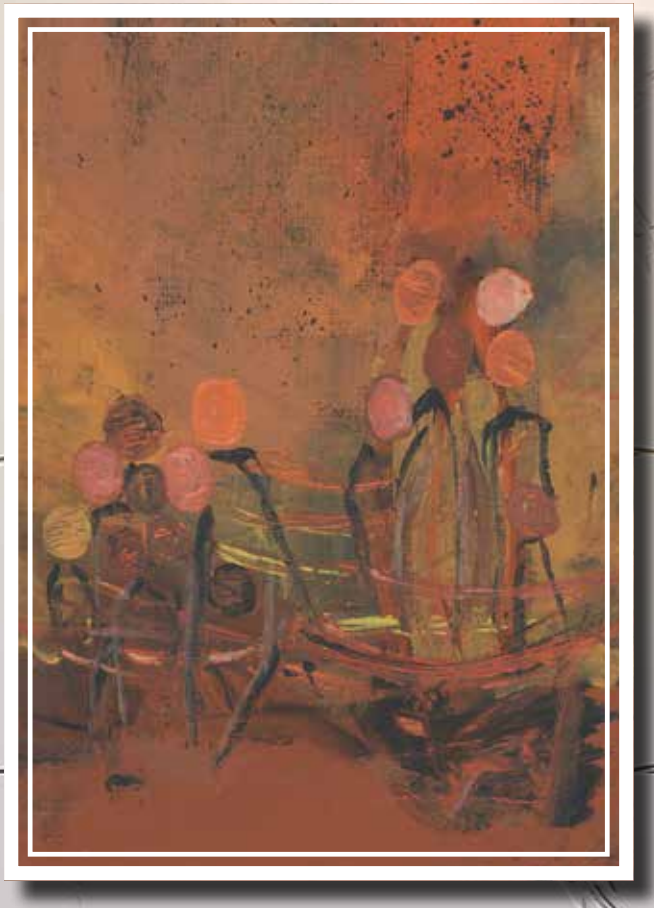
international journal for religious freedom

ijrf

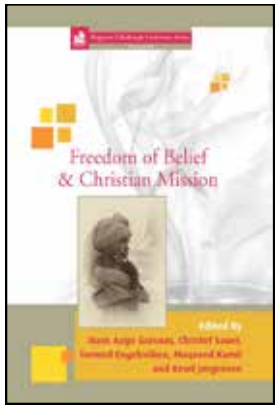
Vol 7
Issue 1/2
2014
ISSN 2070-5484



Religious Extremism & Religious Tolerance

Regnum Edinburgh Centenary Series
Vol 28: Freedom of Belief & Christian Mission

Edited By: Hans Aage Gravaas, Christof Sauer, Tormod Engelsviken, Maqsood Kamil & Knud Jørgensen
ISBN: 978-1-908355-86-7



This volume comes at a time where Christian mission takes place in a world with increasing interreligious tensions, including violence and persecution. Politics, economics, religion, ethnicity and other factors play a role in these tensions. Christians too are involved in such conflicts, sometimes as those who are persecuted and sometimes as those participating in violence. 'Freedom of religion and belief' is a core value in the UN Human Rights Declaration. At the same time it is a core biblical value. Obstacles to and attacks on freedom of belief are therefore a central concern for witnessing to Christ. The purpose of this volume on Freedom of Belief and Christian Mission is to bring to public attention a broad overview on the history, development and perspectives on the role of mission and freedom of belief and to reflect on these issues within a context of authentic

Timely, enlightening and encouraging. This volume comes at time when the Churches are faced with new challenges to religious freedom. Their response however needs to be grounded in an objective study of what is at stake, as well as of why and where these difficulties are arising. The present collection of essays offers a very useful reflection on the entire question. And it does so in a way that invites Christians to courageous witness to the Gospel with respect for the dignity and freedom of all.

Bishop Brian Farrell, Pontifical Council for Promoting Christian Unity, Vatican City

Some of the best minds in the church, including some outstanding grassroots workers, have joined to present not only the challenges facing the church on the religious freedom issue but also guidelines to how respond wisely to it. The challenges are complex and call for serious thought. This book will serve the church well by pointing to informed, wise and bold responses.

Ajith Fernando, Teaching Director, Youth for Christ, Sri Lanka

To receive a 50% discount (+ Postage & Handling) on the entire Regnum Edinburgh Centenary Series (approximately 36 volumes) please visit: http://www.ocms.ac.uk/regnum/standing_order_form.php and receive all current books now, all future books automatically as and when they become available. For the student, some books in the series are available as free digital downloads.

St Philip & St James Church, Woodstock Road, Oxford OX2 6HR, UK

Tel: 44 (0) 1865 556071; Fax: 44 (0) 1865 517722;
Website: http://www.ocms.ac.uk/regnum/

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 and persecution. It is an interdisciplinary, international, peer reviewed journal, serving the dissemination of new research on religious freedom and contains research articles, documentation, book reviews, academic news and other relevant items.

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

The **IJRF** is freely available online: www.iirf.eu, as a paid print subscription, and via SABINET.

Editorial Committee

Editorial Board

Subscriptions 2015

Annual subscription fee for 2 issues:
SA Rand 280 (approx. €25/US$35)
VAT and postage included.
See subscription form in the back.

For international payments use:
http://iirfct.givengain.org
(pay in Rand!)

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 1336 · Sun Valley 7985 · Rep South Africa
Tel +27-21 783 0823 · 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 1336
Sun Valley 7985
Cape Town
South Africa
CapeTown@iirf.eu

Galle Road
Dehiwela, 01 10350
(Colombo)
Sri Lanka
Colombo@iirf.eu

International Journal for Religious Freedom
Volume 7, Issue 1/2, 2014

ISSN 2070-5484

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.

· Evangelical Lutheran Church in Württemberg, Germany www.elk-wue.de/landeskirche/international-information-en/

· Gebende Hände (Giving Hands) www.gebende-haende.de

Please note advertising publishers
· Regnum Books International

Subscribe to get IJRF via email (time delayed – 1 March; 1 September)

- To receive new issues of IJRF electronically on release, send an email to: subscribe-ijrf-fulltext-subscribe@bucer.eu
- To receive an email notice about a new issue of IJRF available online, send an email to: subscribe-ijrf-notice-subscribe@bucer.eu

Note to librarians: IJRF is also available as an ePublication from Sabinet (www.sabinet.co.za). The first full volume of IJRF appeared in 2009. There was only one pilot issue in 2008.

Graphic Design and Layout: Solid Ground, www.solid-ground-ministry.org

Cover art: Jørn Henrik Olsen, www.jornhenrik.com, www.vitanuovapublisher.com

The artwork on the cover is a section from a painting by Jørn Henrik Olsen with the title "The Pilgrimage People in Love and Service". The full painting is shown on the inside of the back cover. – Countless people are forced on perilous pilgrimages with uncertain outcome by religious extremism. But even on that journey they can be characterized by "love and service" and religious tolerance, which is the other topic of this journal issue. From a Christian perspective, the church father Augustine said: "From Abel until the end of time the pilgrimage of the church proceeds between the persecution of the world and the consolations of God."

Contents

International Journal for Religious Freedom
Volume 7, Issue 1/2, 2014
ISSN 2070–5484

Editorial **5**

In my Opinion

Why is religious extremism so attractive?
Thomas K Johnson **9**

An innovation in the global fight for religious freedom – The Religious Freedom & Business Foundation
Brian J Grim **13**

Articles

Sumud as survival – Arab Christian civil organizations in Israel and the Palestinian Territories
Paul Rowe **17**

Defending the freedom of expression – The danger and failure of the Organization for Islamic Cooperation's campaign for global anti-blasphemy laws
Robert David Onley **31**

Prosecuting Islamic extremism
Werner Nel **55**

Measuring religious tolerance among final year education students
Nico A Broer, Bram de Muynck, Ferdinand J Potgieter, Charste C Wolhuter & Johannes L van der Walt **77**

Religious freedom, reasonable accommodation and the protection of the conscience of learners in South African public schools
Georgia Alida du Plessis **97**

The Church order of De Mist and the advent of religious freedom in South Africa
Johan M van der Merwe **113**

The Middle East – A future region without Christians?
Hanna Nouri Josua **127**

Religious monopoly and the loss of religious freedom in Christendom
Maximilian J Hölzl **157**

Models of state policy in regulating minority problems – A Bulgarian approach
Valery Stoyanov **175**

Documentation

The Armenian question in Turkey's domestic and international policy
Thomas Schirrmacher **187**

Survey on language use regarding 'Discrimination, Persecution, Martyrdom'
International Institute for Religious Freedom **201**

Noteworthy **213**

Book Reviews **219**

Guidlines for authors **231**
Subscriptions **239**
AcadSA order form **240**

Editorial

Religious extremism – Religious tolerance

Religious extremism is considered as one of the major causes of contemporary religious persecution, whereas religious tolerance is a foundation of religious freedom. This dual topic covers most of the articles in this issue and its terminology is inspired by the opinion piece of Thomas K. Johnson on "Religious extremism" and the report on the research project "Measuring religious tolerance ..." by Johannes van der Walt et al.

Johnson holds that religious extremism must be understood as a result of a quest for meaning. To address it, religious and civil communities must offer appropriate life-giving meanings.

Brian J. Grim, presents "The Religious Freedom & Business Foundation" as "an innovation in the global fight for religious freedom". His thesis is: While the intersection between religious freedom and business is not often seen, religious freedom strengthens societies and businesses.

The first batch of scholarly articles focuses on the Middle East or the countries shaped by Islam. Paul S. Rowe explores the ways in which "Arab Christian civil organizations in Israel and the Palestinian Territories" help to preserve Christian communities among the Palestinians in Israel and the West Bank. They provide economic and spiritual supports, opportunities to network and build relationships across denominational divides, and a sense of purpose that helps the community survive and have an impact on their own societies.

Robert David Onley calls for "Defending the freedom of expression" by pointing to "the danger and failure of the Organization for Islamic Cooperation's (OIC) campaign for global anti-blasphemy laws". He critically assesses the current lobbying campaign of the OIC from the perspective of its previous failed campaign to create global anti-blasphemy laws from 1999 to 2011.

Werner Nicholaas Nel is "Classifying the armed jihad of the Islamic State group as crimes against humanity and genocide based on religious persecution," trying to show the foundations for their prosecution by the International Criminal Court.

Hanna Nouri Josua asks: Will the Middle East be "a future region without Christians"? The Lebanese Christian writes this broad survey article from an insider perspective and draws on a wealth of experience in ministering in that region and to people who have fled it.

The documentation of an analysis by Thomas Schirrmacher on "The 'Armenian Question' in Turkey's Domestic and International Policy"belongs to this group of contributions. He finds that the government of Turkey combats against those who want to designate the widespread deaths of Armenians in the course of the alleged resettlement of Armenians during World War I as genocide. It has only been since the massive opposition by governments and parliaments of numerous countries that Turkey has initiated research into genocide at all.

A number of the further articles emanate from or focus on South Africa: Johannes van der Walt and a consortium of researchers present the birth of a questionnaire on "Measuring religious tolerance among final year education students". They invite interested parties to join them in administering the questionnaire in their own institutions of teacher education.

Georgia Alida du Plessis explores "Religious freedom, reasonable accommodation and the protection of the conscience of learners in South African public schools". Problems easily arise in the educational sphere when parents object to the content of required courses. The principle of reasonable accommodation does not demand equality of outcomes across all cases, but rather that all parties be treated with equal respect and consideration.

Johan M. van der Merwe looks back into South African history, arguing that the Church Order introduced in 1804 by the Dutch Commissioner, General J.A. de Mist, marked "the advent of religious freedom in South Africa". He considers the transition from a protected religious monopoly of the Dutch Reformed Church to equal protection by law of all religious associations "an important contribution to the common good in South African society".

Maximilian J. Hölzl goes even further back in history in examining "Religious monopoly and the loss of religious freedom in Christendom". He analyses how the developments in the post-apostolic church, and particularly after the Constantinian shift, soon resulted in the loss of religious freedom. He focuses on the relationship between the post-Christendom shift and the previous shift from the persecuted primitive church to the religious-political construct of Christendom.

Valery Stoyanov describes from a Bulgarian perspective four different "Models of state policy in regulating minority problems:" (1) "liberation" of the minority through its physical destruction or eviction; (2) "dissociation" or segregation; (3) "incorporation" or integration; and (4) provision of full rights and freedoms, which, in turn, could facilitate disintegration.

In addition, a good complement of noteworthy items and book reviews awaits the reader. This double issue has been completed on 20 June 2015 and therefore also includes references beyond 2014. The editors are committed to catching up on the backlog.

Acknowledgements

Stephen K. Baskerville, Ph.D., Washington DC, professor of government at Patrick Henry College, has been managing editor from 2011 to 2014 and thus played a vital role in building up the reputation of IJRF. He kindled interest in the topic of religious freedom among many students and researchers. His own research centers around the role of changing family laws and the resultant jeopardy for the religious freedom of families.

The processing of the articles in this issue has been managed by editorial assistant Michael Borowski in Bielefeld, Germany. He too now moves on to focus on his own research related to religious freedom. So we are again on the lookout for a managing editor. We have been very ably assisted by an intern from Patrick Henry College, Simeon Tomaszewski, who has done the footwork. We express our warmest thanks to all, as well as to the longstanding team in South Africa: language editor Nan Muir, proofreader Barbara Felgendreher and layouter Ben Nimmo.

Yours for religious freedom, Prof. Dr Christof Sauer
and Prof. Dr Dr Thomas Schirrmacher

IIRF and ETF Leuven enter cooperation – Christof Sauer takes the first chair

The director of IIRF, Thomas Schirrmacher, thanking the Bishop of the Evangelical-Lutheran Church of Württemberg (left) for its substantial support of IIRF

Prof. Dr. Christof Sauer and ETF rector Prof. Dr. Patrick Nullens

Through a cooperation and joint project of the International Institute for Religious Freedom and the state accredited Evangelical Theological Faculty (ETF) in Leuven, Belgium, it will be possible from now on to do doctoral work at ETF concentrating on religious freedom. As Brussels is close by, this includes not only global studies, but also specific European studies. To fulfill this project, ETF has appointed Christof Sauer as Professor of Religious Studies and Missiology with the specific task to promote research and teaching on religious freedom and on discrimination and persecution of Christians. He will spend part of the year in Belgium. He will stay director of the Cape Town office of IIRF, which is made possible by his church, the Evangelisch-Lutherische Kirche in Württemberg based in Stuttgart (the Evangelical Lutheran Church in Württemberg). I congratulate my colleague to this promising new position.

Prof. Dr. Dr. Thomas Schirrmacher

Why is religious extremism so attractive?

Life together and the search for meaning

Thomas K. Johnson[1]

Abstract

Religious extremism must be understood, at least partly, as a result of meaninglessness in the lives of young people. A quest for meaning is part of what is driving thousands of young Muslims to become soldiers of the Islamic State and other extremist organizations. To address religious extremism adequately religious and civil communities must consciously offer appropriate life-giving meanings at both the ultimate and secondary levels, since inappropriate meanings can have terrible and deadly effects.

Keywords Religious extremism, Islamic State, meaning in life, church/state relations, relation between faith and reason.

Recently I read the public comments of a diplomat from Indonesia who was very happy that only a few hundred of his fellow citizens, of a population of some 200 million, of whom 87% are Muslims, have deserted their communities to fight for the Islamic State and its allies.[2] The number is so low it is striking, especially in light of the many thousands from across the globe who are streaming over land and seas to become Islamist soldiers. There is, rather obviously, significant religious, cultural, and ethical content that lies upstream from the decisions of many thousands of young Muslims, either to join or not to join one of the extremist organizations. Some of that content is likely to be found in immediate personal or family psychology. The lack of education and jobs surely plays a role for some. However, the largely secularized character of our education as western observers may blind us, so we do not perceive the complex phenomenon of religious extremism. To grasp an additional important dimension of the problem I believe we must turn to the

[1] Dr. Johnson, P.h., is an ordained minister of the Presbyterian Church in America serving through Global Scholars (www.global-scholars.org), Martin Bucer Seminary (www.bucer.eu), the Theological Commission of the WEA, and on the editorial board of IJRF. He lives in Prague and is the author of Human Rights: A Christian Primer (2008), available as a free download at www.bucer.eu/international. Article received: 8 April 2015. Accepted: 9 April 2015. Contact: Johnson.thomas.k@gmail.com.

[2] Prof. Agdurrahman Mas'ud, General Director of the Ministry of Religious Affairs of the Republic of Indonesia, in a public discussion in Brussels on March 19, 2015, held jointly by the Robert Schuman Foundation, the Forum Brussels International, and the Hanns Seidel Foundation. See Bonn Profiles 347, www.bucer.org/resources/details/bonner-querschnitte-112015-ausgabe-347-eng.html

observations of a Holocaust survivor, Viktor Frankl, and his powerful book from two generations ago, *Man's search for meaning.*[3]

In this book Frankl, who was an Austrian Jew trained as a psychiatrist, noticed in some detail who, from among his fellow prisoners in a Nazi concentration camp, survived the ordeal, even though the harsh conditions should probably have killed them. His answer was that those prisoners who found meaning in life often survived conditions that should have killed them, while those who lost any meaning usually died. Meaning was a source of life.

I wish Frankl had more strongly emphasized that meaning is not only a source of life, but that meaning is also a source of death. Think of the National Socialist political and military machine that was itself a gigantic collectivist search for meaning filled with quasi-religious slogans, symbols, and mythology. One of my colleagues describes the Nazi movement as a "War Religion."[4] Maybe we could call National Socialism a "Death Religion." Appropriate meanings support life; inappropriate meanings lead to death. We humans cannot avoid the search for meaning, whether it turns us into saints or demons.

And this should inform our responses to the Islamic State's global recruiting efforts. It is not only a lack of social integration, education, and jobs that drives young Muslims into the arms of IS; it is also a search for meaning. The promise of a caliphate provides a dramatic sense of meaning that has been lacking in their lives; it fills a vacuum. Therefore, part of the long-term response to reduce the attractiveness of IS has to address the meaning question, however difficult it may be. This is partly the realm of public ideology, partly the realm of theology.

Here we are at the border of faith communities and civil communities. I am a Christian apologist who argues that ultimate meaning is properly found in dialogue with the God of the Bible; I am also a social philosopher who argues that there are multiple secondary meanings that are properly experienced in our multiple civil communities. And a proper relation between ultimate meaning and secondary meanings is crucial to overcome religious extremism, regardless of the faith community to which we belong.

In our civil communities, such as stores, schools, hospitals, banks, factories, sports teams, research institutes, media outlets, government agencies, and humanitarian aid organizations, we should both practice and teach important secondary meanings. These secondary meanings include practicing justice, honesty, diligence, loyalty, and mercy, while talking about both universal human dignity and duties. These secondary meanings are real and address, in part, the human search for

[3] Viktor E. Frankl, *Man's search for meaning,* first English translation under the title From death-camp to existentialism, 1959, first published in German in 1946. Various editions are now available in English.

[4] Thomas Schirrmacher, *Hitlers Kriegsreligion,* 2 vol. (Bonn: VKW, 2007).

meaning, while directing that search in a constructive direction. Religious extremism is, I believe, partly a response to a perceived meaning deficit in our multiple civil communities. And this deficit of meaning can be addressed in ways that do not destroy the needed boundaries regarding church/state relations, though it will require much careful effort.

In the western world, where I have lived my entire life, we spent centuries of blood, sweat, and tears to develop somewhat peaceful patterns of church/state relations, but it would be a terrible tragedy if we interpret these church/state relations in such a manner that we empty life in our civil communities of ethical meaning. The loss of ethical meaning in public, civil communities feeds religious extremism. People will search for meaning, sometimes leading to life, sometimes leading to death and destruction, so that the quest for meaning is not only a private, personal matter. The lack of meaning has consequences for entire societies.

Obviously, addressing the need for meaning is a central task of faith communities, but within the faith community, at least in my experience, the emphasis naturally falls on ultimate meanings. We talk about the hope of eternal life, about grace and forgiveness, about faith in "the Gospel." Within the Christian community we sometimes talk about how God's grace should equip us to become salt and light within the civil communities, but, honestly, we must improve both our talk and our walk in this area. We can do better, in words and in practice, in our efforts to demonstrate how the ultimate meaning found in dialogue with God bears fruit in the secondary meanings appropriate to the civil communities. I think other faith communities face a similar problem.

To avoid misunderstanding I should say that in the part of the Christian community in which I live, ultimate meanings and faith are not seen as a leap into a realm of irrationality, such that ultimate meanings are irrational and secondary meanings are rational. Again at Easter I heard that there are rational reasons to believe in the resurrection of Jesus. But there is a difference in the relation between faith and reason, depending on whether we are talking about ultimate or secondary meanings. In the realm of ultimate meanings, I believe it is far better for all of us (regardless of faith community) if we do not leave rationality behind. And in the realm of secondary meanings, when we are talking about ethical principles that should provide meaning to civil communities, it is simply foolish if we pretend to leave our respective faith identities behind. Our use of reason to articulate ethical meaning in the civil realms is always influenced by our faith community, whether Christian, Jewish, Muslim, Atheist, Hindu, or Buddhist.

Nevertheless, there is an important difference in the relation between faith and reason, depending on whether we are discussing ultimate meanings in faith communities or secondary meanings in civil communities. In a faith community, it is far

better if we never forget rationality while discussing ultimate meanings; in our civil communities, we should not forget the role of faith while using reason to articulate secondary meanings. But at this point in history, I think our two largest dangers are either that we neglect the need for meaning as a background cause for the attractiveness of religious extremism or that we neglect the need to articulate authentic secondary meanings within our civil communities. We need to respond, using our roles within both our faith communities and our civil communities. Religious extremism cannot be fully addressed by acting as if man can live on bread alone, without addressing the deeper human needs that lead to extremism, and these needs include the search for meaning.

An innovation in the global fight for religious freedom

The Religious Freedom & Business Foundation

Brian J. Grim[1]

Abstract

While the intersection between religious freedom and business is not often seen, religious freedom strengthens societies and businesses.

Keywords Religious freedom, business.

Over lunch in downtown Washington DC, a Turkish trade representative puzzled, "We almost never put religion and business in the same sentence, so, what's the connection between religious freedom and business?" Fair question, given that I was introducing him to the Religious Freedom & Business Foundation.

His ah-ha moment came about halfway through our meal, but for a different reason than mine had come.

We began by talking about different ways religious barriers inhibit financial cooperation between Muslim countries. For instance, one country's sharia (Islamic law) board might consider a financial investment instrument acceptable while another country's does not.

