Korea,** ed. by Etienne Havet & Lucas Gaudreau, Hauppauge, NY: Nova Science, 2010, 171 p., ISBN 978-1608760435, US$ 180.53.
- **Witness of the body: The past, present, and future of Christian martyrdom,** ed. by Michael L. Budde & Karen Scott, Grand Rapids, MI: Wm. B. Eerdmans, 2011, 238 p., ISBN 978-0802862587, US$ 17.16.
- **Writing religious history: The historiography of Ethiopian pentecostalism,** by Jörg Haustein, Wiesbaden, Germany: Harrassowitz, 2011, 295 p., ISBN 978-3447065283, € 38.00.
- **Silenced: How apostasy and blasphemy codes are choking freedom worldwide,** by Paul Marshall & Nina Shea, New York, NY, USA: Oxford Univ. Press, 2011, 480 p., ISBN 978-0199812288, US$ 27.82.
- **The Third Choice: Islam, dhimmitude and freedom,** by Mark Durie, Australia: Deror Books, 2010, 288 p., ISBN 978-0980722314, US$ 34.95.
- **Very Stones Cry Out: The persecuted church: pain, passion and praise,** by Baroness Cox & Benedict Rogers, New York, NY, USA: Continuum, 2011, 168 p., ISBN 978-0826442727, US$ 15.56.

Book Reviews

Natural Law and the Two Kingdoms: A study in the development of reformed social thought

David VanDrunen

Grand Rapids/ Cambridge, UK: William B. Eerdmans, 2010, 466 p., ISBN 978-0802864437, US$ 35.

If, as thoughtful and responsible Christians, we want to promote freedom of religion on the global level, obviously we have rejected theocratic ways of thinking, but we have not opted to withdraw from the world into holy communities. We assume there is a standard of civilized and humane life (including freedom of religion for all) which we want to promote that is also mostly compatible with the way of life we teach within Christian churches. But how are we to explain this theologically? A very worthy proposal for theological categories is the combination of natural moral law with two kingdoms doctrine. VanDrunen offers a superb historical study of how these themes have been taught in the Reformed and Presbyterian traditions in Europe and North America.

Natural law doctrine claimed, "God had inscribed his moral law on the heart of every person, such that through the testimony of conscience all human beings have knowledge of their basic moral obligations and, in particular, have a universally accessible standard for the development of civil law." Two kingdoms doctrine taught "God rules the church (the spiritual kingdom) as redeemer in Jesus Christ and rules the state and all other social institutions (the civil kingdom) as creator and sustainer, and thus these two kingdoms have significantly different ends, functions, and modes of operations" (p. 1). Though the cultural context of Christendom hampered the implementation of these doctrines during the Reformation, and though some 20th century writers such as Karl Barth, Herman Dooyeweerd, and N. T. Wright did not properly appropriate these doctrines, VanDrunen presents a powerful case for the relevance and importance of these traditional Protestant ethical doctrines for Christians in a Post-Constantinian, Post-Christendom world. Precisely these moral doctrines are an important reason why evangelicals in previous centuries promoted freedom of religion (e.g., 18th century Virginia Presbyterians) while also teaching that all people and all civic institutions are morally accountable to God. It is the best book on the history of Protestant social ethics I have read.

Following VanDrunen, believers have two sets of duties: in God's spiritual kingdom we must proclaim the gospel and build up the church; in God's civil kingdom

we should promote justice without thinking our efforts for justice replace gospel preaching.

Prof. Dr. Thomas K. Johnson, Prague, Czech Republic, is author of Human Rights: A Christian Primer (World Evangelical Alliance, 2008), available as a free download at www.bucer.eu/international.

God is Red: The secret story of how Christianity survived and flourished in communist China

Liao Yiwu, Wenguang Huang (tr.)

New York: HarperOne, 2011, 231 p., ISBN 978-0062078469, US$ 25.95.