We also discussed attempts in Europe to restrict Islamic halal meats because of the purported ill treatment of animals in the slaughtering process. Of course, such restrictions similarly impact kosher businesses supplying meat for Jewish communities.

But, neither of these were his ah-ha moment.

---

[1] Brian J. Grim is president of the Religious Freedom & Business Foundation and a leading expert on the socioeconomic impact of restrictions on religious freedom and international religious demography. He is an associate scholar with the Berkley Center's Religious Freedom Project and an affiliated scholar at Boston University's Institute on Culture, Religion & World Affairs. Prior to becoming the Religious Freedom & Business Foundation's president in 2014, Grim directed the largest social science effort to collect and analyze global data on religion at the Pew Research Center. He also worked for two decades as an educator in the former Soviet Union, China, Central Asia, Middle East, and Europe. He is author of numerous articles and books, including *The price of freedom denied* (2010), and writes the *Weekly number blog*. Grim holds a doctorate in sociology from the Pennsylvania State University and is also a TEDx speaker. Article received: 14 March 2015; Accepted: 2 April 2015. Contact: Brian J. Grim, Ph.D., President, Religious Freedom & Business Foundation, 216 King George Street, Annapolis, MD 21401, USA, Office: 410.268.7809, brian@religiousfreedomandbusiness.org, @brianjgrim, www.ReligiousFreedomAndBusiness.org.

We then talked about Pakistan where businesses have accused rivals of blasphemy – a capital offense – to undercut the competition or exact revenge. The blasphemy law has also been used to ban websites like Facebook, YouTube, and Wikipedia. And even questioning the blasphemy law is perilous, as two high-ranking government officials were recently assassinated for merely suggesting that they be overturned.

But his ah-ha moment came when we moved on to Egypt, where ongoing religion-related violence is not only sapping the important tourist industry, but driving young entrepreneurs from the labor market.

The loss of Egypt's young entrepreneurs was his *Ah-ha!*

He recalled how until recently, it was illegal for Turkish women to wear headscarves in public jobs or even to attend public universities. While the bans on headscarves in Turkey have been lifted, ongoing employment discrimination persists against more religiously conservative women who don the headscarf. And the loss to the labor market is significant.

By his estimates, as many as half of Turkish women today now don a headscarf but only 6% of them can find a job. "That's a religious freedom and business problem," he proclaimed. "How can Turkey hope to compete economically if half of women are essentially kept out of the labor market because of their religious dress," he said, inviting me to Turkey to help them address the issue.

And this brings me to my ah-ha moment – conversations like this – not only with Muslim business people, but with people of multiple faiths as well as with people in high levels of government and civil leaders.

But, these conversations are driven by the research I did for well over the past decade.

For instance, in my book with Roger Finke, *The price of freedom denied* (Cambridge 2011), we documented that religious freedom not only leads to less violence, but that it is also associated with a host of other socio-economic outcomes.

And my new research finds that the main drivers of economic sustainability and global competitiveness are stronger in countries where the government and civil society respect and protect freedom of religion or belief. For instance, more than twice the share of countries with high religious freedom are strong in innovation, as measured by the World Economic Forum, compared with countries with low religious freedom.

Based on the responses from many, the power of the data and a belief that involving businesses in the efforts to roll back the rising global tide of restrictions on religion, the Religious Freedom & Business Foundation has been set up to pioneer efforts that help businesses see how religious freedom is good for business *and* how business is good for religious freedom.

The Foundation engages businesses, governments and civil society leaders worldwide with this message through four interrelated global initiatives:

- Religious Freedom & Business Global Awards presented initially in 2016 in Rio de Janeiro, the host city of the Olympic Games, and thereafter in the host cities of subsequent Olympic Games, for best initiatives by businesses to improve respect for religious freedom
- Executive training, workshops and symposiums on ways to implement policies that promote innovative and sustainable businesses where religious freedom and diversity are respected in businesses and societies
- Empowerment projects that help religious minorities identify sustainable business opportunities that meet real needs and increase their position in society

I've found that the fourth initiative arouses quite a lot of interest. One such initiative is to help Tibetan Buddhists develop micro tourist businesses to serve the growing number of tourists to Tibet, many of whom are from other parts of China. These ventures provide income, celebrate Tibetan heritage and raise Tibetans' social standing. And the Chinese government likes the idea because it engenders cooperation rather than conflict.

Finally, I'm glad to announce that the Foundation's first association outside the U.S. has just been set up in Brazil, where the first Religious Freedom & Business Global Awards will be hosted in Rio de Janeiro, the host city for the 2016 Summer Olympics.

And, as with any new global initiative, there are many ways to get involved and contribute to this game-changing initiative. Check out the Religious Freedom & Business Foundation's website and be in touch!

Send your opinion piece to
editor@iirf.eu

Heiner Bielefeldt

Freedom of Religion or Belief:

Thematic Reports of the UN Special Rapporteur 2010 – 2013

Religious Freedom Series 3

VKW

Sumud as survival

Arab Christian civil organizations in Israel and the Palestinian Territories

Paul Rowe[1]

Abstract

The flight of Christians from Middle Eastern states has been a concern to regional and international audiences throughout the past two decades. However, in spite of the significant challenges to the Christian population, their organizational responses to societal problems have grown in strength. This paper explores the ways in which Christian civil organizations help to preserve Christian communities among the Palestinians in Israel and the West Bank. They provide economic and spiritual supports, opportunities to network and build relationships across denominational divides, and a sense of purpose that helps the community survive and have an impact on their own societies.

Keywords Civil Society, Palestinian Christians, Christianity in the Middle East, Israel, Palestine.

At an international conference convened in November 2006, Palestinian Anglican theologian Naim Ateek reflected on "The Future of Palestinian Christianity." In his lecture he addressed what is for most Palestinian Christians the defining issue of the early twenty-first century: the declining relative numbers of Christians in Israel and the Palestinian territories. In 2006, there were approximately 160 000 Palestinian Christians left in the Holy Land. Of these, about 50 000 lived in the West Bank and Gaza, the rest scattered among the Arab cities of Israel, most notably in the city of Nazareth. What is more, these numbers were dwindling fast. Ateek went on to assert that Christians needed to address their demographic decline as a matter of top priority: "The challenges facing our community are so great they demand earnest

[1] Paul S. Rowe (*1972) is Associate Professor, Political and International Studies, Trinity Western University, Langley BC Canada. He is the author of *Religion and global politics* (Oxford University Press, 2012) and co-editor of Christians and the Middle East conflict (Routledge, 2014) and *Politics and the religious imagination* (Routledge, 2010). He has written extensively on the politics of Christian minority populations in the Middle East and pursues an active research program in religion and global politics. Research for this article was supported financially by a SSHRC institutional grant funded by the Social Sciences and Humanities Research Council of Canada. An early version of this article was presented to the British Society for Middle East Studies in June 2014. Contact: Trinity Western University, 7600 Glover Road, Langley BC V2Y 1Y1, Canada, e-mail: paul.rowe@twu.ca.

and dedicated action," he stated. "Unless we are self-critical, no change can take place" (Ateek, Duaybis & Tobin 2007: 137).

Ateek went on to lay out the various threats that he saw to the Palestinian community: these included internal threats, such as demoralization, division, and the erosion of Christian institutions, as well as external threats, such as the alienation of the community from Christians abroad, the ongoing Israeli occupation of the Palestinian territories, and the need to speak for democratic reform within the Palestinian authority and the state of Israel (140-148). Crediting the longstanding work of Christian organizations in the land, he also observed:

> It is of utmost importance to raise the standard of all our institutions. We need to offer the finest services, the best quality education, and the highest standard of excellence… The witness of our institutions not only benefits our Christian people but can also be our window for other faith communities in the land. Through our institutions, they can really know who we are and what we stand for and this can contribute to the creation of greater openness, tolerance, and goodwill (146).

If such institutions help to explain how Palestinian Christians have had an impact on their society for centuries, it stands to reason that they would continue to have a key role in preserving the community into the future. At the same conference, Lutheran clergyman Munib Younan emphasized specific aspects of Christian civil initiatives that the churches of the Holy Land had stressed as means of helping Christians stay in the Holy Land. These included support for community-based education, job creation, provision of low-cost housing, and the strengthening of Christian social institutions that ministered to the needs of all in Palestinian society (Ateek, Duaybis & Tobin 2007: 127). Put simply, while Christian emigration has become a flood, the only thing keeping Christians present and involved in their home societies is their participation in civil society initiatives that give them efficacy and relevance.

The gradual – and in some cases dramatic – disappearance of Christian populations in Middle Eastern states has been a topic of some interest throughout the past two decades. Popular media and books have drawn a dark picture of the status of Christians in Middle Eastern society, where low natural increase, high emigration flows, and intolerance have all had an impact (Dalrymple 1998; Belt 2009). Christians are disproportionately represented among these immigrant and refugee populations from the Iraqi and Syrian civil conflicts of the last 15 years. Perhaps the most dramatic decline is that of Palestinian Christians, whose numbers have dwindled to such an extent that they constitute a tiny minority in both Israel and the Palestinian territories. In his 2006 survey, Bernard Sabella found that Christians remain

in small enclaves in the Holy Land, including significant populations in Nazareth, Jerusalem, and Bethlehem, as well as a smattering of smaller concentrations in the West Bank and various parts of Israel (Sabeel 2006).

However, in spite of the serious challenges to the Christian population, over the past three decades there has been a paradoxical strengthening of organized Christian responses to the societal problems that beset Arab citizens. Throughout the region, Christian civil organizations have enjoyed something of a renaissance. In Egypt, such civil organizations have buttressed the community and afforded Christians a high level of civic participation even though they suffer from systematized discrimination and marginalization (Rowe 2009). Christian minority populations pose little threat to non-democratic and majoritarian regimes. They are united by institutionalized churches that have survived for centuries. They enjoy good relationships with coreligionists abroad who support their efforts. And they are usually better educated and better resourced than many of their compatriots.

Civil society initiatives among minority communities are therefore effective ways to survive in authoritarian and majoritarian environments. Writing in the *International Journal for Religious Freedom*, Silvio Ferrari observes that civil society contributes to a strong state by providing subsidiary services to the greater public. He goes on to note that civil society organizations also provide an opportunity for Christians to engage in the exercise of their religious freedom (Ferrari 2011: 33). To these points I would add that civil initiatives provide a neutral if not positive means by which minority religious groups may seek to survive in otherwise hostile environments. In spite of the challenges that Christians face, growing civil society activities provide ways for Palestinian Christians to contribute to their own societies, improve their own status, and find survival mechanisms for their own community. They become essential to the persistence of religious pluralism and provide a template for other communities where religious cleavages are a focus of political division.

1. Research methodology

In an effort to investigate the ways in which Christian civil organizations contribute to the continued preservation and survival of Christian communities among the Palestinian population in Israel and the West Bank, the author and a team of two research assistants conducted qualitative, unstructured interviews with several organizations led by Palestinian Christians in Israel and the West Bank in the summer of 2013. The research team interviewed 18 participants and leaders of organizations based primarily in Nazareth, Jerusalem, and Bethlehem gathered through a snowball sample. Of these interviewees seven were female and eleven were male.

Given the locations involved, the respondents represented a mixture of Arab citizens of Israel, Palestinians with Jerusalem residency (permanent residents of

the city of Jerusalem who have not taken out Israeli citizenship) and Palestinians living in the West Bank. Interviewees were selected to represent multiple levels of the organizations concerned, from employees and volunteers delivering services or ministry to the local population to directors and leaders of the organization. Interviews were conducted in English. While this did impose limits on the ability of the respondents to communicate, there were no cases in which the research team was unable to conduct an interview due to inadequate language comprehension. The research team also conducted ethnographic research within the organizations, experiencing the work of the groups and witnessing daily life among Palestinian Christians and non-Christians. The interviews conducted in 2013 were combined with prior interview research conducted by the author in the region in 2008 and one interview conducted with an organizational leader in the autumn of 2013.

2. Palestinian Christians in the Holy Land

Christianity began as a Jewish sect and spread from Roman Judea to the rest of the world beginning in the first century of the Common Era. Since that time, there has always been a Christian presence in the Holy Land. Following the Muslim conquest of the region in the seventh century, the Christian population went into long-term relative decline. But at the beginning of the twentieth century, Christians remained about 10% of the native Arab population of what is now Israel-Palestine (Baumgarten 2004: 82). During the 1948 Arab-Israeli War, the community was geographically divided. Many Christians remained within the borders of the state of Israel and later became Arab citizens of the state. Of these, a large number were compelled to leave their homes and settled in internal exile in selected urban areas, most importantly the city of Nazareth. As a result, Nazareth has become an important centre of the Palestinian Christian community today.

Other Palestinian Christians joined the thousands of refugees who fled the country to other countries in the Middle East and abroad. Those who remained in areas administered by Jordan and Egypt were clustered in the cities and towns of Bethlehem, Beit Jala, Beit Sahour, East Jerusalem, Ramallah, and Gaza. These communities came under occupation after the 1967 Arab-Israeli War, in which Israeli forces overran and took control of the West Bank, the Gaza Strip, and the Golan Heights.

In the years since the 1967 war the relative numbers of Christians have declined dramatically. Even so, Christians remained important in Palestinian social and political life. They were instrumental in the non-violent resistance that arose during the first intifada from 1987-1990. However, the challenges of the post-Oslo period from 1993 proved increasingly difficult for Christians. In his survey conducted for the *Sabeel* Ecumenical Liberation Theology Center at the time of the 2006 conference, Bernard Sabella observed that the decline in Christian numbers from the West

Bank had accelerated most notably during the time of the second intifada beginning in 2000 (Sabeel 2006: 50-51). The reasons for the acceleration of Christian emigration are numerous and vigorously debated (Reidy 2010, 2011).[2] However, they certainly include economic struggles, the difficulty of living in a country where Christians form a minority within a minority, the desire to flee conflict and occupation, and the precarious position of Christians within a community increasingly mobilized under the banner of political Islam (O'Mahony 2005: 95). Today Palestinian Christians are a marginal community, accounting for about 2% of the Palestinian population in Israel and in the Palestinian territories.

The small number of Christians among the Palestinian population limits their direct political influence. There have been many influential Christians within the Palestinian national movement, and Christians are on average wealthier than their Muslim compatriots. However, they are such a small group that they possess little power in electoral or mass politics. Their status as a minority community in the midst of a zone of persistent social and political conflict between the Jewish and Arab communities enhances their feeling of alienation. One interviewee for this study put it this way: "In a lot of the Arab world, they see you as Christians, [but] the Jewish [people] see you as an Arab. So however you look at it, you are second class" (Boutros [pseudonym] 2013, interview 27 May). The state of Israel is a majoritarian Jewish democracy where Palestinian citizens are typically denied participation in governing coalitions. The increasing insistence of Jewish state leaders that Arabs accept the Jewish character of the state has enhanced the sense of alienation felt by most non-Jewish citizens (Peleg and Waxman 2011: 173). What is more, Israeli policy divides Arab citizens by religious sect (23) – a practice that has recently been deepened by official Israeli efforts to recruit Arab Christians to serve in the Israeli Defence Forces. This, along with the natural divisions among Palestinian Christians, who are divided among 15 different Christian church denominations (Baumgarten 2004: 83) militates against the efficacy of Christian organized interests in Israel. In Nazareth, home to approximately one fifth of the Christian population of Israel, authorities have sought to limit the growth of the Arab city's population while supporting the establishment of the Jewish community of Upper Nazareth (Nazrat Illit) above the Arab city (Cook 2013).

Christian influence on the politics of the Palestinian Authority is also highly limited. Article 4 of the Palestinian constitution of 2003 declares Islam to be the of-

[2] The argument about Palestinian Christian flight from the Holy Land usually hinges on whether it is a product of the Israeli occupation and economic stagnation in Palestinian communities or threats stemming from the growth of the Islamist movement, particularly in the occupied territories. In the view of this author, both explanations help to explain the "pushes" that motivate Palestinian Christian emigration.

ficial religion of Palestine, though "respect and sanctity of other religions shall be maintained." The constitution opens the door to the establishment of political Islam in Palestinian politics. Indeed, Islamism has been a concern of Christians on both sides of the Green Line. The rise of *Hamas* and other Islamist movements in the Palestinian territories poses a direct threat to basic religious freedoms, given that most of these movements seek to implement some level of public acknowledgement of Islamic strictures. The Islamist movement is not limited to the occupied territories: for several years, Islamist activism surrounding the construction of a mosque in an area adjacent to the Church of the Annunciation in Nazareth polarized the Arab community and created new rifts between the religious communities (Israeli 2002). Even so, it is important not to overdraw the distinctions between Christians and Muslims among the Palestinians: tensions between Christian and Muslim inhabitants of Bethlehem in particular are sometimes "derived from the fact that the Christians are the long-term residents, while the Muslims are not only newcomers but also predominantly refugees" – a fact that puts class and other distinctions into the mix (Bishara 2013). Though it is common for western media sources to emphasize the polarization of Israeli and Palestinian societies by religion, many other factors come into play.

3. Palestinian Christians and civil society activism

3.1 The tradition of Christian civil activism

In spite of the dramatic decline in the Christian population and the manifold challenges to their political influence and participation, there has been a notable renaissance of Christian civil society activity since the late 1980s. Palestinian Christian educational and social service institutions have long been a pillar of the larger Palestinian civil society. For example, in Nazareth, most of the educational institutions are Christian, though they serve both Christian and Muslim communities (Emmett 1995: 239-241). The prestigious Bethlehem University is a Roman Catholic institution. All three of the hospitals in Nazareth are run by Christians. Each of the major churches runs social services for all the communities as well.

Christian involvement in such civil initiatives matches their high level of educational attainment and urbanization. However, it is equally notable that their participation in social and political activism has developed markedly in the era since the first intifada and the ensuing peace process of the 1990s. The Oslo peace process created a nascent state in the form of the Palestinian Authority and ushered in a period in which Palestinian nationalist groups found new tolerance. The proto-state welcomed the expansion of new civil movements that did not serve as challengers to the Palestinian Liberation Organisation (PLO) government of the Palestinian territories. Civil movements led by Christians benefited on both scores. Dur-

ing the first intifada, Christian leaders had been instrumental in tax boycotts and non-violent resistance to the occupation. During the period starting with the first intifada, most of the Palestinian churches welcomed indigenous leaders into their highest ranks, and new lay leaders came to the fore as advocates of the Palestinian national cause. Individuals such as Greek Catholic Archbishop Elias Chacour, Anglican Canon Naim Ateek, and Protestant peace activist Mubarak Awad, among others, rose to champion new movements within Palestinian society. The Vatican's appointment of Nazareth native Michel Sabbah to the post of Latin Patriarch in 1987 demonstrated how the Roman Catholic Church sought to reflect this trend. From the late 1980s, lay leaders led efforts to contextualize Palestinian Christian responses to public issues through advocacy and peace activism. A large number of peace movements in Israel and the occupied territories arose during this time. Though led by Palestinian Christian activists, most of these organizations are "avidly secular, even antireligious", though they also tend to emphasize "creating space for pluralism and engaging constructively with divergent viewpoints" (Hallward 2011: 181).

3.2 The diversity of Christian civil activism

Numerous such advocacy initiatives have sprouted up in Jerusalem and Bethlehem. In some cases, they are attached to the established churches: for example, the Lutheran Diyar Center in Bethlehem offers international programs, cultural programs, and educational opportunities with a view to serving the Palestinian community and engaging in outreach to others. Ateek's *Sabeel* Ecumenical Liberation Theology Center began as an effort by the Anglican clergyman to provide a contextual Christian theological movement for Palestinians as a result of an international conference in 1989. It stakes out a more ardently political tone than most Christian civil initiatives, regularly challenging the justice of the occupation and Christian supporters of the status quo. Other organizations have arisen out of the desire to give the Palestinian Christian community a voice in the national movement. Holy Land Trust was spearheaded by Sami Awad, the nephew of Mubarak Awad, the pioneer of Palestinian non-violent resistance, as a means to renew the idea of non-violence for the next generation. The Tent of Nations farm, a working organic farm established by the Nassar family who has been fighting for years for the right to keep its property just outside Bethlehem, provided an opportunity for Palestinians to communicate the common problem of property confiscation until Israeli forces destroyed the orchard in May 2014.

Still other organizations have developed a sociological and theological approach to bridging the sides in the Arab-Israeli Conflict. One of the most important seats of higher learning in Bethlehem is Bethlehem University, founded by Roman Catholics in 1973. A few blocks away, one may find Bethlehem Bible College, a non-

denominational evangelical institution established a few years later with a view to training Palestinian Christians in ministry. Since that time, it has also included vocational training and other educational initiatives in its curriculum. Since 2010, it has hosted a biennial conference that features Christian speakers from around the world to reflect upon the theme of "Christ at the Checkpoint." The Musalaha Ministry of Reconciliation founded by Salim Munayer, one of the faculty members at the Bible College, leads Christians from both Arab and Jewish backgrounds in creating relational bridges in addition to building educational partnerships with Christians from around the world. These are just a sampling of the initiatives that have arisen during the period after the first intifada.

The vibrancy of Christian civil initiatives stands out in particular given that the larger community of Christians has been in decline. As noted, most of these initiatives, and a plethora of others, have their origins in the period between the first and second intifadas. They have survived despite the drastic acceleration of Christian emigration in the period since the outbreak of the second intifada in 2000. The second intifada proved particularly difficult for Christians in the city of Bethlehem and its neighbouring towns, as the Church of the Nativity in the centre of town became a focal point of the standoff between Israeli forces and Palestinian militants during "Operation Defensive Shield" in April 2003 (Hammer 2003). The following years were a period in which "the geopolitical context for nonviolent activism toward a 'just and lasting peace' between Israelis and Palestinians [was] increasingly restrictive," according to Maia Carter Hallward (Hallward 2011:158). Nevertheless, Christian organizations persisted and helped to rebuild a fractured Palestinian civil society in the wake of the intifada. Ironically, the expansion of secular and Muslim Palestinian civil society during the post-Oslo period had in some ways eclipsed Christian initiatives. The decline of civilian life in the Palestinian Authority during the second intifada created a vacuum in which Christian organizations were able to reassert themselves.

4. Motivations and actions: What keeps me here?

4.1 Economic motivations

Almost two dozen participants in social service, advocacy, and religious organizations were consulted for interviews in preparation for this research. Many were involved in civil society work primarily as a means of finding employment. Others sensed a specific need to be a part of an organization that related to their own faith or political ideology. While almost none believed that the primary goal of their organization was to preserve the Christian presence in the area, most of them were concerned by the decline of the Christian population and saddened by it. Upon reflection, they agreed that civil society work helped to provide support of one sort or another to the preservation of the Christian community.

One of the primary goals of Palestinian Christian civil society initiatives is to combat rampant unemployment and the economic challenges faced by those in the community. Though the problem is more acute for those living in the occupied territories, the economic challenge is still significant for Palestinian Christians living in Nazareth. Many argue that the lack of secure and suitable jobs is the primary impetus for the emigration of the Christian community. In Israel, all Palestinians suffer from a lack of connections provided to the Jewish majority, who participate in the military and enjoy access to the dominant community. In the West Bank, Palestinians in general, including Christians, suffer from extremely high levels of unemployment. In other cases, regulatory limitations on construction and housing for non-Jewish communities have made it difficult to find suitable homes, so churches and civil organizations provide for them. One longtime resident of Jerusalem pointed out that "Christians in Jerusalem… are… dependent on the churches because the churches… wanted to preserve these communities, so they build houses for them… otherwise they might as well leave the country. So this is one of the things the churches are doing to get people to stay" (Jack 2013, interview, 3 October).

The director of *Serve Nazareth*, an organization aimed at strengthening Christian initiatives through partnerships, observes that such partnerships contribute to the economy and thus ease the burden for many Arab citizens of Israel, including Christians: "If people can financially make it, they don't generally leave, so if we're providing ways that you can have a good job and a decent salary and survive, then I guess in that way… we are indirectly encouraging people to stay" (Christine 2013, interview 16 May). One specific initiative that the organization has undertaken is a tourist attraction based around a depiction of life at the time of Jesus Christ. Holy Land Trust has also begun an annual initiative to hold a music festival in Bethlehem. Entitled "Beit Lahem Live", it aims to restore business to 80 shops that closed in the wake of closures imposed during the second intifada (Elias 2013, interview 31 May). In each case, the intent is to bring a larger number of foreign tourists to the city to contribute to the local economy. Other similar initiatives have been spearheaded by Holy Land Trust in Bethlehem. Indeed, many of the individuals interviewed for this study spoke about the way that Christian civil initiatives helped to provide for the basic needs of their families.

4.2 Spiritual and lifestyle supports

The economic service provided by civil initiatives is only one factor in a complicated decision-making process for those Christians who choose to stay. Simple challenges often present themselves for a minority community like Christians. For example, the weekend in most Middle Eastern societies spans Friday and Saturday. One respondent who works at a Christian hospital mentioned that working for a Christian

institution helps her to take Sundays off and go to church on the traditional Christian day of worship. Such civil initiatives also provide spiritual support beyond the regular services offered by the local church. She added that "I think [the hospital helps to keep us here] because if we don't have a supportive institution… I don't know what I would have done. I probably would have lived my life if I didn't come to the hospital, but it wouldn't be near Jesus, I am sure" (Najla 2013, interview 25 May). To understand the significance of civil society initiatives outside the traditional boundaries of the church is to understand the growing trend of spirituality in its non-traditional and non-institutionalized forms. Whereas respondents were able to identify a particular church to which they belonged, the parachurch organization in which they volunteered or worked in many cases proved more important to their sense of spiritual growth.

4.3 Networking opportunities, local and regional

Civil society initiatives provide an opportunity for the Palestinian Christian community to connect with other communities, both domestic and foreign. Religious communities in the Holy Land informally segregate and have relatively little to do with one another outside simple day-to-day interactions. One respondent mentioned that working in the context of a social service agency gives Christians an opportunity to interact with adherents of other religions: "A lot of the towns and cities are only for Muslims or Christians… At this hospital, we have the opportunity that people from several groups [come] to meet, to work with each other, to contact each other. When you know the other, you can have a relationship with him" (Naseem 2013, interview 27 May). The construction of such relationships – especially across the gap that exists between Palestinian Christians and the growing community of Messianic Jews – is an aspiration for many Christians. Musalaha, an organization that is styled as a ministry of reconciliation for the church in Israel-Palestine, deliberately seeks to embolden Christians and Messianic Jews to find common cause in building relationships across the ethno-religious divide. Its director credits the work of his organization for building bridges across communal boundaries among the Palestinians: "Our success with the Muslim and Christian leaders of Bethlehem is that they keep [up] the relationship and they are working together and resolving problems. There are so many problems where leaders from both sides… want to participate" (Salim 2008, interview 18 June). The participation of several lay and church leaders in the Messianic community in the work of the organization also speaks to its ability to bridge the larger social divide between Palestinians and Jews. The process by which these organizations help to network people: Palestinians with Palestinians, Palestinians with Jews, and both communities with those from abroad, is viewed by many as a morale booster as well. One of the staff of Musalaha put it

this way: "I think it helps to have a forum where you can have relationships with people from [the] other side [who] agree with you and [who] listen to you, and [who] try to empower you just by having relationships, expressing frustrations. I think it helps you cope with the situation" (Shadia 2013, interview 10 June). Another referred to a recent conversation she had had with a fellow Palestinian, in which they reaffirmed their common commitment to remain in the land. "When people talk to each other about these things I think they should encourage each other to stay and there are reasons that we can stay," she noted (Nanor 2013, interview 7 June).

Divisions between the religious communities in the land of Israel are replicated throughout the region. For many decades, Palestinian Christians have been separated from coreligionists in other parts of the Arab Middle East as a result of political barriers and the slow pace of normalization, even in those states that have relations with the state of Israel. Add to this the fact that the face of Christianity differs from one country to another: for example, the most popular church among Palestinians is the Eastern Orthodox Church, whereas most Egyptian Christians are non-Chalcedonian Coptic Orthodox and the dominant church among the Lebanese is the Maronite Church. As a result, many Christians in the larger region remain isolated in their own communities. Christian civil initiatives have begun to break down barriers between these communities. Regional satellite initiatives such as Sat-7 bring messages from Christian leaders in other nations into the living room of many Palestinian Christians. Mass media and the improvement of transit links between states have also increased the likelihood of Arab citizens to interact across state boundaries. One respondent described the way in which attending a regional conference of Arab Christians put on by a parachurch organization gave her a greater sense of hope for the future: "… there were people from eight countries in the Middle East… Christians who participate[d] in this conference [said] that even with [the] hardships they are encouraged because they see how the churches are coming together there and they feel stronger. It does not mean that everything is bright, pink and beautiful. We still have our hard times… but they are encouraged" (Najla 2013, interview 25 May).

4.4 Ecumenical and non-denominational initiatives

Civil initiatives have been instrumental in the growing acceptance of ecumenism among Palestinian Christians, further eroding the barriers presented by diverse national churches. In December 2009, an ongoing consultation among the heads of the established churches, produced the *Kairos Palestine* document, a unified statement against the Israeli occupation attributed to "a *group* of Christian Palestinians" (*Kairos Palestine* 2009). As the first such ecumenical document that included

all of the historic churches along with a number of Protestants, it was evidence of the growing strength of community solidarity among both laity and clergy in the churches. The ecumenical movement and the creation of non-denominational spheres of interaction provide new opportunities for many Christian leaders in this context. Jack Sara, a Christian from Jerusalem, was recently appointed the second president of Bethlehem Bible College. Sara mentioned that the move to parachurch work widened his "circle of influence." Now, he notes, "I think we can impact the nation…. We communicate with the government, communicate with local authorities, we speak to all the churches instead of being contained to one single church, to that denomination… Engagement with them I think could be at different levels, it could be as simple as partnership in social work among our people or it could be dialogue over building bridges between the two communities" (Jack 2013, interview 3 October).

4.5 Hope and purpose

Finally, civil initiatives provide a sense of hope and purpose to the community that might not arise in their absence. Explaining what helps to keep her working in civil society work despite the difficulties of life in a conflict-prone environment, one respondent noted that it was

> Hope, I guess. Although all the challenges and difficulties I personally go through… I still find hope because when I go to the events or help plan events, I always see that there is something changing … maybe I don't see it every day, but in the long run you would see change[s] which are really positive, so it gives me hope and me myself, I am changing in seeing other people around me change (Nanor 2013, interview 7 June).

Other individuals mention the way in which their work responds to a sense of calling. Reflecting on what keeps him and his family in the land, Jack Sara stated that "I just have stayed because I have a deep sense of calling for my country, for my people – I want to stay" (Jack 2013, interview 3 October).

5. Conclusions

The plight of Middle Eastern Christians has been a prominent religious freedom concern for the past few decades. Many Christians participated in the Arab Spring protests that brought change throughout the region in 2011, but the crisis that ensued in countries such as Egypt, Syria, and Iraq, has added to worries that majoritarian politics will trample on the rights of Arab Christians. For Palestinians, the Arab Spring came at a time of extreme disillusionment with both the peace process

and the process of democratization. The political malaise throughout the region has added to their worries that Christianity is being squeezed out of the region where it was born.

The extreme decline of the Christian population in Israel-Palestine in recent times has been identified as a serious concern for global Christian organizations and for Christians in the Holy Land who remain. Its causes are multiple, but they include the economic challenges presented to the community, the instability of living in a zone of persistent conflict, the difficulty of a minority population living in either a Jewish state or under the Palestinian Muslim authority, and the fear of Islamist extremism. With so many departing, how do others remain in the land and continue to have an impact on the social and political environment as a means of surviving?

In spite of the decline in their relative numbers, Palestinian Christians have met the challenge by renewing their commitment to the expansion of civil society initiatives, both within their own churches and among their compatriots. The expansion of Christian institutional initiatives to go beyond the traditional social, educational, and health services into advocacy, networking, and peace activism within the Christian community, has arisen even at a time when many have predicted its coming extinction. Amid the decline of Palestinian civil society in the wake of the second intifada, Christian-led civil initiatives have managed to survive and, in some cases, thrive. Christian civil initiatives provide numerous supports to the community and form a survival strategy. They provide economic solutions, spiritual supports, networking opportunities, and a sense of hope and purpose to participants. Though such initiatives do not necessarily flow out of a desire to create bulwarks to preserve the community in difficult times, they do serve that role.

For Palestinians, the desire to remain and persist in the land of their heritage has required solidarity and commitment to remain in spite of the challenges of occupation, marginalization, and violence. Their commitment to remaining in the land in hopes of a better future is often referred to by the Arabic word *sumud*, meaning steadfastness or resilience. For Christians, civil organizations contribute to an even deeper level of *sumud*, one that portends the continued survival of a small but important presence in the Holy Land. This study has focused on the role of such civil initiatives in providing a voice for the Palestinian Christian community. However, the patterns that it identifies in Israel and the Palestinian territories reflect broader regional developments that may be identified in other states with Christian minorities, such as Egypt, Jordan, Lebanon, Syria, and Iraq. Indeed, the regional networking reported by Palestinians involves initiatives that bring together Christians from throughout the Middle East, standing together to try to stop and even reverse the tide of Christian flight from the towns and cities where Jesus himself established the church two thousand years ago.

References

Ateek, Naim, Cedar Duaybis, and Maureen Tobin, eds. 2007. *The forgotten faithful*. Jerusalem: Sabeel.

Belt, Don 2009. The forgotten faithful. *National Geographic* 215, no.6, 78-97.

Baumgarten, Helga 2004. The politicization of Muslim-Christian relations in the Palestinian National Movement, in John Bunzl, ed., *Islam, Judaism, and the Political Role of Religions in the Middle East*, Gainesville, FL: University Press of Florida 75-97.

Bishara, Amahl 2013. Covering the Christians of the Holy Land, *Middle East Report and Information Project* [online], Summer. Available http://www.merip.org/mer/mer267/covering-christians-holy-land.

Cook, Jonathan 2013. Nazareth Dispatch, *Middle East Report and Information Project* [online], Summer 2013. Available http://www.merip.org/mer/mer267/nazareth-dispatch

Dalrymple, William 1998. *From the Holy Mountain: a journey among the Christians of the Middle East*. New York: Harper Collins.

Emmett, Chad F. 1995. *Beyond the Basilica: Christians and Muslims in Nazareth.* Chicago: University of Chicago Press.

Ferrari, Silvio 2011. Religion and the development of civil society. *International Journal of Religious Freedom* 4, no.2, 29-36.

Hallward, Maia Carter 2011. *Struggling for a just peace: Israeli and Palestinian activism in the second intifada.* Gainesville, FL: University Press of Florida.

Hammer, Joshua 2009. *A season in Bethlehem: unholy war in a sacred place.* New York: Free Press.

Israeli, Raphael 2002. *Green Crescent over Nazareth: The displacement of Christians by Muslims in the Holy Land.* Portland, OR: Frank Cass.

Kairos Palestine 2009. *Kairos Palestine: a moment of truth*, Jerusalem: December. Available http://www.kairospalestine.ps/?q=content/document.

O'Mahony, Anthony 2005. Christianity and Jerusalem: religion, politics, and theology in the modern Holy Land. *International Journal for the Study of the Christian Church*, 5, no.2, 86-102.

Peleg, Ilan and Dov Waxman 2011. *Israel's Palestinians: the conflict within.* New York: Cambridge University Press.

Reidy, Tim 2010. A vanishing church. *America* 30 December 2010, available http://americamagazine.org/node/127123.

Reidy, Tim 2011. The Holy Land and the church in the Middle East. *America* 31 January. Available http://americamagazine.org/node/127227.

Rowe, Paul 2009. Building Coptic civil society: Christian groups and the state in Mubarak's Egypt. *Middle Eastern Studies* 45, no.1 (January), 111-126.

Sabeel 2006. *The Sabeel survey on Palestinian Christians in the West Bank and Israel*. Jerusalem: Sabeel.

Defending the freedom of expression

The danger and failure of the Organization for Islamic Cooperation's campaign for global anti-blasphemy laws

Robert David Onley[1]

Abstract

At the United Nations Human Rights Council, the Organization for Islamic Cooperation ("OIC") is once again lobbying for the creation of globally binding anti-blasphemy laws that would intentionally threaten the ability to exercise the freedom of expression and religion globally, both of which underpin modern Western civilization. These proposed laws would criminalize any criticism of religion, namely Islam, under the guise of preventing the "defamation of religion" for all faiths. Through critical analysis of the OIC's previous failed lobbying campaign to create global anti-blasphemy laws from 1999 to 2011, the author asserts that these laws once more represent a dangerous legislative proposition that must be defeated by Western and allied democracies.

Keywords Blasphemy, anti-blasphemy laws, Islam, freedom of religion, freedom of expression, persecution, defamation, Organization for Islamic Cooperation, human rights, Islamophobia.

In September 2012 riots erupted across the Middle East following the release of the American-produced, allegedly anti-Islamic YouTube film *The Innocence of Muslims*. Leaders from the *Organization of Islamic Cooperation*[2] (OIC), an international body comprised of 57 Muslim countries, called upon the President of the United States to ban any and all such perceived "insults to Islam."[3] Other calls for a global "anti-blasphemy law" were echoed soon after at the 2012 UN General Assembly. Leaders from Indonesia and Pakistan appealed to the international community for the creation of a legally binding, global anti-blasphemy protocol. They argued that insults against Mohammed, Islam's prophet, incite violence and are not

[1] Robert David Onley, J.D. (* 1987) is a lawyer from Ottawa, Ontario, Canada, working in the Canadian Department of Foreign Affairs, Trade and Development. Robert is the former Curator of the Global Shapers Ottawa Hub, was nominated a Global Shaper by the World Economic Forum, and is the Co-Founder and Legal Counsel for the Young Diplomats of Canada. Juris Doctor (2012), University of Windsor, Faculty of Law. Article received: 30 Jan. 2014; Accepted: 5 Feb. 2015. Contact: Cell +1-613-698-6772; robert@robertonley.com; Twitter: @RobertOnley; Blog: http://worldassessor.blogspot.com

[2] Formerly the *Organization of the Islamic Conference.*

[3] Goodenough, Patrick. "Muslim Leaders Make Case for Global Blasphemy Ban at UN" *CNS News,* 26 September 2012. <http://cnsnews.com/news/article/muslim-leaders-make-case-global-blasphemy-ban-un>

legitimate free speech.[4] Gone were the OIC's broad calls for a ban on "defamation of Islam," heard throughout the 2000s. Defense of Islam against "defamation" was replaced by a more modern call for banning "hate speech." The threat to the global freedom of expression is now marketed in a deceptively softer packaging.

The OIC's campaign is not new. Since 1999 the universally recognized freedom of expression[5] has been under threat by the concerted legislative lobbying campaign of the OIC at the United Nations. The OIC has pushed for anti-blasphemy laws that would prohibit the so-called "defamation of Islam." This would include a prohibition on the ability to publicly criticize, debate, assess and otherwise intellectually challenge the religion of Islam. In the face of heavy opposition and widespread Western condemnation of the OIC's proposed anti-blasphemy laws, the OIC managed to pass successive non-binding resolutions[6] on the defamation of religions at the United Nations Human Rights Council (UNHRC). But global support for these "fiercely-contested"[7] resolutions continually declined during the course of the 2000s. Extensive Western scrutiny of existing anti-blasphemy laws in force in Pakistan revealed that the use of these laws was instigating violence, provoking religious persecution and stifling free speech throughout the country.[8] For instance on March 2, 2011, the only Christian in Pakistan's cabinet,[9] Shahbaz Bhatti, was assassinated by the Taliban for his outspoken criticism of Pakistan's blasphemy laws and for allegedly being a "blasphemer of Muhammad."[10] Since the government of Pakistan was the OIC's chief proponent of the resolutions, the OIC's campaign for a similar global anti-blasphemy law quickly became an untenable proposition internationally at the UNHRC. Ultimately, in March 2011 the UNHRC rejected the OIC's final draft resolution,[11] and instead adopted a new consensus-based resolution that

---

4 *Ibid*.

5 UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), <http://www.un.org/en/documents/udhr/index.shtml#a19> ("UDHR").

6 A Resolution is a formal, non-binding text adopted by a United Nations (UN) body, such as the UNHRC.

7 Robert Evans, "Islamic bloc drops UN drive on defaming religion", Reuters, 25 Mar 2011. <http://in.reuters.com/article/2011/03/24/idINIndia-55861720110324>

8 Freedom House, "Policing Belief: The Impact of Blasphemy Laws on Human Rights, 3-4 (2010), <http://www.freedomhouse.org/sites/default/files/Policing_Belief_Full.pdf> ("Freedom House Report")

9 Rodriguez, Alex. "Pakistan's only Christian Cabinet member assassinated", Los Angeles Times, 3 March 2011.

10 "Pakistan Minorities Minister Shahbaz Bhatti shot dead", BBC News, 2 March 2011. <http://www.bbc.co.uk/news/world-south-asia-12617562>

11 Article 19, The Demise of "Defamation of Religions"? Human Rights Council Should Support Resolution On Religious Discrimination, 22 March 2011, <http://www.unhcr.org/refworld/docid/4d94294c2.html>

focused on protecting *individuals* from discrimination or violence, rather than protecting *religions* from criticism.[12]

In their book review of *Silenced: How apostasy and blasphemy laws are choking freedom worldwide*[13] in Volume 5:2 of the 2012 *IJRF,* writers Paul Marshall and Nina Shea challenged readers with the admonition that "[i]t is time that the debate about the boundaries of a reasonable critique of religions and their advocates on the one side, and about the social good of a hard-won freedom of opinion and the press that needs to be preserved on the other, be taken up courageously by decision-makers and discussed widely in society."[14] This paper responds to that call for global discussion.

In order to appreciate why renewed calls for anti-blasphemy laws remain a dangerous proposition that must once again be defeated by Western democracies, it is necessary to specifically analyze the failure of the OIC's legislative campaign to create a global anti-blasphemy law from 1999 to 2011. Using an analysis of the negative effects of anti-blasphemy laws in Pakistan, it will be shown how these laws create a climate of fear, intimidation, and consequently result in religious persecution rather than prevention. By highlighting examples of threats and violence from radical Islamists against Western critics of Islam, this analysis will frame the palpable Western fear of offending Muslims within the broader debate over anti-blasphemy laws and the concept of "Islamophobia." This issue was made all the more salient following the January 2015 terror attacks on the French satirical magazine *Charlie Hebdo.* After these attacks, as if oblivious to the debate over freedom of expression, the OIC announced plans to sue the magazine following its publication of a front cover which depicted the Prophet Mohammed. For the benefit of halting the world's increasingly tenuous grip on free expression and freedom of religion, these topics must be discussed, and without filter or concern for offending those who seek to silence debate.

1. Context: Western fear of publicly criticizing Islam and offending Muslims

Following the events of 9/11, Western governments began to more closely scrutinize Islam and the various sects within it, focusing on any potential affiliations with radi-

[12] UN General Assembly, Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, 16 March 2012, A/HRC/19/L.7 <http://daccess-ods.un.org/TMP/1346064.35894966.html> ("Combating intolerance resolution")

[13] International Journal of Religious Freedom, Vol. 5:2 (2012) at p. 169.

[14] Vol. 5:2, IJRF (2012) at p. 171.

cal Islamist terrorist groups. In the aftermath of the U.S.-led "war of aggression"[15] in Iraq and the global opposition to that war, however, public criticism of Islam became increasingly taboo, out of fear of offending Muslim populations for being "Islamophobic" or racist. Numerous incidents bore out this Western fear of offending Muslims.

1.1 Murder of public critics of Islam, death threats and rioting

In 2004, the brutal murder of Dutch filmmaker Theo Van Gogh in the streets of Amsterdam undeniably had a chilling effect on public critics who spoke out about the perceived problems within the religion of Islam. Van Gogh's murder highlighted the extremity of the radical Islamist ideology. This extremism was exactly what Van Gogh sought to expose, in part, through his film *Submission,* which focused on the oppression of women in Islam.[16] After receiving months of death threats, Van Gogh was shot eight times, followed by an attempt to decapitate him. The killer then stabbed a note into Van Gogh's chest, which threatened Western countries, Jews in general, and Ayaan Hirsi Ali (the writer of Van Gogh's film). While undoubtedly a rare occurrence, the extremity of the murder "set off alarm bells in the West,"[17] as it exposed the malignant existence of radical Islamism *within* Western societies and dramatically highlighted their violent efforts to suppress free expression.

Tarek Fatah is an outspoken Canadian Muslim political activist, writer, and critic of Islamism. Fatah has received several death threats allegedly due to his "socially liberal views" about Islam – views that have been called "diametrically opposed to most Muslims."[18] His liberal views have "always been controversial within the Muslim community,"[19] as he has called for gay rights for Muslims and for the inclusion of secular voices within the Muslim community. Fatah has also publicly opposed the adoption of Sharia law in Canada. As a consequence of his public criticism of Islamism, in 2006 Fatah resigned his position within the Muslim Canadian Congress out of "concerns for his safety and that of his family."[20] Fatah also now requires daily police protection.