Ever since the famous Jewish historian Josephus' works were discovered, the genre of storytelling has been a fascinating way to document history. In a sense, the latest work of Chinese dissident and writer Mr. Liao Yiwu – a compilation of individual stories of religious persecution in the past five decades under Communist rule – does for Christians what Josephus did for the Jews.

Like Josephus, Yiwu wrote down the stories of individuals whom he interviewed face to face. Most of his subjects were introduced to him by a former medical professor who became a "barefoot doctor" in the remote areas of Southwest China's Yunnan province after being fired from his medical school job for holding unapproved private Bible study meetings in his own home. I am blessed to know this "barefoot doctor," surnamed Sun, who is also known as "Jesus Doctor" because of the extraordinary sacrifice he has made of his medical career and his remarkable medical skills to take care of "the poorest of the poor" in those most remote areas who would otherwise have died.

Most of Yiwu's stories of persecution in this book are previously unknown or little known to the world outside China., However, the father of one of the subjects is the son of Pastor Wang Zhiming, the sole Chinese among the ten most courageous martyrs of 20th century selected by the Anglican Church. Pastor Zhiming was executed by China's Communist leaders in front of tens of thousands of people in 1973 for his "stubborn" refusal to bow to the deified Chairman Mao and his unwavering loyalty to his Lord Jesus Christ. But today, his statute stands on top of the gate to Westminster Abbey in London. Blessed be the faithful descendants of Pastor Zhiming. Although the persecution details in God is Red can be somewhat heavy going, readers of this book will definitely find themselves greatly encouraged and edified if they share the same faith. For decades, the Chinese government has been spreading the propaganda that persecution against Christians had completely ceased, but

these newly revealed stories about events that have happened even in recent years will serve as a balance to the scenario of more Christians freely attending church on any given Sunday than in all of Europe together.

As a former Chinese house church pastor imprisoned for my beliefs and now an advocate for religious freedom, I wholeheartedly recommend this book to all Christians, to China scholars concerned about religion and persecution and to religious freedom fighters everywhere. It is not only an up-to-date account of a painful aspect of Christianity in China today, it is also good spiritual food for believers. I appreciated the author's frank assessment of his concern about the different "impure" motivations and the genuineness of new converts today in China's rapidly secularized major urban centers. I see those possibly insincere conversions as standing in stark contrast to the author's own pursuit of a most-pure faith in Christ. The author, according to his own admission is not (yet) a Christian. This makes this book the more remarkable.

Bob Fu, China Aid Association, Midland, Texas, USA

Interreligiöse Verständigung zu Glaubensverbreitung und Religionswechsel

Christoph Elias (ed.)

Hamburg: EB-Verlag, 2010, 397 p., ISBN 978-3936912913, € 23.00.

The book whose title translates as "Interreligious understanding of the spreading of religion and conversion" contains a collection of contributions by different authors at the 6th International Rudolf-Otto-Symposium, organized by the Department of Protestant Theology of the University of Marburg, Germany. At this university an interdisciplinary bachelor course in "Religious Mediation" has been installed.

The problems of inter-religious understanding concerned here are presented in 9 chapters, of which the first three contain a sort of theoretical frame, chapters 4 to 7 deal with different aspects of the spreading of faith and of changing religion, and the last two try to show some possible solutions.

Chapter 1 deals with some basic questions for a theological systematisation on the spreading of faith and change of religion, seen from the point of view of all religions, with contributions by Edith Franke on the influence of social surroundings, by Volkhard Krech with a typology of forms of inter-religious contacts, and by Peter Antes on the enhancing of profiles of faith under the conditions of inter-religious competition.

In chapter 2 there follow some studies on specifically Christian theories on the spreading of faith and change of religion. Andreas Feldtkeller analyses the core aspect of relationships between the exclusivity claim of single religions and religious freedom. Hans-Martin Barth, Michael Sievernich, Richard F. Waldorp and Dieter Becker relate to other aspects of this problem.