---

[15] Aaron Glantz, "Bush and Saddam Should Both Stand Trial, Says Nuremberg Prosecutor", OneWorld U.S., 25 Aug. 2006. <http://us.oneworld.net/article/view/138319/1/>

[16] Rebecca Leung, "Slaughter And 'Submission'", CBS News, 11 Feb. 2009. <http://www.cbsnews.com/2100-18560_162-679609.html>

[17] Ibid.

[18] Sonya Fatah, "Fearing for safety, Muslim official quits", The Globe and Mail, 3 August 2006. <http://sonyafatah.com/blog/2006/08/03/fearing-for-safety-muslim-official-quits/> Accessed: 8 April 2012. ("Tarek Fatah article")

[19] Paul Marshall & Nina Shea, Silenced: How Apostasy and Blasphemy Codes are Choking Freedom Worldwide, Oxford University Press, 2011, at 279.

[20] Ibid.

In 2005, the Danish newspaper *Jyllands-Posten* published cartoons depicting the Prophet Mohammed in various allegedly "blasphemous" forms, resulting in global riots causing over 200 deaths worldwide.[21] These riots made it clear that seemingly innocent criticism of Islam could quickly be considered "blasphemy" by significant numbers of Muslims. The fear and fallout from this "Danish Mohammed cartoons" incident continues to this day. The cartoonist, Kurt Westergaard, has had to live with police protection inside a fortified house every single day since the publication, due to threats against his life. Despite this extraordinary level of protection, in January 2010, a full five years later, a Somali Muslim intruder named Mohammed Geele entered Westergaard's house armed with an axe and knife intent on murdering him. However Geele was subsequently shot and wounded by police. Westergaard was unharmed after he fled to a panic room.[22]

This was not an isolated event. In November 2011, *Charlie Hebdo*, a popular satirical weekly magazine in France had its office firebombed the night before it was to print a cartoon of the Prophet Mohammed on its front cover. The cover depicted a relatively normal looking cartoon character saying, "100 lashes if you don't die of laughter."[23] Fortunately, no one was in the office at the time of the firebomb attack. While the satirical magazine was not fearful of offending Muslims in this instance, the unattributed firebomb attack was representative of the aggressive backlash that has consistently ensued when such "blasphemous" material is published. As the January 2015 deadly terrorist attack on the *Charlie Hebdo* offices later made startlingly clear, the 2011 firebombing was an explicit warning of much worse violence that was soon to come. Within the West, those Islamists who seek to silence free expression have shown no limits and no remorse when it comes to achieving their destructive, retrograde goals.

It is evident that those who are publicly critical of Islam – even while living in Western, free democracies – face the potential of fear, violence and death threats from fellow members of society. The seriousness of the death threats emphasizes the extremity of the evil embodied in radical Islamist ideology, which, when coupled with the OIC's desire for an internationally binding anti-blasphemy law prohibiting criticism of Islam, creates an alarming scenario. It is against this decade-long backdrop of increasing Western fear of offending Muslims – and the resultant threats from radical Islamists for perceived acts of "blasphemy" – that the OIC was leading

---

[21] Patricia Cohen, "Danish Cartoon Controversy", New York Times, 12 August 2009. <http://topics.nytimes.com/topics/reference/timestopics/subjects/d/danish_cartoon_controversy /index.html>

[22] John Archer, "Denmark sentences cartoonist attacker to 9 years", Reuters, 4 Feb 2011 <http://www.reuters.com/article/2011/02/04/idINIndia-54664020110204>

[23] Charlie Hebdo, "Charia Hebdo", Issue 1011, 2 Nov. 2011. <http://www.charliehebdo.fr/images/couv2011/CH-1011-01.jpg>

a cooperative effort at the United Nations. Through this effort, the OIC sought to legislatively insulate the Islamic community and Islam itself from all forms of legitimate criticism, philosophical inquiry, expressive acts of so-called blasphemy, and the alleged defamation of Islam.

2. Background: Understanding blasphemy, defamation of religion and Islamophobia

2.1 What is blasphemy? The Islamic context

Blasphemy, in its broadest terms, is "the act of insulting or showing contempt or lack of reverence for God or the irreverence towards religious or holy persons or things."[24] By its very definition, blasphemy applies to any and all religions, and is a concept that has existed for centuries. Within the religion of Islam, there is no specific mention of blasphemy in the Quran or the hadiths.[25] Rather, Islamic jurists created the offence, making it part of Sharia law.[26] Sharia law is the moral code and religious law of Islam, which deals with many topics that are covered by secular law.[27] Penalties for blasphemy within Islamic communities can include fines, imprisonment, flogging, amputation, hanging or beheading.[28] Additionally, Islamic clerics may call for the punishment of death for an alleged blasphemer by issuing a *fatwa* (a juristic ruling concerning Islamic law), as famously called for in the case of author Salman Rushdie for his controversial book, *The Satanic Verses*.[29] It is within this context that blasphemy is to be understood, particularly in consideration of the OIC's efforts to establish a global prohibition against the defamation of religion. However, "defamation of religion" is a concept that must be understood independently of "blasphemy," as will now be clarified.

2.2 What is "defamation of religion"? What is "defamation of Islam"?

At the core of the notion of "defamation of religion", is the tort of defamation. The tort of defamation is concerned with protecting the reputations of individuals, and the act of defamation is comprised of the communication of a statement that

---

[24] "Blasphemy – definition of", Merriam-Webster Online, <http://www.merriam-webster.com/dictionary/blasphemy>

[25] Saeed, Abdullah; Hassan Saeed (2004). Freedom of Religion, Apostasy and Islam. Burlington VT: Ashgate Publishing Company, at 38, 39.

[26] Ibid.

[27] Ritter, R.M. (editor) (2005). New Oxford Dictionary for Writers and Editors – The Essential A-Z Guide to the Written Word. Oxford: Oxford University Press, at 349.

[28] Surah Al-Maidah 5:33. See http://www.islamicvoice.com/April2006/QuestionHour-DrZakirNaik/ for detailed examination.

[29] Alison Flood, "Salman Rushdie reveals details of fatwa memoir", The Guardian, 12 April 2012. <http://www.guardian.co.uk/books/2012/apr/12/salman-rushdie-reveals-fatwa-memoir?newsfeed=true>

makes a claim that may give an individual a negative image.[30] Thus "defamation of religion" is concerned with protecting the reputation of a religion, and more specifically, protecting the followers of that religion from any form of persecution and negative stereotyping that results from someone "defaming" that religion. As will be assessed later, this very notion – defaming an entire religion and its followers – is highly controversial and has been heavily criticized by Western nations who are opposed to the OIC's "Defamation of Religions" resolutions.[31] Islamic states have expressed concerns that Islam is often associated with terrorism and human rights violations, particularly after 9/11, and argue that the resolutions are necessary to combat the perceived rise of so-called "Islamophobia."[32] At the UN, the OIC's resolutions are driven by a fear that specific religious communities – principally Muslim – will become the target of hatred or contempt around the world. The proposed prohibition against the "defamation of Islam" was therefore an effort by the OIC to protect all followers of the Islamic faith, worldwide, from being defamed.

2.3 What is "Islamophobia"? Implications for the resolutions

Deeply rooted in the debate over the resolutions is the emergent notion that so-called "Islamophobia" is the driving force behind any and all criticism of Islam.[33] Islamophobia is defined as "prejudice against, hatred or irrational fear of Islam or Muslims."[34] It is imperative to understand what the OIC itself deems "defamatory" because it helps to frame the debate about the resolutions as pieces of potentially binding international law. This understanding also helps to contextualize the OIC's focus on the alleged rise of this "new kind of racism"[35] in Western societies and how the OIC attempts to "combat"[36] this rise. The OIC's claims of widespread Islamophobia are grounded in the philosophical notion of *irrationality*, and are particularly important because these claims buttress support for an international anti-blasphemy law as both necessary and defensible. Whether or not an international body like the OIC has the authority to determine whether a personal or cultural fear

---

[30] Brown, The Law of Defamation in Canada, 2nd ed. (Scarborough, Ont.: Carswell, 1994) vol. 1 at 201.

[31] Leonard Leo, Felice Gaer & Elizabeth Cassidy, "Protecting Religions from 'Defamation': A Threat to Universal Human Rights Standards", Spring 2011, 34 Harvard Journal of Law & Public Policy 769, at 771. ["Leo and Cassidy"].

[32] Paula Schriefer, "The Wrong Way to Combat 'Islamophobia'", 9 Nov. 2010.<http://www.nytimes.com/2010/11/10/opinion/10iht-edschriefer.html>

[33] 2nd Organization for Islamic Cooperation Observatory Report on Islamophobia, June 2008 to April 2009, at p. 4, para. 5. ("2nd Islamophobia Report")

[34] Sandra Fredman, Discrimination and Human Rights, Oxford University Press, p.121.

[35] Supra note 33, "2nd Islamophobia Report", at 7.

[36] Supra note 12, "Combating intolerance resolution".

of radical Islamism might in fact be rational or logical is simply not contemplated in the context of the OIC's anti-blasphemy campaign.

In 2008, the OIC published its first "Observatory Report on Islamophobia"[37] which sets out examples of what the OIC deems "religiously defamatory speech" against Islam. The report cited the following as examples: the publication of cartoons depicting the Prophet Mohammed or Allah in newspapers in several European countries and South Africa; Pope Benedict's quotation of a fourteenth-century Byzantine emperor's allegation that Mohammed was "bad and inhuman" for commanding his followers to spread Islam by the sword; and comments critical of Islam or Muslims by Dutch, Austrian, Norwegian, Italian, and Swiss politicians, mostly from far-right parties. Also mentioned is right-wing Dutch Parliament member Geert Wilders' production of his then-unreleased film *Fitna*, that the OIC believed would "vilify" the Quran, and an article by a British columnist that called Islam "an uncompromising seventh-century ideology."[38] Subsequent "Observatory Reports on Islamophobia" have been produced by the OIC over the last few years, and will be assessed later.

3. Origins: Assessing Pakistan's anti-blasphemy laws

In 1999, Pakistan was the nation to first propose a global prohibition on the "Defamation of Islam"[39] at the UN Commission on Human Rights, the predecessor to the UNHRC. Pakistan's Penal Code contains what are considered the world's strictest anti-blasphemy laws,[40] as it is currently one of the only nations to specifically include the punishment of death for violating the laws.[41] Pakistan's Penal Code prohibits blasphemy against any recognized religion, providing penalties ranging from a fine to death.[42] In practice the laws are only applied to the defamation of Islam.[43] Moreover, the *Freedom House Report* notes "blasphemy falls well short

[37] 1st Organization for Islamic Cooperation Observatory Report on Islamophobia – May 2007 - March 2008. http://www.theunity.org/en/index.php?option=com_docman&task=doc download&gid=8&Itemid=14 ("1st Islamophobia Report.")

[38] Supra note 37, 1st Islamophobia Report, at 38.

[39] Supra note 18, "Tarek Fatah article".

[40] Supra note 7, "Freedom House Report" at 4.

[41] Other nations with the death penalty for blasphemy: Afghanistan and Saudi Arabia. A number of European nations have varying degrees of anti-blasphemy laws. Most notably Ireland recently passed a "blasphemous libel" law in 2009, however this law is currently under review and may be removed from the constitution after a reform process is completed. Some of the greatest opposition to Ireland's law came from atheist groups. See Michael Nugent, "How did the parties and candidates reply to our questions on secular policies?", Atheist Ireland, 23 February 2011.

[42] Pakistan Penal Code (Act XLV of 1860) October 6, 1860. Ch. XV. "Of Offences Relating to Religion." <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html> ("Pakistan Penal Code")

[43] Supra note 7, "Freedom House Report" at 6.

of the international standard on crimes for which the death penalty is considered acceptable."[44] An accusation of blasphemy commonly subjects the accused, police, lawyers, and judges to harassment, threats, and attacks, and is also sometimes the prelude to vigilantism and rioting, which often targets accused blasphemers. Pakistan's Islamist political parties have strongly resisted changes in the blasphemy laws.[45] Such resistance is an ominous harbinger of the OIC's behavior.

3.1 Specific anti-blasphemy laws in Pakistan

Below are the sections of Pakistan's Criminal Code which comprise its blasphemy laws and their accordant punishments:

- Section 295 forbids damaging or defiling a place of worship or a sacred object.
- Section 295-A forbids outraging religious feelings.
- Section 295-B forbids defiling the Quran. Defiling the Quran merits imprisonment for life.
- Section 295-C forbids defaming the Islamic prophet Muhammad. Defaming Muhammad merits *mandatory death penalty* with or without a fine.[46]

Except for s. 295-C, the provisions of s. 295 require that an offence be a consequence of the accused's intent. If a charge is laid under s. 295-C, the trial must take place in a Court of Session with a Muslim judge presiding. Section 295-C is particularly shocking for its mandatory death penalty. The laws also create situations that appear to directly and explicitly violate the rights of religious minorities. Consider section 298-B/C:

- Section 298-B and section 298-C explicitly prohibit the Ahmadiyya from: behaving as Muslims behave, calling themselves Muslims, proselytizing, or "in any manner whatsoever" outraging the religious feelings of Muslims.
- Violation of any part of s. 298 makes the violator liable to imprisonment for up to three years and liable also to a fine.

3.2 Who is affected by the blasphemy laws in Pakistan?

The Human Rights Commission of Pakistan (HRCP) – an apolitical, non-governmental voluntary organization – has been documenting blasphemy cases in Pakistan. The HRCP says that Muslims constitute a majority of those booked under these laws, followed by the Ahmadiyya community (specifically referenced in the laws,

---

[44] Ibid. at 6.

[45] "Pakistan Taliban Threaten Christian With Death for Opposing Blasphemy Laws", Cross Rhythms, 3 Jan 2012. <http://www.crossrhythms.co.uk/articles/life/Pakistan_Taliban_Threaten_Christian_With_Death_For_Opposing_Blasphemy_Laws/46237/p1/>It was difficult to find "official" Taliban sources.

[46] Supra note 42, "Pakistan Penal Code".

as set out above).[47] However, as the *2010 Freedom House Report on Blasphemy* notes, "[T]he demographic breakdown of blasphemy defendants in Pakistan represents a prime example of selective application. Although Christians, Ahmadis, and Hindus make up less than 3 percent of the country's population, they have *accounted for about half of the blasphemy defendants* in Pakistan over the past two decades."[48] According to HRCP, since 1988 around 1 000 cases have been lodged for desecration of the Quran, while nearly 50 cases have been lodged for blasphemy against the Prophet Muhammad.[49] In these cases, lower courts have handed down hundreds of convictions, however the higher courts have reversed nearly all of them due to lack of evidence, faults in due process or obvious wrongful motives by the complainants. Moreover, hundreds of Christians are among the accused – at least 12 of them were given the death sentence for blaspheming against the Prophet Mohammed since 1988, with two Christians executed for blaspheming in 2010 alone.[50]

3.3 Culture of fear: Political assassinations of Salmaan Taseer and Shahbaz Bhatti for their opposition to anti-blasphemy laws in Pakistan

The greatest problem with the anti-blasphemy laws is the culture of fear they create in nations where Islam is the dominant religion. In Pakistan, a country whose Muslim population is over 97 per cent,[51] Islamic radical groups actively target outspoken critics of the blasphemy laws. Notably, prominent figures like Salmaan Taseer (former governor of Punjab) and Shahbaz Bhatti (the Federal Minister for Minorities) were assassinated in recent years for their opposition to the anti-blasphemy laws. Most disturbingly, Malik Mumtaz Qadri, the assassin of Salmaan Taseer, was "hailed as a hero by a large section of people across the country."[52] As reported in the *Toronto Star*, "[P]ublic reaction to Taseer's assassination was stunning. Pakistan's lawyers, praised just three years ago for saving this country's independent judiciary, showered Taseer's assassin with rose petals on his way into court. A rally to celebrate his death attracted 40 000 in Karachi and thousands more posted tributes to the killer on their Facebook accounts."[53]

---

[47] "The State of Human Rights Report 2010", Human Rights Commission of Pakistan, 2010, at 65. <http://humansecuritygateway.com/documents/HRCP_StateofHumanRightsin2010.pdf> ("Pakistan Human Rights Report")

[48] Supra note 7, "Freedom House Report" at 6. [emphasis added]

[49] Supra note 47, "Pakistan Human Rights Report" at 70.

[50] Ibid.

[51] Ibid.

[52] "Q&A: Pakistan's controversial blasphemy laws" BBC News, 22 March 2011. Accessed: 10 April 2012. <http://www.bbc.co.uk/news/world-south-asia-12621225>

[53] Rick Westhead, "Some Christians in Pakistan convert fear into safety" 20 Jan 2011. <http://www.thestar.com/news/world/article/925715--some-christians-in-paki> See Appendix A for photos of this event.

Shahbaz Bhatti, Pakistan's late Minister of Minorities, visited Canadian Prime Minister Stephen Harper and former Foreign Affairs Minister John Baird in Ottawa a mere month before Bhatti was assassinated for his outspoken defense of religious freedom. Former Minister Baird reportedly offered Bhatti amnesty to stay in Canada, given the multiple death threats Bhatti had received.[54] Nonetheless, Bhatti returned to Pakistan and soon after was gunned down by the Taliban outside his home. In a video recording Bhatti prepared in the event of his assassination, he remained defiant and stood firm in his Christian faith:

> "The forces of violence, militant organizations like the Taliban and al-Qaeda want to impose their radical philosophy in Pakistan, and whoever stands against their radical philosophy is threatened by them. When I'm leading the campaign against Sharia laws, for the abolishment of blasphemy laws, and speaking for the oppressed, marginalized and persecuted Christian and other minorities, the Taliban threaten me…. But I want to share that I believe in Jesus Christ who has given his own life for us. *I will prefer to die following my principles and for the justice of my community, rather than to compromise on these threats*."[55]

Bhatti's conviction to oppose the blasphemy laws prior to his death is made all the more relevant by reports from Pakistan that Christians are converting to Islam out of fear of persecution, in increasing numbers.[56] As noted in the *Toronto Star* article, "[A]n allegation of blasphemy shouted in the streets can, in an instant, whip a crowd into a frenzy and lead to assaults and dubious arrests."[57] The persecution, violence and intolerance of religious minorities seen in Pakistan emphasize the gross abuses that can result from anti-blasphemy laws. This intolerance helps to frame an understanding of why the OIC's campaign for the "Combating defamation of religions" resolution ultimately failed at the UNHRC.

4. OIC's "Defamation of Religion" resolutions

4.1 Historic development

The issue of defamation of religion has been repeatedly raised by member states at the United Nations (UN) over the past decade. It is crucial to note the origins of the

---

[54] Steve Mertl, "Harper government will set up controversial office of religious freedom this year". 2 Jan 2012. <http://ca.news.yahoo.com/blogs/dailybrew/harper-government-set-controversial-office-religious-freedom-203032535.html>

[55] "Exclusive footage of Shahbaz Bhatti's interview", Al-Jazeera English, 2 March 2011. <http://www.youtube.com/watch?v=oBTBqUJomRE>

[56] Rick Westhead, "Some Christians in Pakistan convert fear into safety" 20 Jan 2011. <http://www.thestar.com/news/world/article/925715--some-christians-in-paki> ("Christians converting")

[57] Supra note 56, "Christians converting".

"Combating the Defamation of Religions" resolution that was most recently rejected by the UNHRC. Since 1999, the "Defamation of Islam" resolution[58] has been revised and changed to broaden its scope at the UN General Assembly, culminating in the "Combating the Defamation of Religions" resolution (hereafter the "Defamation Resolution") as it exists today.

This broadened Defamation Resolution was sponsored by the OIC, and includes the protection against defamation for all religions.[59] Through its motions, the OIC aimed to prohibit expression that would "fuel discrimination, extremism and misperception leading to polarization and fragmentation with dangerous unintended and unforeseen consequences."[60] However since 2001 there has been an obvious split within the UN over the Defamation Resolution,[61] with the Islamic bloc and much of the developing world in support of them, and Western democracies adamantly opposed.

4.2 What do the resolutions say?

The Defamation Resolution changed slightly each year and is several pages long, but recent versions have included passages such as:

> [D]efamation of religions is a serious threat to human dignity leading to *restriction* on the freedom of religion of their adherents and *incitement to religious hatred* and violence.[62]

> Defamation of religions and incitement to religious hatred in general could lead to social disharmony and violations of human rights, and [the Council is] alarmed at the inaction of some States to combat this burgeoning trend and the resulting discriminatory practices against adherents of certain religions . . . in general and against Islam and Muslims in particular.[63]

> [The Council notes] the various regional and national initiatives to combat religious and racial intolerance against specific groups and communities and emphasiz[es],

---

[58] UN Econ. & Soc. Council [ESOSOC], Comm'n on Human Rights, Draft Res.: Racism, Racial Discrimination, Xenophobia and all Forms of Discrimination, UN Doc. E/CN.4/1999/L.40 (April 20, 1999). ("Original defamation resolution.")

[59] L. Bennett Graham, "Defamation of Religions: The End of Pluralism?", 23 Emory Int'l L. Rev. 69, (2009) at 69.

[60] Supra note 58, "Original defamation resolution".

[61] Elizabeth Samson, "Criminalizing Criticism of Islam", Wall St. J. Eur., 10 Sept, 2008, at 13.

[62] H.R.C. Res. GE.09-12613, A/HRC/10/L.2/Rev/1, 10th Sess., (Mar. 26, 2009). [emphasis added]

[63] Ibid.

> in this context, the need to adopt a comprehensive and non-discriminatory approach to ensure respect for all races and religions.[64]

The Defamation Resolution is couched in rather broad terms and provides no explicit definition for the term "defamation of religions." The provisions tend to stress an alleged inherent connection between the defamation of religions and the incitement to religious hatred. This notion will now be analyzed and critiqued.

5. Criticism of the Defamation Resolution and opposition

Any resolution passed by the UNHRC is non-binding, and therefore nation state actors are not obligated to implement any of the principles contained therein.[65] Nonetheless, as scholar Jeremy Patrick argues, "Western countries and NGOs have lobbied furiously against the resolutions in recent years, and the 2010 resolution before the Human Rights Council passed by its narrowest margin to date."[66] The concern expressed by many Western commentators was that the resolutions were merely "paving the way for the formation of a multilateral treaty or customary international law", and therefore the resolutions "cannot be dismissed as mere opinions." Recognizing this creeping threat, the resolutions steadily lost support in the face of increased opposition globally. The reasons for this decline in support were principally due to the vagueness of the resolutions, and to the overwhelming stifling of free speech in countries where anti-blasphemy laws exist today.

5.1 Vagueness

One of the greatest concerns about the resolutions was the inherent vagueness of "defamation" provisions, which did not "explain who has authority to make that determination."[67] The *U.S. Commission on International Religious Freedom* found this vagueness to be most alarming, stating:

> The "defamation of religions" resolutions purport to seek protection for religions in general, but the *only religion and religious adherents specifically mentioned are Islam and Muslims*. Aside from Islam, the resolutions do not specify which religions are deserving of protection, or explain how or by whom this would be determined.

---

[64] Ibid.

[65] John H. Currie, Craig Forcese, Valerie Oosterveld, International Law: Doctrine, Practice, and Theory, "Sources of International Law", Irwin Law Inc., 2007, at 71.

[66] Jeremy Patrick, "The Curious Persistence of Blasphemy", 23 FLJIL 187, at 192. ("Patrick Article")

[67] Supra note 31, "Leo and Cassidy" at 771.

> The resolutions also do not define what would make a statement defamatory to religions or explain who decides this question. For its part, the [Organization of the Islamic Conference] appears to consider any speech that the organization, or even a single cleric or individual, deems critical of or offensive to Islam or Muslims to automatically constitute religious defamatory speech.[68]

This singular focus on Islam (despite the existence of pluralistic language), and the relative ease with which one could be found to defame a religion, together formed significant grounds for opposition to the resolutions. Religious groups, human rights activists, free-speech advocates, and several countries in the West all condemned the resolutions, arguing that the resolutions amounted to an international blasphemy law.[69] Critics of the resolutions, including several international human rights groups, argued that they were being used to politically strengthen domestic anti-blasphemy and religious defamation laws (such as those in Pakistan), which are presently used to imprison journalists, students and other peaceful political dissidents. This is particularly true of Pakistan, as was assessed earlier.

While the resolutions were later broadened by the OIC to refer to all religions, the text of recent proposed resolutions has remained controversial. The 2009 proposal here before the UN General Assembly refers to "the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001" and regrets the use of "laws or administrative measures specifically designed to control and monitor Muslim minorities."[70] Likewise, in an October 2009 letter calling for passage of the defamation of religions proposal, Zamir Akram, a Pakistani diplomat, referred to a number of alleged instances of blasphemy. These included the comments of a British politician who had called Islam "a vicious and wicked religion"; the then proposed Swiss ban on minaret construction; and acts in Denmark and the Netherlands where "Prophet Mohammed (PBUH) has been deliberately ridiculed with the intention to violate the sentiments of Muslims."[71]

---

[68] "Testimony of Leonard A. Leo before the Tom Lantos Human Rights Commission (TLHRC) on Implications of the Promotion of "Defamation of Religions", U.S. Commission on International Religious Freedom, 21 Oct. 2009, <http://www.uscirf.gov/index.php?option=com_content&task=view&id=2785&Itemid=1>

[69] The vote breakdown for the 2010 anti-blasphemy resolution was as follows: 79 yes, 67 no, and 40 abstentions, down from 80-61-42 in December of last year.

[70] United Nations General Assembly, Human Rights Council, "Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance, Follow-up to and Implementation of the Durban Declaration and Programme of Action" A/HRC/10/L.2/Rev.1. 26 March 2009. <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G09/126/13/PDF/G0912613.pdf?OpenElement>

[71] Letter from Zamir Akram, Ambassador & Perm. Rep., Coordinator of the OIC Grp. on Human Rights & Humanitarian Issues, to H.E. Mr. Idriss Jazairy, Chairperson-Rapporteur of the Adhoc Comm. on the Elaboration of Complementary Standards, Office of High Comm'r for Human Rights (Oct. 29, 2009),

While some of these incidents were contentious, they were not indicative of broader national policies or laws designed to enshrine so-called "Islamophobic" doctrines. If this were a concerted policy of the West, such policies would theoretically help to justify the consideration of a global defamation ban. Rather, the examples cited above were isolated events of a varied nature and were in fact different forms of free expression. In consideration of the overarching broadness and vagueness of what the OIC deems "defamatory", it is evident that the unwillingness of Western nations to support the resolutions was founded in a broader rejection of the OIC's idea that such incidents were somehow beyond the scope and jurisdiction of existing international and human rights laws.

5.2 Conflating "defamation of religions" with "incitement to hatred"

The 2009 version of the Defamation Resolution introduced by the OIC in the UNHRC explicitly linked defamation of religions with a state's obligations to legally prohibit "incitement to hatred"[72] under Article 20(2) of the *International Covenant of Civil and Political Rights* (ICCPR). The OIC's move thus represented an attempt to expand existing international norms on incitement. The March 2009 Defamation Resolution made at least seven references to "defamation of religions" as a form of, or catalyst for, incitement to religious hatred. For example:

> Stressing that defamation of religions is a serious affront to human dignity leading to a restriction on the freedom of religion of their adherents and incitement to religious hatred and violence.
>
> 13. Urges all states to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions and incitement to religious hatred in general, and to take all possible measures to promote tolerance and respect for all religions and beliefs.

While recognizing the very real problem of religious persecution, authors Leo and Cassidy state that the OIC was "erroneously conflating defamation of religions and incitement."[73] They note that Article 20(2) of the ICCPR does not create a right to be *protected from* incitement on religious grounds, but rather 20(2) *limits* the

---

http://www.unwatch.org/atf/cf/%7B6deb65da-be5b-4cae-8056-8bf0bedf4d17%7D/OIC%20DOCUMENT %C20TO%C20AD%C20HOC%C20COMMITTEE%C2029%C20OCTOBER%2 009.PDF. "PBUH" was included in the original text.

[72] International Covenant of Civil and Political Rights art. 18, Dec. 16, 1966, 999 U.N.T.S. 171. ("ICCPR")

[73] Supra note 31, Leo and Cassidy, at 771.

right to advocate hatred, particularly those rights found in Articles 18 and 19 of the ICCPR.

To understand how the OIC conflates (that is, to combine into one) these two concepts, consider Article 18, which states,

> [E]veryone shall have the right to freedom of thought, conscience and religion. This right shall include freedom *to have or to adopt a religion of his choice*.[74]

Further consider Article 19, which states:

> 1. Everyone shall have the right to *hold opinions without interference*.
> 2. Everyone shall have the right to *freedom of expression*; this right shall include freedom to seek, receive and impart information and ideas of all kinds…
> 3. The exercise of the rights… *carries with it special duties and responsibilities*. It may therefore be subject to *certain restrictions*, but these shall only be such as are provided by law and are necessary:
> (a) For respect of the rights or reputations of others;
> (b) For the protection of national security or of public order… or morals.[75]

Article 20(2) then limits the rights above, but does not explicitly *protect* people from incitement, stating:

> "Any advocacy of national, racial or religious hatred that *constitutes incitement* to discrimination, hostility or violence *shall be prohibited* by law."[76]

Leo and Cassidy argue that while Article 20 has "always set forth limited exceptions to the fundamental individual freedoms of expression and religion meant to protect individuals from violence or discrimination," the Article does not explicitly seek to protect "religious beliefs from criticism"[77] as the OIC incorrectly implies and conflates. After deconstructing the OIC's erroneous conflation, Article 20(2) must then be given an accordingly narrow application so as not to unduly restrict the *positive* rights enshrined in the ICCPR. Leo and Cassidy note that the legal prohibition contained in Article 20(2) refers to "actions that amount to *much more than* the expression of critical or even insulting views on religious matters."[78] The idea

[74] Supra note 72, ICCPR.
[75] Supra note 72, ICCPR, at Art. 19.
[76] Ibid., ICCPR, at Art. 20(2).
[77] Supra note 31, Leo and Cassidy at 775.
[78] Ibid. at 779.

behind this provision was to prevent incitement of the type used by the Nazis against Jews and other groups targeted during the Holocaust.[79]

As author Nicole McLaughlin notes with respect to Article 20(2), "freedom of expression is *a more limited right* because it is subject to 'special duties and responsibilities' beyond the limitations put on other rights."[80] Since the ICCPR explicitly forbids advocacy of religious discrimination or hatred, the OIC's push for an additional specific provision for protection against the "defamation of religions" led to Western nations expressing concern about the underlying *intent* of the OIC's additional limitations on expression. This was particularly troublesome because the "incitement" clause can be and is used to stifle dissent and minority religious views in predominantly Muslim countries like Pakistan.

5.3 Stifling free speech: Violating the Universal Declaration of Human Rights

One of the greatest concerns with the Defamation Resolution is that it targeted speech, and not religion. Thus implementing the OIC's approach to defamation of religion would also violate provisions of the Universal Declaration of Human Rights (UDHR) which protects free speech,[81] as established in Article 19 of the UDHR:

> "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."[82]

The OIC's proposed blanket prohibition on "defamation of religions" would mean that persons within a religion (and outside of it) would be restricted in their ability to exercise these universal rights to freely express themselves. As Paula Schriefer notes in the *New York Times,*

> "[S]uch a campaign [by the OIC] is deeply flawed from a human rights perspective, both in its equation of religious discrimination (a legitimate human rights violation) with the vague concept of defamation, as well as in the proposed remedy of imposing legal limits on freedom of expression."[83]

---

[79] See UN Special Rapporteur on Freedom of Religion or Belief and UN Special Rapporteur on Contemporary Forms of Racism, supra note 32, at para. 47.

[80] Nicole McLaughlin, "Spectrum of Defamation of Religion Laws and the Possibility of a Universal International Standard", 30 Loy. L.A. Int'l & Comp. L. Rev. 395, at 397. [emphasis added]

[81] Supra note 4, UDHR.

[82] Ibid. at Art. 19.

[83] Paula Schriefer, "The Wrong Way to Combat 'Islamophobia'", New York Times. 9 Nov. 2010.

Schriefer's concern is one echoed by Leo and Cassidy in the previous paragraph. Lastly, one of the most common and pertinent concerns expressed by Western nations was that the passage of the "defamation of religions" resolutions would legitimize national blasphemy laws that are used by countries such as Pakistan to silence Christians and other religious minorities, as well as silence Muslims who do not conform to the government's proscribed Islamic doctrine.[84] The existential reality of this legislative suppression was shown to be the case in Pakistan earlier.

6. Revising the language of the resolutions: UNHRC Resolution 16/18

In the face of backlash from Western nations and free speech groups, the "defamation of religions" resolutions underwent comprehensive revisions. On March 24, 2011, the UNHRC adopted a new consensus resolution on "combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief."[85] This New Resolution focused on protecting *individuals* from discrimination or violence instead of protecting *religions* from criticism.[86] It also called for the protection of persons identified with all religions or beliefs, instead of focusing on one religion, and did not conflate race and religion.[87] Moreover, unlike the "defamation of religions" resolutions, the New Resolution did not call for any legal restrictions on peaceful expression. In fact, the New Resolution called for criminalization only in the case of "incitement to imminent violence,"[88] which is the United States' First Amendment standard, and is even more protective of expression than Article 20(2) of the ICCPR.

In a further rejection of the original Defamation Resolutions, in July 2011, the UN Human Rights Committee released a 52-paragraph statement, "General Comment 34", concerning freedoms of opinion and expression. According to paragraph 48,

> "Prohibitions on displays of lack of respect for a religion or other belief system, including blasphemy laws, *are incompatible with the Covenant,* except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant [the

[84] "2009 Annual Report", U.S. Commission on International Religious Freedom, May 2009, at 228-29. <http://www.uscirf.gov/images/AR2009/final%20ar2009%20with%20cover.pdf>

[85] Human Rights Council Res. 16/L.38, "Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence, and Violence Against Persons Based on Religion or Belief," 16th Sess., Feb. 18-Mar. 25, 2011, UN Doc. A/HRC/RES/16/L.38 (Mar. 21, 2011). ("New Resolution").

[86] Ibid. at para. 6(a).

[87] Ibid. at para. 6(b)

[88] New Resolution, at para. 5(f).

> ICCPR]. Such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26."[89]

Thus, for instance, it would be impermissible for any such laws to discriminate in favor of, or against, one or certain religions or belief systems or their adherents over another religion. Nor would it be permissible to choose between religious believers over non-believers. Further, it would not be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith. The UNHRC's adoption of the New Resolution represents a complete shift away from the earlier language of the Defamation Resolutions that had provoked such great opposition internationally, particularly in the West.

7. Continuing concerns: Recent OIC resolution on Legal Affairs

While the OIC recently backed away from the language of its original Defamation Resolutions at the UNHRC, the language it continues to use in its own internal resolutions remains concerning. Of brief note, a recent OIC Legal Affairs resolution stated the following:

> 10. Expresses the need to pursue, as a matter of priority, a common policy aimed at preventing defamation of Islam *perpetrated under the pretext and justification of the freedom of expression* in particular through media and internet.[90]

The use of the phrase, "perpetrated under the *pretext* and *justification* of freedom of expression" underscores that the OIC maintains significant internal reservations about the freedom of expression as it relates to defamation of Islam.

8. Conclusions

Since 9/11, the debate surrounding the legitimate criticism of Islam and the attempts to suppress free speech by radical Islamists has been intense, and, at times, full of hyperbole. Through a comprehensive assessment of the failure of the OIC's "defamation of religions" resolutions, it has been shown how anti-blasphemy laws represented an untenable attempt to stifle free speech, which opposition groups and human rights advocates – principally from Western nations – rightly opposed.

---

[89] "General comment No. 34 – Article 19: Freedoms of opinion and expression", UN Human Rights Committee, CCPR/C/GC/34, 29 July 2011. Accessed: 14 April 2012. <http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf> [Emphasis added]

[90] "38th Session of the OIC Council of Foreign Ministers – Resolution on Legal Affairs", Organization of Islamic Cooperation, OIC/CFM-38/2011/LEG/RES/FINAL, 30 June 2011, at para. 10. <http://www.oic-oci.org/38cfm/en/documents/res/LEG-RES-38-CFM-FINAL-2.pdf> [emphasis added]

Driven by an appreciation of the systemic persecution of religious minorities in Pakistan, where the anti-blasphemy laws are most forcefully imposed, other nations began to see the weakness of the OIC's claims for the necessity of these anti-blasphemy laws, culminating in the rejection of the proposed Defamation Resolutions at the UNHRC. While the UNHRC would then adopt a modified version of the New Resolution, the changed language better reflected the OIC's concerns about potential emergent Islamophobia without carrying the rights-infringing baggage of Pakistan's anti-blasphemy provisions.

Religious freedom hinges on the ability of individuals to express themselves, participate in religious gatherings freely and without fear, and possess the ability to convert to any religion without the threat of violent persecution. Efforts to prevent persecution on these fronts are noble, but it has yet to be seen how Western nations will be able to impact the type of persecution seen in Pakistan, as was analyzed in this paper. Moreover, in pluralistic Western democracies it is fundamentally antithetical that any citizen should have to go into hiding for fear of their own safety. Such was the case of Tarek Fatah in Canada, for the simple act of exercising his "socially liberal" free speech as a Canadian Muslim.

There is a deeper underlying problem for the OIC in its campaign against "Islamophobia" and "blasphemy." So long as the preponderance of terrorist attacks around the world are carried out by self-proclaimed "radical Islamist" groups, global perceptions of Islam will unfortunately remain highly skewed and so-called "Islamophobic" sentiments will persist. The latter are founded on nothing more than simple logic and rational concern about the ability of the Islamic community to internally address the Islamist threat. Thus the real challenge facing the OIC's anti-blasphemy campaign is ultimately one to be addressed within the broader Islamic community itself.

References

1st Organization for Islamic Cooperation *Observatory Report on Islamophobia* – May 2007-March 2008. <http://www.theunity.org/en/index.php?option=com_docman&task=doc_download&gid=8&Itemid=14>

2nd Organization for Islamic Cooperation *Observatory Report on Islamophobia*, June 2008 to April 2009, at p. 4, para. 5.

"2009 Annual Report", *U.S. Commission on International Religious Freedom*, May 2009, at 228-29. <http://www.uscirf.gov/images/AR2009/final%20ar2009%20with%20cover.pdf>

"38th Session of the OIC Council of Foreign Ministers – Resolution on Legal Affairs", *Organization of Islamic Cooperation*, OIC/CFM-38/2011/LEG/RES/FINAL, 30 June 2011, at para. 10. <http://www.oic-oci.org/38cfm/en/documents/res/LEG-RES-38-CFM-FINAL-2.pdf>

Archer, John. "Denmark sentences cartoonist attacker to 9 years", *Reuters,* 4 Feb 2011 <http://www.reuters.com/article/2011/02/04/idINIndia-54664020110204>

Article 19, *The demise of "defamation of religions"? Human Rights Council should support resolution on religious discrimination*, 22 March 2011, <http://www.unhcr.org/refworld/docid/4d94294c2.html>

Bennett, Graham L.; "Defamation of religions: The end of pluralism?", *23 Emory Int'l L. Rev. 69*, (2009), p. 69.

"Blasphemy – definition of", *Merriam-Webster Online,* <http://www.merriam-webster.com/dictionary/blasphemy>

Brown, *The Law of Defamation in Canada*, 2nd ed. (Scarborough, Ont.: Carswell, 1994) vol. 1

*Charlie Hebdo, "*Charlie Hebdo", Issue 1011, 2 Nov. 2011. <http://www.charliehebdo.fr/images/couv2011/CH-1011-01.jpg>

Cohen, Patricia. "Danish cartoon controversy", *New York Times*, 12 August 2009. <http://topics.nytimes.com/topics/reference/timestopics/subjects/d/danish_cartoon_controversy /index.html>

Currie, John H. & Craig Forcese, Valerie Oosterveld, *International law: Doctrine, practice, and theory*, "Sources of international law", Irwin Law Inc., 2007, p. 71.

Evans, Robert. "Islamic bloc drops UN drive on defaming religion", *Reuters*, 25 Mar 2011. <http://in.reuters.com/article/2011/03/24/idINIndia-55861720110324>

"Exclusive footage of Shahbaz Bhatti's interview", *Al-Jazeera English*, 2 March 2011. <http://www.youtube.com/watch?v=oBTBqUJomRE>

Fatah, Sonya. "Fearing for safety, Muslim official quits", *The Globe and Mail,* 3 August 2006. <http://sonyafatah.com/blog/2006/08/03/fearing-for-safety-muslim-official-quits/>

Flood, Alison. "Salman Rushdie reveals details of fatwa memoir", *The Guardian,* 12 April 2012. <http://www.guardian.co.uk/books/2012/apr/12/salman-rushdie-reveals-fatwa-memoir?newsfeed=true>

Fredman, Sandra & Nina Shea, *Silenced: How apostasy and blasphemy codes are choking freedom worldwide,* Oxford University Press.

Freedom House, "Policing belief: The impact of blasphemy laws on human rights, 3-4 (2010), <http://www.freedomhouse.org/sites/default/files/Policing_Belief_Full.pdf> ("Freedom House Report")

"General comment No. 34 – Article 19: Freedoms of opinion and expression", *UN Human Rights Committee*, CCPR/C/GC/34, 29 July 2011. Accessed: 14 April 2012. <http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>

Glantz, Aaron. "Bush and Saddam should both stand trial, Says Nuremberg Prosecutor", *OneWorld U.S.*, 25 Aug. 2006. <http://us.oneworld.net/article/view/138319/1/>

Goodenough, Patrick. "Muslim leaders make case for global blasphemy ban at UN" *CNS News,* 26 September 2012. <http://cnsnews.com/news/article/muslim-leaders-make-case-global-blasphemy-ban-un>

H.R.C. Res. GE.09-12613, A/HRC/10/L.2/Rev/1, 10th Sess., (Mar. 26, 2009). [emphasis added] ("Resolution")

Human Rights Council Res. 16/L.38, "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief," 16th Sess., Feb. 18-Mar. 25, 2011, UN Doc. A/HRC/RES/16/L.38 (Mar. 21, 2011). ("New Resolution").

International Covenant of Civil and Political Rights art. 18, Dec. 16, 1966, 999 U.N.T.S. 171. ("ICCPR")

Leonard, Leo; Felice Gaer & Elizabeth Cassidy, "Protecting religions from 'defamation': A threat to universal human rights standards", Spring 2011, *34 Harvard Journal of Law & Public Policy 769*, p. 771. ["Leo and Cassidy"].

Letter from Zamir Akram, Ambassador & Perm. Rep., Coordinator of the OIC Grp. on Human rights & humanitarian issues, to H.E. Mr. Idriss Jazairy, Chairperson-Rapporteur of the Adhoc Comm. on the Elaboration of Complementary Standards, Office of High Comm'r for Human Rights (Oct. 29, 2009).

Leung, Rebecca. "Slaughter and 'submission'", *CBS News*, 11 Feb. 2009. <http://www.cbsnews.com/2100-18560_162-679609.html>

Marshall, Paul. *Discrimination and human rights*, Oxford University Press.

McLaughlin, Nicole. "Spectrum of defamation of religion laws and the possibility of a universal international standard", *30 Loy. L.A. Int'l & Comp. L. Rev. 395*, p. 397.

Mertl, Steve. "Harper government will set up controversial office of religious freedom this year". 2 Jan 2012. <http://ca.news.yahoo.com/blogs/dailybrew/harper-government-set-controversial-office-religious-freedom-203032535.html>

"Pakistan Minorities Minister Shahbaz Bhatti shot dead", *BBC News,* 2 March 2011. <http://www.bbc.co.uk/news/world-south-asia-12617562>

Pakistan Penal Code (Act XLV of 1860) October 6, 1860. Ch. XV. "Of offences relating to religion." <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html> ("Pakistan Penal Code")

"Pakistan Taliban threaten Christian with death for opposing blasphemy laws", *Cross Rhythms,* 3 Jan 2012. <http://www.crossrhythms.co.uk/articles/life/Pakistan_Taliban_Threaten_Christian _With_Death_For_Opposing_Blasphemy_Laws/46237/p1/>

Patrick, Jeremy. "The curious persistence of blasphemy", *23 FLJIL 187*, p. 192.

"Q&A: Pakistan's controversial blasphemy laws" *BBC News,* 22 March 2011. Accessed: 10 April 2012. <http://www.bbc.co.uk/news/world-south-asia-12621225>

Ritter, R.M. (editor) (2005). *New Oxford Dictionary for writers and editors – The essential A-Z guide to the written word*. Oxford: Oxford University Press.