The third and last part of this theoretical introduction deals with the self-consciousness of other religions, the Jews (Walter Homolka and Monica Bunk), Islam (Servet Armagan), Hinduism (Peter Schalk and Martin Mittwede), Buddhism (Shin Fujieda), Lamaism (Adelheid Hermann-Pfandt) and the Bahá'i (Peter Amsler)

The central part (chapter 4 to 8) contains a number of contributions on the specific themes of the book. Freedom of religion is the theme of chapter 4. Edmund Weber contributes the general thesis that in the modern time of globalisation religious collectivism has lost its force and individual freedom of religion is a historic necessity. The individual choice between religions is the task and duty of every person. The affirmation of diverse positions can lead to a recognition of common interests between religions, but can also lead to an increase of existing differences. Ursula Spuler-Stegemann explains the religious aspects of the UN Universal Declaration of Human Rights, insisting that it contains also a negative religious freedom, the right not to have a religion. Ömar Öszoy and Katja Triplett contribute two regional surveys on Islam in Japan.

On the interreligious theme "spreading of faith", meaning the problems connected with mission, the book (in chapter 5) does not contain a general theoretical inquiry, but only a number of contributions on regional problems: Stefan Jäger on the Christian mission in Japan, Christian Troll S.J. on a Christian website with answers to questions by Muslims, Tharvad Kadesh on relations between Christians and Muslims in Egypt and Bhikku Pasadika on the spreading of faith in the former and later Indian Buddhism.

In a further chapter we find contributions concerning the danger that interaction between religions may lead to an indiscriminate mixing of religions (chapter 6). This is seen as a danger for religious individuality (Michael Utsch), or as an inevitable consequence (Martin Kraatz) or even as a positive development (Angela Standhartinger, Daniel Radtnakara Sadananda).

A further problem is addressed in chapter 7: that conversion to another religion may compromise the cultural identity of the persons involved. Klaus Otte addresses the problem in general, Wilhelm Richebächer contributes a regional study on Eastern Africa, Wolf D. Ahmed Arias relates the point of view of a convert to Islam, while Max Münzel deals with conversion in a polytheistic society.

The book concludes (chapter 8) by showing the alternatives in the relationships between religions: confrontation, competition or co-operation The three contri-

butions (Adrian Loretan-Saladin, Peter Steinacker and Klaus Jork) conclude with passionate appeals for co-operation and dialogue. The last part (chapter 9) contains contributions to an ecumenical religious service which also concluded the symposium.

Without any doubt the mass of information in this book is overwhelming. But what may leave the reader sometimes dissatisfied, is a lack of concrete standing on controversial points. Nevertheless it is a publication which deserves to be studied.

Georg Bransby-Windholz, Cape Town, South Africa

Vietnam's Christians: A century of growth in adversity

Reg Reimer

Pasadena, CA: William Carey Library, 2011, 107 p., ISBN 978-0878083046, US$ 12.99.

Vietnam's Christians fits squarely in the genre of western missionary accounts of a missionary planted Church in the Southern Hemisphere. In the first half of the book, Reimer takes the reader through the internal national political contradictions of modern Vietnam, it's many cultures and religions, and the history of the Catholic and Protestant Churches. But all that is simply to prepare the reader for the amazing story of the growth of Vietnamese Christianity under severe persecution from 1975 to 2010. Unlike many missionary accounts this one recounts the experience of both the Catholic and the Protestant perseverance in faith.

This book is well researched. Indeed it cites over fifty sources in its just over one hundred pages. But what makes this book unique are the firsthand accounts and interviews with Vietnamese Christians who valiantly maintained and shared their faith in spite of the cost to family, property and health. There are insights and accounts here that cannot be found anywhere else.

The story of the persecution and growth of Christian faith in Vietnam has long gone under reported in the avalanche of literature on the history and politics of Vietnam by the secular media. This is also true of the story of Christian faith in China and Laos. In all three nations the Christian Church has grown much faster since the communists came to power than at any previous time.