Rodriguez, Alex. "Pakistan's only Christian Cabinet member assassinated," *Los Angeles Times*, 3 March 2011.

Saeed, Abdullah; Hassan Saeed (2004). *Freedom of religion, apostasy and Islam*. Burlington VT: Ashgate.

Samson, Elizabeth. "Criminalizing criticism of Islam", *Wall St. J. Eur.*, 10 Sept, 2008, p. 13.

Schriefer, Paula. "The wrong way to combat 'Islamophobia'", 9 Nov. 2010. <http://www.nytimes.com/2010/11/10/opinion/10iht-edschriefer.html>

Surah Al-Maidah 5:33. See http://www.islamicvoice.com/April2006/QuestionHour-DrZakirNaik/ for detailed examination.

"Testimony of Leonard A. Leo before the Tom Lantos Human Rights Commission (TLHRC) on Implications of the promotion of "defamation of religions", *U.S. Commission on International Religious Freedom,* 21 Oct. 2009, <http://www.uscirf.gov/index.php?option=com_content&task=view&id=2785&Itemid=1>

"The State of Human Rights Report 2010", *Human Rights Commission of Pakistan*, 2010, at 65. <http://humansecuritygateway.com/documents/HRCP_StateofHumanRightsin2010.pdf> ("Pakistan Human Rights Report")

UN Econ. & Soc. Council [ESOSOC], Comm'n on Human Rights, Draft Res.: Racism, racial discrimination, xenophobia and all forms of discrimination, UN Doc. E/CN.4/1999/L.40 (April 20,1999). ("Original defamation resolution.")

UN General Assembly, *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief*, 16 March 2012, A/HRC/19/L.7 <http://daccess-ods.un.org/TMP/1346064.35894966.html> ("Combating intolerance resolution")

UN General Assembly, *Universal Declaration of Human Rights,* 10 December 1948, 217 A (III), <http://www.un.org/en/documents/udhr/index.shtml#a19>

UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: http://www.unhcr.org/refworld/docid/3ae6b3712c.html

United Nations General Assembly, Human Rights Council, "Racism, racial discrimination, xenophobia and related forms of intolerance, Follow-up to and Implementation of the Durban Declaration and Programme of Action" A/HRC/10/L.2/Rev.1. 26 March 2009. <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G09/126/13/PDF/G0912613.pdf?OpenElement>

UN Special Rapporteur on Freedom of Religion or Belief and UN Special Rapporteur on Contemporary Forms of Racism.

Westhead, Rick. "Some Christians in Pakistan convert fear into safety" 20 Jan 2011. <http://www.thestar.com/news/world/article/925715--some-christians-in-paki>

Thomas Schirrmacher

Human Rights

Promise and Reality

VKW The WEA Global Issues Series 15

WEA
World Evangelical Alliance

International Institute for Religious Freedom
IIRF

Prosecuting Islamic extremism

Counteracting impunity for the armed *jihad* of the Islamic State group through international criminal justice

Werner Nel[1]

Abstract

The systematic targeting of religious minorities in Iraq and Syria constitutes one of the most serious threats to international peace and security. The legal accountability of the Islamic *jihadist* militia responsible for such atrocities is an important means to protect international religious freedom, prevent future religious oppression and counteract impunity. The human rights violations and atrocities committed by the Islamic State have been classified as war crimes, terrorism, ethnic cleansing and crimes against humanity by the international community. However, the religious persecutory intent underlining the Islamic State's violent enforcement of extremist Islamic ideology merit the classification of such crimes as 'genocide by religious persecution' and 'crimes against humanity of religious persecution'.

Keywords Genocide, crimes against humanity, international criminal prosecution, counteracting impunity, international human rights, persecution, religious freedom, military *jihad,* Islamic extremism.

The rise of a global Islamic *caliphate*[2] and the subsequent human rights abuses and unlawful massacre at the hands of Islamic extremists in northern Iraq and Syria has been at the forefront of international human rights concern in recent months.[3] It is clear that a course of conduct that constitutes gross human rights violations, especially the persecution of religious minorities, may be attributed to Islamic extremists in the area.[4] In essence, the Islamic fundamentalist group responsible

---

[1] Werner Nicolaas Nel (* 1985) is a graduate in law and a master's graduate in Public International law from the University of Johannesburg. He is a member and secretary of the Religious Liberty Commission, South Africa, affiliated with TEASA. This article is an abstract from ongoing research conducted for purposes of pre-doctoral studies on the topic of the use of international criminal law to counteract impunity for religious persecution. He is an academic lecturer in law at the Tshwane University of Technology, Pretoria, South Africa and a researcher in the field of religious freedom. Article received: 19 Feb. 2015; Accepted: 18 April 2015. Contact: Private bag X680, Tshwane University of Technology, Pretoria, 0001, South Africa. Email: nelwn@tut.ac.za.

[2] A *caliphate* (meaning "succession") is an Islamic state led by a supreme religious and political leader known as a *fatwa* – i.e. "successor" – to Muhammad. http://en.wikipedia.org/wiki/*Caliphate*. 20/08/2014.

[3] Human Rights Watch – World Report 2015. http://www.hrw.org/world-report/2015. 06/02/2015.

[4] "Islamic State". *Australian National Security*. Australian Government. http://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/IslamicState.aspx. 20/08/2014.

endorse a self-proclaimed ideology of a violent and sectarian Islam which does not necessarily epitomize the followers of the global Islamic faith. A rudimentary analysis of the violations in northern Iraq and Syria in recent months unveils *prima facie* evidence of crimes that have shocked the conscience of humanity and have led to a destabilisation in the region[5]; threatening international peace, security and the well-being of humanity.[6] To restrain the plight of the religiously persecuted in northern Iraq and Syria, regardless of religious beliefs, every endeavour should be made to advocate religious freedom and counteract impunity and expedite justice for victims.

Although the violation of religious freedom may originate at a regional level and thus fall within the scope of national jurisdictional powers, national control mechanisms may be biased or ineffective.[7] Furthermore, due process is seemingly impossible for indigent persecuted if the *de facto* authority is the instigator of such religious persecution[8]; as is the context *in casu*. Therefore, the protection of human rights requires a supranational dimension through an international prosecution mechanism, such as the International Criminal Court.[9] International criminal law is a generally accepted course through which basic human rights may be protected and enforced in cases where national judicial systems offer insufficient protection or recognition; or when recourse through human rights systems and courts will not serve the interests of justice. Legal accountability for such atrocities is an important way to protect international religious freedom and prevent future religious oppression. Therefore, this paper will implore prosecution through international criminal law as a relatively unaccustomed method or process to advocate a sanction-based solution to curb religious intolerance and impunity whereby religious persecution as a human rights concern may be protected and enforced and further violations deterred. For purposes of this paper religious persecution is defined as:

---

5 Security Council Analytical and Monitoring Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities - *The Islamic State in Iraq and the Levant and the Al-Nusrah Front for the People of the Levant: report and recommendations submitted pursuant to resolution 2170 (2014).* http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2014/815. 26/05/2015.

6 United Nations Security Council Resolution 2195 (2014) http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2195%20(2014). 06/02/2015.

7 Triffterer Commentary on the Rome Statute of the International Criminal Court (2008) 24.

8 L. Fernandez "Religious persecution as a crime against humanity: Ending impunity" 2013 IJRF Vol 6:1/2 159.

9 The International Criminal Court (ICC) is the first permanent, treaty based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community, crimes which by their very commission are serious and obvious infringements of fundamental human rights on a considerable level.

> Unjustifiable acts; which severely violates or deprives; a believer or believers of a specific religious group; of their fundamental human rights; through a systematic oppression or attack on the religious group and/or their religious beliefs or affiliations or lack thereof; with the specific intention to oppose, discriminate against or eliminate the religious group in whole or in part; because of the religious conviction of the group.[10]

1. The ideology and objective of the military *jihad* in Iraq and Syria

In fundamentalist Islamic theology, religious freedom is to be regarded as "the freedom to belong to the one true religion, Islam, or to turn towards it"[11] and therefore Islamic extremism has remained a source of religious persecution.

The teachings of the *Qur'an* implore a pure Islamic faith culminating in law and religion. Therefore the ideology underlining a military *jihad* is a complex, multifaceted socio-political theological imperative based on a specific dogmatic teaching of the *Qur'an* and *Sunna*[12] and motivated by religious fundamentalism or irrational millenarian impulses.[13] Paul Berman's[14] interpretation of the work of the Muslim Brotherhood's theorist and inspiring source of Al Qaeda, Sayyid Qutb, concludes that modern military *jihadists* are irrational offences based on a "totalitarian Islamist state and the cleansing of pernicious Western influence"[15] whereby extremists aim to:

> …create an authentic Islam stripped of foreign liberal influence and modern *jihadists* believe they have divine sanction to engage in violence against *apostate* regimes. This includes killing all *apostates* and *infidels* that hinder the development of a purified *ummah*. Death is welcomed as an opportunity for martyrdom and slaughter of Islam's enemies becomes a moral imperative.[16]

Modern terror movements are normally triggered by some form of Western intervention in Islamic affairs or States, as was the case with the fall of the Ottoman Em-

---

[10] Nel "When can the persecution of Christians be considered genocide or a crime against humanity?" 2013 IJRF Vol 6:1/2 176.

[11] C. Schirrmacher "Apostasy: What do contemporary Muslim theologians teach about religious freedom?" 2013 IJRF Vol 6:1/2 190.

[12] One of the primary sources of Islam and refers to the sayings and traditions of the Prophet.

[13] A.N. Celso "Jihadist Organizational Failure and Regeneration: the Transcendental Role of Takfiri Violence". (2014). http://www.psa.ac.uk/sites/default/files/conference/papers/2014/PSU%20presentation.pdf. 08/01/2015.

[14] P. Berman Terror and Liberalism (W.W. Norton: New York, 2003)

[15] Celso ibid (n 12) 2.

[16] Celso ibid (n 12) 2.

pire which "protected the roots of Islam and acted as the last *Caliphate* of Islam".[17] The demise of the *caliphate* during the First World War prompted a return to Islamic fundamentalism thereby inviting an extremist or radical ideology in restoring the tarnished prestige of Islam, giving rise to various Islamist extremists groups such as the Muslim Brotherhood.[18]

The Islamic *jihadist* militia responsible for the atrocities in Iraq and Syria follows an interpretation of the *Qur'an* known as *Salafist Jihadism*, a belief that *jihad* in the form of violence and terrorism is justified to realize political objectives[19] and "to carry out radical resistance to Western aggression against Muslim peoples"[20]. Two main groups responsible for the atrocities in northern Iraq and Syria are the Al-Nusrah Front for the People of the Levant (ANF) and the Islamic State in Iraq and the Levant (ISIL); however the latter will form the topic of discussion for purposes of this paper.

ISIL originated from a Jordanian-led extremist group in 1999 and in 2004 was re-branded as Al-Qaeda in the Islamic State of Iraq (AQI), but has also been known as the Islamic State of Iraq and Syria (ISIS). The group has been categorised, in all its forms, as a terrorist organization.[21] In June 2014, ISIS proclaimed its intention of succession, by declaring the territories under its control in Iraq and Syria to be a *Caliphate*, and demanded all Muslims pledge obedience to its leader, Abu Bakr al-Baghdadi, whom it referred to as *Caliph Ibrahim* a would-be successor to Mohammed.[22] Abu Bakr al-Baghdadi, now known as Amir al-Mu'minin Caliph Ibrahim became the leader of AQI following the death of his predecessor, Abu Hamza alMuhajir in 2010 and was proclaimed a terrorist individual by the USA in 2011.[23] What distinguishes al-Baghdadi from his Al-Qaeda counterpart, Ayman al-Zawahiri and his predecessor Osama bin Laden, is the *de facto* control over territory which corroborates his claim to a *caliphate*.[24]

---

[17] J Hume. "Balance of Powers: Syria." (2014). http://numun.org/blog/wp-content/uploads/2014/02/BOP-Syria-Committee-Dossier.pdf. 08/01/2015.

[18] Hume ibid (n 16) 8-9.

[19] Kepel Jihad: The Trail of Political Islam. I.B. Taurus & Co Ltd. UK (2006) 26 – 30.

[20] "Islamic approach to international law" - Max Planck Encyclopedia on Public International law, published by the Max Planck Institute for Comparative Public Law and International Law, Heidelberg and Oxford University Press (2011) 392.

[21] The List established and maintained by the Al-Qaida Sanctions Committee pursuant to resolutions 1267 (1999) and 1989 (2011) with respect to individuals, groups, undertakings and other entities associated with Al-Qaida.http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml

[22] Spencer "Isis declares its captive territories an 'Islamic Caliphate'" (2014). http://www.telegraph.co.uk/news/worldnews/middleeast/10934427/Isis-declares-its-captive-territories-an-Islamic-Caliphate.html. 20/08/2014.

[23] Joshi "Abu Bakr al-Baghdadi: The world's most wanted man" (2014). http://www.telegraph.co.uk/news/worldnews/middleeast/10935790/Abu-Bakr-al-Baghdadi-The-worlds-most-wanted-man.html. 20/08/2014

[24] This is significant in light of the justification for an armed jihad, which is discussed later in this paper.

> . . . [T]he scale of the threat posed by [ISIL] is qualitatively and quantitatively different [from AQI] because of the nexus between the funding of ISIL and its control over significant population and territory and the thousands of foreign terrorist fighters from over 80 countries that have joined ANF and ISIL.[25]

In July 2014, the group publicized its overall objective for accession in a video released by an ISIS fighter which is to eliminate all modern borders between Islamic Middle Eastern countries and create a pure State of Islam.[26] "The legality of all emirates, groups, states, and organisations, becomes null by the expansion of the Caliph's authority and arrival of its troops to their areas"[27]

With the proclamation of a pure State of Islam in the territory under its control and the subsequent demand on all Muslims to obey Caliph Ibrahim, the group has now ascended above a territorial claim and consequently refer to themselves simply as *Dawla al-Islamiya*, or the Islamic State (IS)[28]. The IS group has emerged as the "world's most committed and fanatical radical organization"[29] and is determined to pursue a broader regional agenda beginning in Iraq and the Syrian Arab Republic, seeking "to change the existing political order in the Middle East through terrorist violence, to establish a state based on a widely repudiated misinterpretation of religion, and to expel foreign influence — political, economic and ideological."[30]

> The Islamic State follows an extreme interpretation of Islam which is anti-Western, promotes sectarian violence and targets those that do not agree with its interpretations as infidels and apostates.[31]

The IS group is a self-sufficient organization with diversified funding streams[32] directly financing terrorist activities on a daily basis, with a *modus operandi* based

---

[25] Security Council Analytical and Monitoring Committee ibid (n 4) 5.

[26] McGrath "Watch this English-speaking ISIS fighter explain how a 98-year-old colonial map created today's conflict" (2014). http://www.dailynews.com/general-news/20140702/watch-this-english-speaking-isis-fighter-explain-how-a-98-year-old-colonial-map-created-todays-conflict. 20/08/2014.

[27] Spencer (n 21).

[28] Differentiate from Islamic State as a type of government, in which the primary basis for government is Sharia law. In the current sphere of political systems, many Muslim countries have incorporated Islam, in whole or in part, as their state religion.

[29] All you need to know about ISIS and what is happening in Iraq". http://rt.com/news/166836-isis-isil-al-qaeda-iraq/. 20/08/2014

[30] Security Council Analytical and Monitoring Committee ibid (n 4) 6.

[31] "Islamic State" (n 3).

[32] IS has seized considerable assets in both Iraq and the Syrian Arab Republic and benefits from a substantial continuing revenue flow gained from a range of sources, including the sale of crude oil, kidnapping for ransom, extortion and – to a lesser extent today – donations. Security Council Analytical and

on instigating a regime of fear by conducting public executions and violent punishments against civilians and civilian targets and restricting the right to freedom of religion.[33] IS has made calculated use of public brutality and indoctrination to ensure the violent and ruthless enforcement of an indiscriminate form of *Sharia* law, which is without a doubt a religious holy war or *jihad* against minority religions, such as Christians, and dissenting Muslims, such as Yazidis and Shia.[34] The question beckons, can IS legitimately conduct such a *jihad?*

2. A non-Muslim's perspective regarding a legitimate jihad in terms of Islamic law

In the early days of Islam there was a permanent state of war between Muslims and non-Muslims and the world according to the teachings of Islam was thus divided between these two worlds; *dar-al-Islam* (the territory of Islam) and the *dar-al-harb* (the territory of war).[35] Furthermore, this state of war between Muslims and non-Muslims had to continue throughout the world, until the non-Islam States had accepted the sovereignty of Islam. The ultimate objective of Islam was "that the *umma* (one single Islamic nation) would encompass all mankind"[36], through military *jihad* if necessary.

'Jihad' means "to struggle in the way of Allah". The obedience of a call to *jihad* is an important religious duty for Muslims. A Muslim engaged in *jihad* is referred to as a *mujahideen*, or *mujahideen* for plural. There are three commonly accepted meanings of the term *jihad*[37]: Firstly, a believer's internal struggle to live out the Muslim faith as well as possible; secondly, the struggle to build a good Muslim society; thirdly, religious holy war to defend Islam, with force if necessary. It is this third interpretation of *jihad* that is the cause of *Islamophobia*[38] in some states[39] and which will form the topic of this paper.

Monitoring Committee ibid (n 4) 19.

[33] "Islamic State" (n 3).

[34] M. Abi-Habib "Iraq's Christian Minority Feels Militant Threat". (2014). *The Wall Street Journal.* 20/08/2014.

[35] Islamic approach to international law ibid (n 19) par 21.

[36] Islamic approach to international law ibid (n 19) 388.

[37] "Jihad" (2014). http://www.bbc.co.uk/religion/religions/islam/beliefs/jihad_1.shtml. 20/08/2014.

[38] Islamophobia or fear of Islam is "considered by some to currently be the most dangerous form of prejudice, discriminating against individuals on basis of the religious belief in Islam" – R. Imhoff & J. Recker, "Differentiating Islamophobia: Introducing a new scale to measure Islamoprejudice and Secular Islam Critique." https://www.academia.edu/545302/Differentiating_Islamophobia_Introducing_a_new_scale_to_measure_Islamoprejudice_and_Secular_Islam_Critique. 05/01/2014.

[39] Report of the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Declaration, par 61.

> *Jihad* is the only form of warfare permissible under Islamic law, and may consist in wars against unbelievers, apostates and dissenters renouncing the authority of Islam[40]

Different Muslim groups may also differ in their interpretation of the rules regarding *jihad* based on the teachings of the various *suras* in the Qur'an referencing *jihad*. An accurate interpretation of the Qur'an is a task best left to an *ulema* (Muslim scholar) or an Islamic cleric or theologian, therefore the writer offers only a few remarks and conclusions based on an article written by Javed Ghamidi.[41]

Although the Qur'an considers peace and freedom as two essential requirements of a society, both forms of *qital*, i.e. armed *jihad* against injustice and oppression; and against the rejecters of truth after the truth has become evident to them, may be permitted or regarded as legitimate under certain circumstances and in terms of certain rules and restrictions. The Qur'an clarifies the "nature of responsibility the Muslims have been entrusted with *viz a viz Jihad*, the real force from which they should derive their motivation in waging *Jihad*, the moral and ethical limits of this undertaking and finally the real objective of *Jihad*." *Sharia* law has developed a comprehensive set of rules regulating the resort to military *jihad* (*ius ad bellum*) and also the limitations during armed *jihad* (*ius in bello*).[42]

Ius ad bellum aspects of *jihad*

The authority to go to war. The existence of a religious ruler is a requirement to exercise the prerogative to declare a *jihad*, because no one else has the right to punish another person. Amir al-Mu'minin Caliph Ibrahim is now the self-proclaimed *fatwa* or supreme religious leader and successor to Muhammad. Furthermore, no Muslim group or organization of people is authorized to wage military *jihad* unless it wields political authority in an independent piece of land. This is significant, as IS has already claimed *de facto* authority and control over parts of Iraq and Syria.[43]

Just or legitimate cause for war. The ultimate objectives of "*jihad* as warfare is not the conversion of non-Muslims to Islam by force, but rather the expansion and defence of the Islamic State".[44] Muslims may only conduct a military *jihad* in

---

[40] Majid Khadduri, War and Peace in the Law of Islam (The Johns Hopkins Press, 1955) 74–80.

[41] Ghamidi "The Islamic Law of Jihad" Mizan. Dar ul-Ishraq OCLC http://www.studying-islam.org/articletext.aspx?id=771. 20/08/2014.

[42] Islamic approach to international law ibid (n 19) 391.

[43] "Islamic State slaps branding on U.N. food aid" (2014). http://www.humanosphere.org/world-politics/2015/02/islamic-state-slaps-branding-u-n-food-aid/. 15/01/2015.

[44] "Djihād". Encyclopedia of Islam Online. http://referenceworks.brillonline.com/search?s.q=djihad&s.f.s2_parent=s.f.book.encyclopaedia-of-islam-2&search-go=Search. 21/08/2014.

defence of Islam, however this does not require an armed attack by the enemy and may continue until the enemy surrenders or departs from Islamic territory.[45] *Jihad* in defence of Islam will only be achieved when two objectives are totally achieved: Firstly, the *fitnah* or persecution, from either external sources or even dissenting Muslims, is uprooted[46]. Although the Qur'an provides a person with the right to freely choose his religion and ideology, a *fatwa* is given divine authority to interpret the Islam texts and condemn dissenting versions. Such radical religious leaders also employ the doctrine of *fitnah*, whereby a *fatwa* is declared thereby stripping or excommunicating a fellow Muslim or a Muslim community of their Islamic status, branding them as apostates or non-believers, and providing theological justification for indiscriminate violence and killing intra-Muslim.[47] Secondly, only Islam reigns supreme in the Arab peninsula. *Jihad* in the form of warfare may therefore continue until such time as this aim has been achieved.

An honourable motive and a reasonable hope of success. Armed warfare must neither be undertaken to gratify one's whims nor to obtain wealth and riches, it must be fought to bring about good. All other remedies must be exhausted to mediate the conflict before armed conflict is sought.

Ius in bello aspects of *jihad*

The principle of proportionality. "Allah is with those who remain within the bounds." (Qur'an 2:194). Indiscriminate attacks and methods of war are forbidden, for example chemical or nuclear warfare. The ethical limits referred to will not only take on physical proportions pertaining to acts of war, but also a component based on honour and honesty.

The principle of distinction in regards to legitimate military targets, prisoners of war and civilians. "Fight in the way of Allah those who fight you, but do not transgress. Indeed. Allah does not like transgressors." (Qur'an 2:190).

ISIS has violated its obligations toward civilians and persons hors de combat in terms of International Humanitarian Laws (IHL)[48], amounting to war crimes.[49]

---

[45] Islamic approach to international law ibid (n 19) 391.

[46] The directive of waging war against fitnah or 'persecution', ie to force a person to give up his religion, but may likely include all forms of oppression against the life and wealth as well as freedom of opinion and expression of Muslims. Fitnah is regarded by the Quran as a crime greater than murder.

[47] Celso (n 12).

[48] It includes "the Geneva Conventions and the Hague Conventions, as well as subsequent treaties, case law, and customary international law." Website of the International Committeee of the Red Cross, What is international humanitarian law? (2014). https://www.icrc.org/en/document/what-international-humanitarian-law#.VDv3EFOa4wo. 26/05/2015.

[49] Report of the Independent International Commission of Inquiry on the Syrian Arab Republic - Rule of Terror: Living under ISIS in Syria. http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/HRC_CRP_ISIS_14Nov2014.pdf. 13/02/2015.

However, *jihad* is a military as well as a religious imperative on all Muslims, man or woman, and therefore Muslims have a collective obligation to wage *jihad*, thereby nullifying the distinction between combatants and non-combatants in terms of Muslim people.[50] The *mujahideen* will likewise consider its enemies in the same way. However, innocent people, women, children and the elderly must not be harmed, killed or raped. However, "ISIS has systematically denied basic human rights and freedoms and in the context of its attack against the civilian population, has perpetrated crimes against humanity"[51]

Muslims should not initiate proceedings to violate anything which is sacred, such as property. "In attacking churches, historic monuments and buildings dedicated to religion and culture, which did not contain any military objectives, ISIS violated its obligations under customary international humanitarian law. Targeted as such, ISIS has perpetrated the war crime of attacking protected objects."[52]
The treatment of the enemy and enemy soldiers should be confined within the limits of *Sharia* justice. "Prisoners could not be tried and punished for mere belligerency, but for crimes committed beyond the right of belligerence".[53]

Sharia law explicitly forbids intra-Muslim violence. However, during armed *jihad* Islamic extremists, such as IS normally employ the doctrine of *fitnah*, which "allows them to proclaim as *fitnah* (heretics) Muslims who deviate from their strictly defined interpretation of Islam. The penalty for heresy is death."[54]

IS employs *jihad* in the form of a militant holy war inferring the use of violence, including paramilitary action against Muslim and non-Muslim persons and groups, including governmental forces, deemed to be enemies of their fundamentalist version of Islam.[55] Based on the interpretation of the Qur'an and *Sunnah* above, and the rules and restrictions placed on Muslim *mujahideen* in terms of a combatant *jihad*, it is clearly impossible that the course of conduct of IS constitutes a legitimate armed *jihad*. This assessment of illegitimacy is shared by many Muslim groups:

> We disagree with ISIS, first for its extremist ideas, and second, for its violent action approach. ISIS has adopted extremist thought that deviates from the correct understanding of Islam. It accuses anyone who does not agree with it of being *Kafir* (non-believer), and sees most Muslims as apostates... ISIS's modus operandi, it

[50] Islamic approach to international law ibid (n 19) 393.
[51] Rule of Terror ibid (n 48).
[52] Rule of Terror ibid (n 48). See also UNSC Resolution 2199.
[53] Islamic approach to international law ibid (n 19) 393.
[54] "Special Report: The Islamic State" - http://www.clarionproject.org/sites/default/files/islamic-state-isis-isil-factsheet-1.pdf. 10/02/2015.
[55] Cook. *Understanding Jihad* (2005) University of California Press. Retrieved from Google Books on 20/08/2014. ISBN 0-520-24203-3, ISBN 978-0-520-24203-6.

> shed blood unjustly, cut off people's heads, forced people into allegiance under threats, and attacked non-Muslim citizens and asked them to choose between Islam or forced displacement. These are all behaviors contrary to the teachings of Islam. ISIS should refer to the Qur'an and *Sunnah* to understand Islam correctly and improve its approach.[56]

3. International response to the regime of terror by IS

The United Nations Security Council, prompted by "ongoing and multiple criminal terrorist acts aimed at causing the deaths of civilians and other victims, destruction of property and of cultural and religious sites, and greatly undermining stability" in Iraq and Syria attributable to the IS group, unanimously adopted UNSC resolution 2170 confirming the IS as a terrorist organization whose actions are considered a threat to international peace and security:

> Expressing its gravest concern that territory in parts of Iraq and Syria is under the control of ISIL… and about the negative impact of their presence, violent extremist ideology and actions on stability in Iraq, Syria and the region, including the devastating humanitarian impact on the civilian populations… and about their acts of violence that foment sectarian tensions.[57]

The UN designated the situation in northern Iraq and Syria with its highest level of emergency, citing the scale and complexity of the situation consequential of a humanitarian crisis.[58] The UNSC's call upon States "to take all measures as may be necessary and appropriate… to counter incitement of terrorist acts motivated by extremism and intolerance perpetrated by individuals or entities associated with ISIL, ANF and Al-Qaida" seems to justify the US humanitarian intervention in August 2014[59] and the formation of the Global Coalition to Counter the ISIL in December 2014.[60] The counter-ISIL coalition includes western powers such as the U.S.A. and the UK; middle eastern states, such as the UAE, Turkey and Saudi Arabia; as well as multi-national organizations such as the EU, NATO and the Cooperation Council for

---

[56] Ikhwanweb: The Muslim Brotherhood's Official English Website - "Syria Muslim Brotherhood Leader: We Disagree with ISIS in Principle, Approach" (2014). http://www.ikhwanweb.com/article.php?id=31783&ref=search.php. 09/02/2015.

[57] United Nations Security Council Resolution 2170. http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2170%20%282014%29. 21/08/2014.

[58] UN News Centre "Adopting resolution, Security Council approves sanctions against militants in Iraq, Syria" http://www.un.org/apps/news/story.asp?NewsID=48494#.U_br6WMdMuM. 22/08/2014.

[59] Chulov et all "US forces bomb Isis militant positions in northern Iraq." http://www.theguardian.com/world/2014/aug/08/us-iraq-air-strikes-isis-irbil. 22/08/2014.

[60] "Joint Statement Issued by Partners at the Counter-ISIL Coalition Ministerial Meeting" Washington DC, 3 December 2014. http://www.state.gov/r/pa/prs/ps/2014/12/234627.htm. 13/02/2015.

the Arab States of the Gulf. The coalition agreed on "a common, multifaceted, and long-term strategy to degrade and defeat ISIL/Daesh" which includes *inter alia*:

> military operations, capacity building, and training; stopping the flow of foreign terrorist fighters; cutting off ISIL/Daesh's access to financing and funding; addressing associated humanitarian relief and crises; and exposing ISIL/Daesh's true nature (ideological delegitimization).[61]

Religious leaders have also uttered their support for action against the IS group. Newspaper articles reflecting the response by various religious factions whose constituents have been affected by the human rights atrocities reads: "Religious leaders say ISIS persecution of Iraqi Christians has become genocide"[62]; "Religious Extremism is a Major Threat for The Area and The Whole World"[63] and "Chaldean Patriarch calls for armed response to defend Christians from Genocide"[64] Dr. Geoff Tunnicliffe, Secretary General of the World Evangelical Alliance stated that:

> We condemn the awful evil being committed against minority communities in general and Christians in particular by militant Islamists in Iraq and Syria… there can never be any justification whatsoever for this indiscriminate persecution of a community which has lived in the region since long before the arrival of Islam.[65]

It seems as though the greater majority of Muslims and *ulema* reject the ISIL ideology[66] as both Christians and Muslims, especially Shia's, are being targeted as infidels or apostates. The Federation of Islamic Organisations in Europe "vigorously denounces the unjust discriminatory practices against Christians and others, which are a slander against Islam".[67]

---

[61] Ibid (n 59).

[62] Jones and Bowcott "Religious leaders say Isis persecution of Iraqi Christians has become genocide" The Guardian, 9 August 2014. http://www.theguardian.com/world/2014/aug/08/isis-persecution-iraqi-christians-genocide-asylum. 22/08/2014.

[63] Holy Land Christian Ecumenical Foundation website: http://hcef.org/publications/hcef-news/790793990-the-patriarchs-of-the-east-religious-extremism-is-a-major-threat-for-the-area-and-the-whole-world. (2014) 23/08/2014.

[64] Catholic online "Chaldean Patriarch calls for ARMED RESPONSE to defend Christians from Genocide" http://www.catholic.org/news/international/middle_east/story.php?id=56510. (2014) 22/08/2014.

[65] WEA website "WEA Condemns Violent Attacks on Christians and Others, Calls for Prayer for Christians in Iraq." http://www.worldea.org/news/4451/wea-condemns-violent-attacks-on-christians-and-others-calls-for-prayer-for-christians-in-iraq. (2014) 22/08/2014.

[66] Security Council Analytical and Monitoring Committee ibid (n 4) 13.

[67] "FIOE condemns the violations against Christians and Islamic monuments in North Iraq" 28 July 2014. http://www.fioe.org/ShowNews_en.php?id=146. 22/08/2014. See also Press re-

4. The Islamic context underpinning the IS jihad

While characterizing the nature of the severe human rights violations in Iraq and Syria at the hands of IS, the UNSC's essentially contradicting statement regarding the nature of the deadly attacks against minority religions and dissenting Muslims, is perplexing when it is stated that "terrorism, including the actions of ISIL, cannot and should not be associated with any religion, nationality, or civilization".[68]

Justifiably, the UNSC's statement is probably aimed at the prevention of inter-religious retaliation by isolating the terrorist activities of the IS group from their religious affiliation with Islam. However the writer contends that the UNSC should accept and acknowledge the occurrence of religious persecution in Iraq and Syria, as is the situation in various areas in the world, as a form of inter-religious persecution at the hands of Islamic extremists.

Discarding the affiliation of IS with Islam, however distorted such an interpretation of fundamentalist Islam may be, falsifies the true nature of the atrocities by hiding behind diplomatic rhetoric and legitimizes their *jihadist* ideology. Obscuring the religious context of the IS extremists' actions in this way creates suspicion about the legitimacy, independence and capability of the international organizations ultimately responsible for the protection and enforcement of human rights. As a result the UN has become diplomatically docile regarding these issues which debilitates decisive action for fear of diplomatic confrontation and has resulted in a failure to protect whichever religious group against whatever source of persecution. The UN is so religiously numb that they have become a source of religious secularism, disregarding religious persecution in favor of diplomacy and impeding in religious advocacy efforts on behalf of the persecuted. There are many ideologies that shape different Islamic denominations based on various interpretations of the Qur'an and *Sunnah* which can all validly claim to be theologically based on the same Islamic source texts. Therefore, the unfortunate truth is that a radical and fundamentalist form of Islam will persevere as long as Islamic clerics and Muslim leaders publicly indoctrinate a radical literalist interpretation of Islam's source texts in countries like Saudi Arabia, Qatar and Turkey, and therefore the actions of IS can and should be associated with Islam until they themselves remedy such extremist incitement which leads to the persecution of dissenting religious groups globally.[69]

---

lease by the Muslim Judicial Council, South Africa on 1 September 2014. http://www.mjc.org.za/index.php?option=com_content&view=article&id=575:mjc-requests-urgent-state-security-probe&catid=15:press-releases&Itemid=13. 09/02/2015.

[68] UNSC Res. 2170 (n 56).

[69] P. Sookhdeo "Editorial: The Two Faces of Islam" https://barnabasfund.org/news/Editorial-The-Two-Faces-of-Islam. (2014) 09/02/2015.

However, the military *jihad* by IS in Iraq and Syria is not simply an inter-religious persecution of Christians. It is a complex, multifaceted and religiously motivated war against all dissenting religions, against democracy and against fundamental human rights. The UNSC should rather isolate the religiously and politically motivated terrorist group, whose ideology is obviously rooted in a fundamentalist ideology of Islam, from the rest of an otherwise presumably peace-loving international Muslim community.

The writer therefore agree that "ISIL speaks for no religion"[70], because the IS group should be regarded as a sect of Islam and their ideology should be considered as an extreme or fundamentalist interpretation of Islam. The ideology of IS can be associated with an Islamic religious foundation, however their terrorist actions, crimes and human rights abuses do not speak on behalf of the whole Muslim community.

5. Prosecuting religious persecution by IS under international criminal law

The right to freedom of thought, conscience and religion or belief are universally recognized basic human rights[71]; however religious persecution remains an impediment on the enjoyment of such rights and is therefore a severe human rights violation.[72]

> …religious intolerance are among the causes of violence, ethnic cleansing, and armed conflict, leading to genocidal policies and practices, and often serious violations of international humanitarian law… international prosecution systems, as provided by the ICC, are to be resorted to in the pursuit of criminal accountability.[73]

The right to religious freedom should be enforced not only at state level, but with the enforcement of effective penal sanctions against the perpetrators or authors of these human rights violations at an international level. Therefore the crime of per-

[70] Statement by President Barack Obama, Martha's Vineyard, Massachusetts on 20 August 2014. http://www.whitehouse.gov/the-press-office/2014/08/20/statement-president. 22/08/2014.

[71] Most notably the International Bill of Human Rights which consists of the Universal Declaration of Human Rights (adopted by General Assembly resolution 217 A (III) of 10 December 1948), the International Covenant on Economic, Social and Cultural Rights (UNGA resolution 2200A (XXI) of 16 December 1966, and the International Covenant on Civil and Political Rights (UNGA General resolution 2200A (XXI) of 16 December 1966) (ICCPR) and its two Optional Protocols.

[72] Religious persecution is the overarching term that will be used to explain the various forms of religious intolerance regardless of the specific religion. For purposes of this study religious discrimination, such as the denial of civil rights on the basis of religion, will also be considered as acts which may constitute religious persecution.

[73] Van Boven "Racial and Religious Discrimination" 2007 MPEPIL 615.

secution is defined in art 7 of the Rome Statute of the ICC[74] which provides a forum for the prosecution of acts that amount to religious persecution under the auspices of the international core crimes[75] (war crimes, genocide, crimes against humanity and crimes of aggression).

The ICC is intended as a court of last resort, investigating and prosecuting only where national courts have failed or are unwilling or incapable to do so. The court's jurisdiction shall be complementary to national jurisdictions and the court can exercise jurisdiction only when one of the three 'trigger mechanism'[76] are initiated:

1. When a State party refers a matter to the court[77] in circumstances where:
   (a) the accused is a national of a State party[78], or
   (b) the alleged crime took place on the territory of a State party[79].
1. A situation is referred to the court by the UN Security Council.[80]
1. The Prosecutor's initiation of an investigation *proprio motu* on the basis of information on crimes within the court's jurisdiction.[81]

On this basis the ICC may exercise its jurisdiction over the crimes committed by IS, and prosecute persons[82] responsible for crimes within the jurisdictional capacity of the court.[83] Amnesty International has also called upon the government of Iraq to become a party to the Rome Statute and therewith accept the court's jurisdiction.[84] The Independent International Commission of Inquiry on the Syrian Arab Republic recommended, *inter alia*, that the international community must employ:

> international accountability mechanisms, including the International Criminal Court, to hold individuals, including ISIS commanders, responsible for war crimes and crimes against humanity.[85]

The abuses, violations and crimes committed by IS has hindered the exercise of basic human rights, such as religious freedoms, the freedom of expression, assembly

---

[74] Rome Statute of the International Criminal Court, Doc. A/CONF.183/9 of 17 July 1998 in force 1 July 2002 (2002) (hereafter the Rome Statute).

[75] G Werle Principles of International Criminal Law (2005) 26.

[76] Triffterer (n 6) 581.

[77] Rome Statute Art 14.

[78] Rome Statute Art 12(2)(b).

[79] Rome Statute Art 12(2)(a).

[80] Rome Statute Art 13(b).

[81] Rome Statute Art 15 read with Art 13(c).

[82] Rome Statute Art 25.

[83] Rome Statute Art 5.

[84] Amnesty International: "Iraq: Ethnic cleansing on historic scale: the Islamic State's systematic targeting of minorities in northern Iraq: http://www.amnesty.org/en/library/info/MDE14/011/2014/en. 12/02/2015.

[85] Rule of Terror ibid (n 48).

and association, which are guaranteed by international law.[86] The UNSC resolution[87] rightfully categorizes the atrocities violating the right to freedom of religion and belief, committed by the IS group, as religious persecution for which those responsible must incur criminal responsibility:

> those who have committed or are otherwise responsible for violations of international humanitarian law or violations or abuses of human rights in Iraq and Syria, including persecution of individuals on the basis of their religion or belief, or on political grounds, must be held accountable.

This terminology is significant and places the atrocities committed by the IS group in the sphere of crimes of concern to international peace and security. The reference to violations of international humanitarian law is a direct inference of war crimes[88], whilst the human rights abuses may infer genocide or crimes against humanity. IS has also been accused of terrorism:

> the Islamic State continues to be directly and/or indirectly engaged in, preparing, planning, assisting in and fostering the doing of terrorist acts and advocates the doing of terrorist acts, involving threats to human life and serious damage to property.[89]

Terrorism in itself also constitutes an international crime.[90] The Convention on Combating International Terrorism provides a contentious definition of terrorism[91] condemning terrorism as a breach of Islamic law principles and fundamental human rights, but does not regard actions by national liberation movements in the struggle against foreign aggression and colonialism or racist regimes as terrorist acts.[92]

Numerous human rights violations in Iraq and Syria have been attributed to IS, including *inter alia*: the forceful invasion and occupation of territories and the sub-

---

[86] Rule of Terror ibid (n 48).

[87] UNSC res. 2170 Ibid (n 56)

[88] "As an armed group bound by Common Article 3 of the Geneva Conventions and customary international law, ISIS has violated its obligations toward civilians and persons hors de combat, amounting to war crimes." – Rule or terror ibid (n 48) 13. For a complete analysis of IHL contraventions by IS see Amnesty International ibid (n 84) 24.

[89] "Islamic State" (n 3).

[90] International Convention for the Suppression of Terrorist Bombings (1998) 37 ILM 249, and the International Convention for the Suppression of the Financing of Terrorism (2000) 39 ILM 268.

[91] The Convention on Combating International Terrorism adopted by the Organisation of Islamic Cooperation on 1 July 1999. Article 1 describes "any act or threat of violence carried out with the aim of, among other things, imperilling people's honour, occupying or seizing public or private property, or threatening the stability, territorial integrity, political unity or sovereignty of a state."

[92] Islamic approach to international law ibid (n 18) 404.

sequent displacement of civilians; public executions and publicized beheadings; the unlawful summary killing of religious minorities; destruction of religious property; and killings and kidnappings of members of religious and ethnic minorities.[93] The writer believes that these religiously motivated acts can be attributed to IS under the auspices of crimes against humanity and genocide.

3. The classification of crimes by IS as crimes against humanity of religious persecution

The Rome Statute classifies specific acts or omissions[94] as crimes against humanity, including persecution on religious grounds, if committed with the intention that such conduct forms part of a widespread or systematic attack against any civilian population. Art 7(1) read with art 7(1)(h) and art 7(2)(g) of the Rome Statute, provides an elementary basis crimes against humanity of religious persecution:

> A course of conduct or omissions; that is of a widespread or systematic nature; directed against a specific civilian group because of their religious beliefs or affiliations or lack thereof; with the intent to deprive the members of the religious group of their fundamental human rights; tolerated or condoned by a government or a de facto authority; while the perpetrator/s knew or should have known that the conduct was part of or intended the conduct to be part of an overall policy or a consistent pattern of inhumanity directed against the religious group; and reaching the level of seriousness of a large scale of gross or blatant denials of fundamental human rights and perpetrated in connection with other instances of religious persecution or other crimes of serious concern.

UNSC Resolution 2170 places the atrocities committed in Iraq and Syria by the IS group in the sphere of international core crimes, justifying an indictment based on the individual criminal responsibility of the instigators for crimes against humanity of religious persecution:

> widespread or systematic attacks directed against any civilian populations because of their… religion or belief may constitute a crime against humanity… for abuses of human rights and violations of international humanitarian law… including

[93] Wikipedia – "Timeline of events related to the Islamic State of Iraq and the Levant". http://en.wikipedia.org/wiki/Timeline_of_events_related_to_the_Islamic_State_of_Iraq_and_the_Levant#2013_events. 08/01/2015.

[94] Art 7 of "The Elements of Crimes" - Official Records of the Review Conference of the Rome Statute of the International Criminal Court, Kampala, June 2000 (International Criminal Court publication, RC/11).

> persecution of individuals on the basis of their religion or belief, or on political grounds, must be held accountable.

These human rights atrocities committed by the IS group can be linked with other listed crimes under art 7(1) and include *inter alia*: the indiscriminate killing and deliberate targeting of civilians; mass executions and extrajudicial killings; persecution of individuals and entire communities on the basis of their religion or belief; forced displacement of minority groups; rape and other forms of sexual violence; arbitrary detention; destruction of cultural and religious sites; obstructing the exercise of economic, social and cultural rights.[95]

Discriminatory intent is an integral requirement to constitute persecution as a crime against humanity[96], which in the current case is the prejudice based on religion. Evidence provides reasonable grounds to attribute religiously persecutory intent to the conduct of IS as part of a manifest pattern of deliberate and calculated violent acts endorsed and directed by IS leadership in accordance with an organisational policy directed at religious minorities in the region.

> ISIS carries out large-scale victimisation through the systematic imposition of harsh restrictions on basic rights and freedoms indicating an underlying policy… the commanders of ISIS have endorsed and directed harm against the civilian population under their control… acted wilfully, perpetrating these war crimes and crimes against humanity with clear intent of attacking persons with awareness of their civilian or hors de combat status.[97]

The wording of the resolution is significant and there is no doubt that the international community considers the illegitimate armed *jihad*, conducted by the IS group, as crimes against humanity. The ideology of religious extremism coupled with the widespread[98] and systematic[99] approach with which, and the nature of the civilian population against whom these atrocities have been committed, warrants the classification of these human rights violations as specifically crimes against humanity of religious persecution.

---

[95] United Nations Security Council Resolution 2161. http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2161. 21/08/2014.

[96] ICTY, Prosecutor v Blaskic, Judgement,IT-95-14-T, 3 March, 2000.

[97] Rule of terror ibid (n 48) 5.

[98] Widespread refers to the large-scale nature of the attack and the number of victims. ICTY, Prosecutor v. Kordic and Cerkez, Case No. IT-95-14/2-A, Appeals Judgment, 17 December 2004, para. 94. ICTR, Prosecutor v Clement Kayishema, Case No. ICTR-95-1-T, 21 May 1999, par 123.