Reimer is one of the best positioned westerners to tell the story of the Vietnamese Church under communist rule. His passion for Vietnam and his detailed understanding of the Vietnamese Church make this book valuable to scholars and others with an interest in religion in Vietnam. He served as a missionary in Vietnam during the American War in Vietnam, was deeply involved in the effort to assist Vietnamese refugees in SE Asia and Canada, and he has travelled in and out of Vietnam a

number of times over the last thirty years as he has advocated for religious freedom. On the one hand, his approach to advocacy avoids the extreme and sometimes undocumented criticisms of the most zealous human rights advocates. On the other hand, Reimer refuses to remain silent when facts on the ground warrant making public the persecution of Christian Vietnamese people for nothing more than practicing their religious faith.

This book would have been stronger had it focused only on the communist era and included a more deliberate discussion about the missiological lessons that can be drawn from the experience of Vietnamese Christians. Nevertheless, it is a valuable contribution to the understanding of Christianity in Vietnam. Next up, hopefully, will be a Vietnamese account of this era.

Dr. Stephen Bailey, Professor of Intercultural Studies, Simpson University, Redding, CA, USA

Freedom to believe: Challenging Islam's apostasy law

Patrick Sookhdeo

McLean, Virginia: Isaac, 2009, 176 p., ISBN 978-0978714192, US$ 14.99.

In his book, Dr. Patrick Sookhdeo focuses on apostasy from Islam and appeals to reform and abolish all penalties for apostasy. He starts with Article 18 of the Universal Declaration of Human Rights: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief…" as genuine freedom of religion lies in the abolition of all penalties for apostasy from Islam and the granting of freedom to convert to other religions for those who wish to do so. Sookhdeo examines three sections: the classical Islamic teaching on apostasy from the Qur'an, the hadith and the shari'a (theory); contemporary Muslim scholars' different interpretations of the apostasy law (debate); and the application of the apostasy laws that threaten converts from Islam in the world today (practice).

Islam is a total way of life, which Muslims intend to bring to the whole world, as well as a legal system (shari'a), which is key to understanding the Islamic attitude towards those who choose to convert to any other religion (apostates). There are different schools in Islamic law and all of them unanimously prescribe the death penalty for apostates because this is in accordance with Islamic teaching. Although the various punishments for apostasy in the Qur'an seem to relate to the hereafter, the hadith are clear on that issue. At the time of Mohammed and throughout history,

apostates have been killed. Having examined apostasy in the Islamic sources, it is important for contemporary Muslim scholars to relate it to the Islamic social order, Islam is seen as the legitimate foundation of the state and, therefore, conversion to another religion is viewed as treason. In Islamic understanding, freedom of religion means that religion is not a private matter and therefore, in Islamic countries, the life of an apostate is worthless. "A central premise of Islamic human rights is that the interests of Islam and the Muslim community as a whole are paramount. If there is a conflict between these and the interests of the individual, it is the individual's freedom that must be sacrificed" (p. 50). The individual is absorbed into the totalitarian Islamic community governed by God and his revealed law (shari'a). The death penalty is meted out in order to preserve the conformity of the community, and apostasy in all its forms has to be combated. At all costs, Muslims are to resist the apostasy of individuals in order to develop a close-knit community.

The apostate must be destroyed to preserve the integrity of Islamic ideology. The Cairo Declaration on Human Rights in 1990, which was adopted by all states of the Organization of the Islamic Conference (OIC), strictly subjects all human rights to the authority of the shari'a. It effectively denies individual Muslims the right to convert to another religion. According to Sookhdeo the law of apostasy in Islam is in stark contrast with the modern understanding of human rights and religious freedom. Most Muslim nations have declared Islam to be their state religion and the shari'a to be their primary source of law. Due to shari'a law having been incorporated into the legal system, official charges can be laid against individuals accused of apostasy. However, even if there is no official punishment for apostasy laid down in the constitution or legal system, a Muslim who leaves Islam is often considered a traitor and thus subject to the death penalty. Various methods can be used to punish or even kill apostates, even in places where there is no applicable law. Furthermore, "preventing conversions and punishing converts also becomes a matter of protecting the honour of Islam and the Islamic umma (community)" (p. 64).

Sookhdeo challenges Muslims to be aware of the fact that apostasy is considered a crime and that the practice of the death penalty is contravening human rights. Muslims should call for the reform of the implementation of the shari'a and renounce the apostasy laws. This book is raising awareness of the apostasy laws in Islam and can help Christians to advocate freedom of religion for those who wish to convert. Sookhdeo gives valuable information using the main Islamic sources and case studies and explains the implementation of the anti-apostasy laws in different Muslim countries. This is imperative for the advocacy for the fundamental freedom of religion and the freedom of people around the world.

Dr Byeong Jun, Cape Town, South Africa

Books received (review pending)

- **A Cloud of Witnesses: Opportunities for ecumenical commemoration,** ed. by Tamara Grdzelidze & Guido Dotti , Geneva, CH: WCC, 2009, 318 p., ISBN-13: 978-2825415337, US$ 29.00.
- **Defining harm: Religious freedom and the limits of the law,** by Lori G. Beaman, Vancouver BC, Canada: UBC, 2008, 200 p., ISBN 978-0774814294, US$ 30.96.
- **God's Adventurer: The story of Stuart Windsor and the persecuted church,** by Stuart Windsor, Oxford, UK: Monarch, 2011, 288 p., ISBN 978-1854249999, US$ 12.78.
- **Islam and the Secular State: Negotiating the future of Shari`a,** by Abdullahi Ahmed An-Na'im, Cambridge MA, USA: Harvard Univ. Press, 2008, 336 p., ISBN 978-0674034563, US$ 16.03.
- **Martyrdom and identity: The self on trial, Michael P. Jensen,** New York, NY, USA: T & T Clark, 2010, 224 p., ISBN 978-0567526281, US$ 130.00.
- **Martyrdom: A very short introduction, by Jolyon Mitchell,** New York, NY, USA: Oxford Univ. Press, 2012, ISBN 978-0199585236, US$ 9.56.
- **Muslims and Global Justice,** by Abdullahi Ahmed An-Na'im, Philadelphia, PY, USA: Univ. of Pennsylvania Press, 2010, 384 p., ISBN 978-0812242867, US$ 79.95.
- **Politics in a Religious World: Building a religiously literate U.S. foreign policy,** by Eric Patterson, New York, NY, USA: Continuum, 2011, 176 p., ISBN 978-1441108654, US$ 27.89.
- **Proselytization revisited: Rights talk, free markets and culture wars,** ed. by Rosalind Hackett, Sheffield, UK: Equinox, 2008, 320 p., ISBN 978-1845532284, US$ 29.95.
- **Racism**, by Thomas Schirrmacher - with an essay on caste in India by Richard Howell, (The WEA Global Issues Series, 8), Bonn: Culture and Science Publ., 2012, ISBN 978-3862690350.
- **Religion and Human Rights,** ed. by Nazila Ghanea, Florence, KY, USA: Routledge, 2010, 1672 p., ISBN 978-0415477871, US$ 1,140.00.
- **Religious tolerance in world religions,** ed. by Jacob Neusner & Bruce Chilton, West Conshohocken, PY, USA: Templeton Foundation, 2008, 368 p., ISBN 978-1599471365, US$ 83.14.
- **Routledge Handbook of religion and politics,** Jeff Haynes (ed.), Florence KY, USA: Routledge, 2010, 448 p., ISBN 978-0415600293, US$ 49.95.
- **Sacred fury: Understanding religious violence,** by Charles Selengut, Lanham, Maryland, USA: Rowman & Littlefield, 2008, 248 p., ISBN 978-0742560840, US$ 80.00.

Introducing the International Institute for Religious Freedom

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.

IIRF maintains a global network of researchers and experts and seeks to ensure that:

- Its work covers religious freedom concerns wherever they occur in the world,
- It serves persecuted believers and academics studying religious freedom wherever they are located. Publications and other research will be made available as cheaply and readily as possible.

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.

IIRF's academic approach is inter-disciplinary, appreciating the contributions that different disciplines add to the understanding of and response to religious freedom issues. It will maintain a balance, in particular, between theological, legal and political study.

IIRF differentiates between advocating the rights of members of other religions (religious freedom) and evaluating the truth of their beliefs (religious truth). Advocating the freedom of others can be done without accepting the truth of what they believe. **IIRF** encourages all activities that contribute to the understanding of religious freedom.

These include :

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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www.iirf.eu

Friedrichstr. 38
2nd Floor
53111 Bonn
Germany
Bonn@iirf.eu

PO Box 535
Edgemead 7407
Cape Town
South Africa
CapeTown@iirf.eu

32, Ebenezer Place
Dehiwela
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Guidelines for authors

Version 2012-01 (11 January 2012)

This document combines essential elements of the editorial policy and the house style of IJRF which can be viewed on www.iirf.eu.

Aims of the journal

The IJRF aims to provide a platform for scholarly discourse on religious freedom in general and the persecution of Christians in particular. The term persecution is understood broadly and inclusively by the editors. The IJRF is an interdisciplinary, international, peer reviewed journal, serving the dissemination of new research on religious freedom and is envisaged to become a premier publishing location for research articles, documentation, book reviews, academic news and other relevant items on the issue.

Editorial policy

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). As IJRF is listed on the DoHET "Approved list of South African journals", authors linked to South African universities can claim subsidies and are therefore charged page fees.

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- Noteworthy items and academic news: noteworthy@iirf.eu
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All research articles are expected to conform to the following requirements, which authors should use as a checklist before submission:

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- **Scholarly standard:** Is the scholarly standard of a research article acceptable? Does it contribute something substantially new to the debate?
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- **Substantiation/Literature consulted:** Does the author consult sufficient and most current literature? Are claims thoroughly substantiated throughout and reference to sources and documentation made?

Submission procedure

1. Submissions must be complete (see no.6), conform to the formal criteria (see no. 8-10) and must be accompanied by a cover letter (see no.3-4).
2. The standard deadlines for the submission of academic articles are 1 February and 1 August respectively for the next issue and a month later for smaller items such as book reviews, noteworthy items, event reports, etc.
3. A statement whether an item is being submitted elsewhere or has been previously published must accompany the article.
4. Research articles will be sent to up to three independent referees. Authors are encouraged to send the contact details of 4 potential referees with whom they have not recently co-published. The choice of referees is at the discretion of the editors. Upon receiving the reports from the referees, authors will be notified of the decision of the editorial committee, which may include a statement indicating changes or improvements that are required before publication.
5. Should the article be accepted for publication, the author will be expected to submit a finalized electronic version of the article.
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   - Between 3 and 10 keywords that express the key concepts used in the article.
   - Brief biographical details of the author in the first footnote, linked to the name of the author, indicating, among others, year of birth, the institutional affiliation, special connection to the topic, choice of UK or American spelling, date of submission, full contact details including phone number and e-mail address.
7. Authors are expected to also engage with prior relevant articles in IJRF, the Religious Freedom Series, and IIRF Reports (www.iirf.eu) to an appropriate degree. So check for relevant articles as the peer reviewers will be aware of these.
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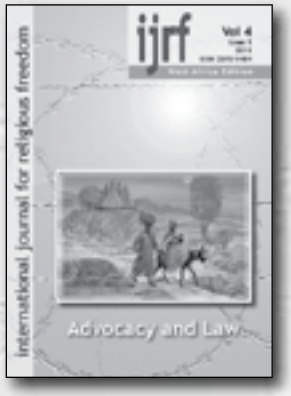

International Journal for Religious Freedom (IJRF)

Journal of the International Institute for Religious Freedom

ISSN 2070-5484

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