[99] "A systematic attack means an attack carried out pursuant to a preconceived policy or plan" – ICTR, Prosecutor v Clement Kayishema, Case No. ICTR-95-1-T, 21 May 1999, par 123.

4. The classification of crimes by IS as genocide by religious persecution

Genocide can justifiably distinguished from the crime against humanity of persecution in that the crime of persecution is based on the targeting of victims because they belong to a specific community but does not necessarily seek to destroy the community as such, which is the case with genocide.[100]

Genocide by religious persecution is the denial of the right of existence of entire human groups based on their religious affiliation or lack thereof. The intentional large-scale discriminate violation of the fundamental right of existence of members belonging or affiliated with a specific religious group can also be referred to as martyrdom based on one's religion. Martyrdom is a specific form of persecution in terms of which such violent persecutory acts directly results in the unlawful death of a person for refusing to renounce, or accept, a belief or religion.[101]

Article 6 read with art 7(1)(h) and art 7(2)(g) of the Rome Statute provides for a classification directive for genocide by religious persecution based on the following elements:

> The deliberate and systematic repudiation of fundamental human rights; by a course of discriminate genocidal attacks or omissions; against the physical or psychological integrity; or the existence, or biological, or social continuity; of a religious group as a response to their religious beliefs or affiliations or lack thereof; with the specific intent to destroy or attempt to destroy the essential foundations of life of the entire religious group or a substantial part thereof; as part of a coordinated plan or policy by a government or a de facto authority actively promoting or encouraging such an attack against the religious group; while the perpetrator/s, at the time of committing acts constituting genocide, was aware or should have been aware of the wider intention of such an attack against members of the religious group based solely on the martyrs' membership to the religious group.

Martyrdom as a specific form of religious persecution may therefore be categorised as genocide if the perpetrator has the specific intention to destroy, in whole or in part, an identifiable religious group. The acts that constitute genocide in terms of art 6 of the Rome Statute may all be classified as specific forms of genocide by religious persecution if the genocidal acts are also directed at, and intended to, destroy the existence of a specific religious group. Many of these genocidal acts are citied in the UNSC resolution and attributed to the IS group, however for such acts to be regarded as genocide requires proof of specific genocidal intent. The purpose of

[100] ICTY, Prosecutor v Jelisic, Case No. IT-95-10-T, December 1996.

[101] Tieszen Re-examining Religious Persecution (2008) 33.

the genocidal conduct must be to destroy or attempt to destroy the group or a part of it.[102] Furthermore, to substantiate the crime of genocide by religious persecution, the genocidal intent must be directed against a specific religious group or against the exercise of religion in general.

Therefore the question is whether the conduct of the IS group is directed at, and intended to, destroy the existence of specifically dissenting Muslim groups, Christian, Jewish, or any other dissenting religious groups in the area. Alternatively, whether a universal intention to destroy all dissenting religious groups or affiliations within their territory exists? IS indubitably acts with universal intention to destroy all dissenting religious groups or affiliations within their territory based on the employment of the Islamic practice of *fitnah*, whereby any individual or group perceived to be a threat to IS, is declared to be a heretic in order to justify their annihilation.[103] "We offer them three choices: Islam; the *dhimma* contract – involving payment of *jizya*; if they refuse this they will have nothing but the sword"[104]

This universal intent to target all dissenting or religious groups supports the classification of IS conduct as crimes against humanity since the preconditions for the classification of acts as crimes against humanity does not require the specific intention to destroy, but rather the intention to carry out large-scale and severe deprivations of the fundamental rights of a particular group as part of a widespread or systematic attack.

Substantiating genocidal policy or intent against a specific religious group is, however, more problematic and should not be confused with a mere discriminatory or persecutory intent. In an IS video[105], released in August 2014, an IS commander explains that they offered the Yazidis a chance to convert to Islam before killing them, stating that the "Islamic State does its utmost for the repentance of any infidel – Yazidi, Crusader [i.e., Christian], or Jewish"[106] The video shows a scene of mass conversion of a hall filled with Yazidi men, a clear violation of the right to freely choose one's religion without coercion or force. These and other violations have prompted Amnesty International in finding that IS, is pursuing ethnic cleansing through the commission of war crimes and gross human rights abuses and has referred to the violations of IS as "ethnic cleansing on a historic scale":

---

[102] Werle ibid (n 74) par 565.

[103] Rule of terror ibid (n 48).

[104] "Convert, pay tax, or die, Islamic State warns Christians". The Guardian. Reuters. http://www.theguardian.com/world/2014/jul/18/isis-islamic-state-issue-ultimatum-to-iraq-christians. 20/08/2014.

[105] The Middle East Media Research Institute website, "ISIS Justifies Its War on Yazidis: We Called on Them to Convert to Islam First" http://www.memri.org/clip/en/0/0/0/0/0/0/4438.htm. 23/08/2014.

[106] Jihad Watch "Islamic State justifies its jihad against Yazidis" http://www.jihadwatch.org/2014/08/islamic-state-justifies-its-jihad-against-yazidis. 23/08/2014.

> IS has systematically targeted non-Arab and non-Sunni Muslim communities… as part of a campaign of ethnic cleansing against religious and ethnic minorities, hundreds, possibly thousands, of Yezidi men and boys have been summarily killed by IS fighters…[107]

Navi Pillay, UN High Commissioner for Human Rights, said that IS forces are:

> …systematically targeting men, women and children based on their ethnic, religious or sectarian affiliation and ruthlessly carrying out widespread ethnic and religious cleansing in the areas under their control.[108]

The acts perpetrated as part of a policy of ethnic cleansing is systematically similar to the effect of genocide.[109] Although the definition of ethnic cleansing[110] has remained elusive and controversial, there is international support for categorising ethnic cleansing as a form of cultural genocide.[111] In the *Blagojević* case[112], the ICTY concluded that ethnic cleansing is distinguishable from genocide in that displacement is not equivalent to destruction, implying that the "primary consideration underlining ethnic cleansing is the establishment of ethnically homogenous lands"[113] through forced displacement rather than the *dolus specialis* of genocide aimed at the physical-biological destruction of a protected group. Although it might be easy to infer an intention at the hands of IS to assert religious homogeneous lands in the territory occupied by them and therefore substantiate a policy of forced displacement, such acts merely constitute ethnic cleansing or crime against humanity in terms of art 7(2)(d) of the Rome Statute.

---

[107] Amnesty International ibid (n 83)

[108] L. Harding "Isis accused of ethnic cleansing as story of Shia prison massacre emerges" The Guardian. http://www.theguardian.com/world/2014/aug/25/isis-ethnic-cleansing-shia-prisoners-iraq-mosul. 17/02/2015.

[109] ECHR - Jorgic v. Germany citing Bosnia and Herzegovina v. Serbia and Montenegro ("Case concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide") the International Court of Justice (ICJ) found under the heading of "intent and 'ethnic cleansing'" par 190.

[110] Report of the Commission of Experts Established Pursuant to United Nations Security Council Resolution 780 (1992), May 27, 1994 (S/1994/674), English page 33, Paragraph 130. Site accessed 26/02/2013. Ethnic cleansing is defined as "a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas."

[111] "Genocide" - Max Planck Encyclopedia on Public International law, published by the Max Planck Institute for Comparative Public Law and International Law, Heidelberg and Oxford University Press (2011), par 20.

[112] ICTY, Prosecutor v Blagojeviãet al, Case No.: IT-02-60-A, Appeals Judgment, 9 May 2007, para 123.

[113] Genocide ibid (n 110) par 30.

In *Krstic*, the court held that "there are obvious similarities between a genocidal policy and the policy commonly known as ethnic cleansing"[114], but that "genocidal intent may be inferred, among other facts, from evidence of other culpable acts systematically directed against the same group".[115] It is clear that IS has targeted any dissenting religious group in their territory with the intention of forcing such persons to either convert to Islam or to be summarily executed, it is therefore a policy or ideological imperative of IS to destroy the religion of the group, because this leads to the demise of the identity of the group and the uprooting of that religion from the area. The crime of genocide encompasses not only the physical existence of a group, but also its continued social existence[116] and therefore the mass killing of religious minorities coupled with the enforcement of forced conversion to the IS ideology of Islam; war crimes and crimes against humanity of persecution, when considered collectively, indicate genocidal intent by IS.

Genocidal intent by IS against every religious group individually and against all religious groups collectively can be proven by considering all the factors as a coherent genocidal policy:

- Religious persecutory intent through forced conversion to the IS ideology and restriction of religious freedom;
- Intent to destroy religious minorities through armed '*jihad*' whilst committing war crimes, crimes against humanity, religious cleansing & terrorism in pursuit of the attainment of;
- Religious homogeneous lands through succession and accession of an Islamic *Caliphate* under IS control.

On the 8th of August 2014, US President, Barack Obama warned of a threatening genocide:

> [Islamic State] forces have called for the systematic destruction of the entire Yazidi people, which would constitute genocide… we can act, carefully and responsibly, to prevent a potential act of genocide.[117]

Another example of IS's discriminatory intent was the differentiation between Sunni's and Shia's after IS had taken over control of Mosul in June 2014. Citing testimony from eyewitnesses and survivors, the UN said IS massacred of 679 Shia captives after having split them from Sunni prisoners (who were later released).

---

[114] ICTY, Prosecutor v Krstic, Case No. IT-98-33-T, 2 August 2001, par 562.

[115] ICTY, Prosecutor v. Krstic – Appeals Chamber Judgment – IT-98-33 (2004) ICTY 7 (19 April 2004). Par 33.

[116] Werle ibid (n 74) par 564.

[117] "President Obama Makes a Statement on the Crisis in Iraq" http://www.whitehouse.gov/blog/2014/08/07/president-obama-makes-statement-iraq. 22/08/2014.

> Such cold-blooded, systematic and intentional killings of civilians, after singling them out for their religious affiliation may amount to war crimes and crimes against humanity[118]

The writer believes that the singling out of persons based on their religious affiliations is proof of religious persecutory intent, and coupled with the objective of IS to form a "pure state of Islam", which by implication means an ethnic and religious purification of Islamic territories under their *de facto* control by violent means including mass murder and extermination, shows evidence of genocidal intent to destroy in whole or in part any dissenting religious group constituting genocide by religious persecution. Based on reliable sources mentioned above, IS has acted toward a common purpose based on an organisational policy of *jihadist* extremism aimed at the destruction of all dissenting religious groups and as a result have exterminated thousands of civilians, including a substantial portion of the dissenting Yazidi population.

5. Conclusion

Religious freedom belongs to a genus of fundamental human rights which, although diverse, is at the heart of morality and humanity and as a result severe religious persecution and intolerance may become fertile sources of war.[119] Although "there has never been a persecution solely on religious grounds"[120], the writer contends that the international community has created effective mechanisms for the protection of human rights as well as the restriction of impunity regardless of the multi-faceted reasons for persecutions. It has been shown that religious persecution has the potential of a crime of international concern and has validated criminal prosecution for serious violations of the right to religious freedom as a fundamental human right. Classifying religious persecution at the hands of Islamic extremism as crimes against humanity and genocide may serve the purpose of justice by conserving the right to manifest one's freedom of religion or belief as a universally protected entitlement, and not just a privilege bequeathed on those wielding political or forceful control. The writer has shown international support for the classification of severe religious persecution at the hands of the IS group in northern Iraq and Syria as international core crimes shocking the conscience of human-kind, thus necessitating the criminalization and prosecution of the leadership and commanders of IS. ICC prosecutions in this regard will ensure justice and redress for victims, deterrence and retribution; and create stability in the area under the rule of impartial law.

---

[118] Harding ibid (n 107).

[119] Van Boven ibid (n 72) 615.

[120] T. Schirrmacher The Persecution of Christians Concerns us all: Towards a Theology of Martyrdom (2001) 28.

Measuring religious tolerance among final year education students

The birth of a questionnaire

Nico A Broer, Bram de Muynck, Ferdinand J Potgieter, Charste C Wolhuter & Johannes L van der Walt[1]

Abstract

Given the fact that most societies worldwide are currently suffering from (serious) incidents symptomatic of religious intolerance, and since education can be regarded as one of the main instruments that society has at its disposal to combat this vice, it was decided to construct a questionnaire with which to measure the degree of religious tolerance prevalent among final year undergraduate students in education, that is, young people on the threshold of entering the teaching profession. The article begins with an outline of the problem of religious intolerance that many societies have to cope with. It then continues to discuss the "phenomenon" of religious tolerance, and after arriving at a working definition of tolerance describes how the proposed questionnaire was constructed and validated. The article concludes with an invitation to interested parties to join the authors in administering the questionnaire in their own institutions of teacher education, wherever they are.

Keywords Tolerance, religious freedom, questionnaire construction, religious diversity, human rights, social justice.

1. The need to attend to the problem of (religious) intolerance

According to Furedi (2012: 31), tolerance "sustains life itself" in that it makes difference possible; difference, in turn, makes tolerance necessary. The notion of tolerance was developed to allow the free expression of opinions, beliefs and behaviour associated with the exercise of individual conscience. Tolerance, therefore, is intimately connected to the affirmation of the most basic dimension of freedom – the freedom of belief and conscience.

[1] Corresponding author Hannes van der Walt (* 1942) is an extraordinary professor of education at the Mafikeng Campus of the North-West University in South Africa. Nico Broer (N.A.Broer@Driestar-educatief.nl) and Bram de Muynck (A.deMuynck@Driestar-educatief.nl) are lecturers at the Driestar Educatief, a university for teacher education in Gouda, The Netherlands. Ferdinand Potgieter (Ferdinand.Potgieter@nwu.ac.za) and Charste (Charl) Wolhuter (charl.wolhuter@nuwu.ac.za) are professors of education at the Potchefstroom Campus of the North-West University in South Africa. Article received: 24 October 2014; Accepted: 28 Feb 2015. Contact: (Prof) J L (Hannes) van der Walt, P O Box 40, Woodlands 0072, South Africa, Tel. +27 83 2252942, hannesv290@gmail.com.

From recent observational and journalistic evidence, as well as from our scholarly interpretations of such evidence it would seem that the form of tolerance that Furedi is referring to tends to be categorically renounced by individuals intent on the realization of various forms of political or religious ideals. Experience furthermore proves that such individuals often congregate in collective movements that share the same fundamentalist belief matrix. This means that both the intent and incidence of their collective religious intolerant behaviour gains exponentially in terms of its threat potential. At present, one of the principal ways in which evidence of religious intolerant behaviour gets distributed around the globe, is that of video material. It gets transmitted via the Internet and has since been labelled as a new journalistic genre, namely "the terror video genre" (http://21stcenturywire.com/2015/02/17/libya-egypt-and-isis-could-world-war-three-start-with-a-video).

Posted online via IS-connected social channels, recent video evidence suggests serious human rights abuses carried out by, for example, ISIS in territories under its control in Syria and Iraq, and by Boko Haram in Nigeria and elsewhere in Africa. Besides single as well as mass executions, these videos also depict scenes of abduction, rape, slavery and even crucifixions (http://www.newyorker.com/magazine/2014/09/08/return-war). The following recent examples attest to this:

In September 2013, Boko Haram stormed an agricultural school in Nigeria and killed 50 male students. In April 2014 they killed over 75 civilians in twin bomb blasts and in May 2014 they abducted 200 Christian school girls from the South of Nigeria in order to trade them for captured Boko Haram fighters (Liz, 2015: no page number).

On 21 October 2014, the Israeli National News Channel *Arutz Sheva* aired a video that originated from ISIS-controlled Syria. The video shows a woman being stoned to death by her own father, after being accused of adultery (Soffer, 2014: no page number).

On 16 February 2015, a video that was posted online via IS-connected social channels, shows how 21 Egyptian Coptic Christians were slaughtered by ISIS militants on the beach in Al-Our, a farming community in Egypt's Minya province, situated about 150 miles south of Cairo (Henningsen, 2015: no page number).

On 10 March 2015, a video that was posted online via IS-connected social channels (the latest in a long string of garish footage), depicts a young child executing a man that ISIS claims was an Israeli spy. In the video, the man is kneeling on the ground with an adult militant and a young boy standing behind him. The adult then commands the child to kill the man with a gunshot to the forehead. The child then shoots the man twice more on the ground (Ware, 2015: no page number).

Similarly, a young Sudanese woman was condemned to death by the Muslim government because she was found guilty of heresy in that she committed herself

to her mother's Christian faith and not to her father's Muslim faith. (The sentence was later rescinded, and then overturned when she was again arrested for the same "crime".) These incidences, and also those catalogued below, are proof that religious intolerance (and other forms of intolerance, including cultural and political) is rife in this modern day and age.

Using experiential interpretivism as methodological approach, it would seem that at least one common feature of these kinds of religious intolerant behaviour is the cry for authenticity by groups of people (e.g. Boko Haram and ISIS) who might have lost their faith in the secular ruling elites and Western philosophies and ideologies such as Marxism-Leninism, liberalism, and secularism. There seem to be deliberate, organized and conscious efforts of members of particular religious societies to construct a more satisfactory religious reality and, especially, an *alternative*. In other words, fundamentalist religious groups such as Boko Haram and ISIS seem to question the existing political order, as a result of which they then rise up as rival powers with rival divine missions of drastic and violent (religious) transformation (cf. Coolsaet, 2011: *passim*, Mohanty, 2012: *passim* and Hassan, 2013: 2).

The next section of this article contains a catalogue of various forms of violence and conflict in the world today which attests to the fact that even though tolerance is deemed as one of the most important preconditions for peace, social justice and might hold certain consequences for people's respect for the social contract, many individuals and groups do not accept this as an ideal, and are prepared to be highly intolerant in their aspirations to attain their own (religious, cultural or political) ideals. After having attested to the need for research into the problem of tolerance in that section, the article goes on to outline our understanding of what tolerance is and what it entails. The third and main section of the article discusses how we developed an instrument for measuring tolerance in education, particularly among teacher education students in their final year of undergraduate study. We not only show how we developed the questionnaire, but also validated it by inviting different groups of students, from different continents, to respond to it and by statistically processing the results. The article ends with a brief discussion of further possibilities that could be pursued with this questionnaire, and with an invitation to teacher educators worldwide, in as many countries and linguistic media as possible, to collaborate with us in the application of the questionnaire. Based on the interesting results that emerged already in the validation phase of the questionnaire, the worldwide application of the questionnaire holds great promise for rather interesting findings.

2. Violence, conflict and religious intolerance around the world

In recent years, schools and education authorities worldwide have been paying an increasing amount of attention to the current rise in acts of intolerance, violence,

terrorism, xenophobia, aggressive nationalism, racism, anti-Semitism, exclusion, marginalization and discrimination directed against national, ethnic, religious and linguistic minorities, refugees, migrant workers, immigrants and vulnerable groups within societies, as well as acts of violence and intimidation committed against individuals exercising their freedom of opinion and expression (UNESCO, 1995:2; cf. also Potgieter, Van der Walt & Wolhuter, 2014:1). These examples of intolerant human behaviour threaten the consolidation of peace and democracy, both nationally and internationally (UNESCO, 1995:2). Despite unparalleled advances in almost every field of human endeavour, especially technology, our streets still abound with the hungry and homeless, and violence and war still continue to plague us (Olthuis, 2012:2/7). It is therefore of particular significance that the Norwegian Nobel Committee had decided on 10 October 2014 to award the Nobel Peace Prize for 2014 to Kailash Satyarthi and Malala Yousafzay for their unremitting struggle against the suppression of children and young people and for the right of all children to education. Children must go to school and not be financially exploited. It is a prerequisite for peaceful global development that the rights of children and young people be respected. In conflict-ridden areas in particular, the violation of children leads to the continuation of violence from generation to generation (The Nobel Peace Prize, 2014: n.p.n.).

The recognition of moral and ethical principles of human behaviour, on the one hand, and the observance of such principles in the day-to-day activities of human beings, on the other are, however, two different matters. Law (2011:207) argues, for example, that one cannot reason, argue or otherwise communicate with people who behave religiously intolerantly towards people of other religious persuasions. Because the attitude on which their religious behaviour is based effectively amounts to mental slavery, dogmatism and repression (Morton, 1998:172–173), it is practically impossible to make religiously intolerant people recognise and understand that what they are doing might be morally and ethically wrong. They simply will not listen to reason (Law, 2011:207). Grayling (2007:110-111) concurs and then proceeds to point out that people (of various religious persuasions) who behave religiously intolerantly may even go as far as to murder those whom they see as infidels and apostates. They almost always regard themselves as people with integrity, people who are truly "organic" individuals, that is, as people with a spirit of serving others and caring for their interests. They see what they do as absolute obedience to the will of their deity or of a higher force in their lives.

Religious intolerance might also be regarded as a psychologically thought-provoking phenomenon because it seems to be symptomatic of insecurity and fear (Potgieter *et al.*, 2014:2). Religious extremists, who would, if they could, persecute a person into conforming to their way of thinking, might claim to be trying to save

that person's soul despite him/herself; however, it is possible that they might really be doing it because they feel threatened. Fear begets intolerance, and intolerance begets fear (cf. also Grayling 2000: n.p.n.). The cycle seems indeed to be a vicious one and it is therefore not difficult to understand why some people who belong to extremely orthodox, fundamentalist faith communities might experience the notion of religious tolerance as painful. It essentially asks of them to betray their own confessional convictions and life-view-related norms, values and attitudes.

The perpetrators of religiously intolerant behaviour, driven by a basic set of beliefs, more often than not inflict misery on large numbers of people (bystanders) who are neither politically nor religiously involved in religious or political conflict or struggle. Over the past four years or so, the world has witnessed a number of such incidences flowing from attitudes of religious extremism, of which the 9/11 attacks (2001) in New York are emblematic. The current strife in Syria, the recent "Arab Spring" uprisings, the conflict between the Muslim north and the Christian south of Nigeria, and the attack on a shopping mall in Nairobi, Kenya, count as further examples.[2] Peck (2006:173) correctly points out that differences can exist between atheists and theistic believers as well as *within* religious groups:[3] "We see dogmatism, and proceeding from dogmatism, we see wars and inquisitions and persecutions. We see hypocrisy: people professing the brotherhood of man killing their fellows in the name of faith, lining their pockets at the expense of others, and practicing all manner of brutality" (Peck, 2006:184). In Wright's (2009:421) view, "the bulk of westerners and the bulk of Muslims are in a deeply non-zero-sum relationship, [*and*] by and large are not very good at extending moral imagination to one another." Alford (2009:57) concurs with him in saying that religious fundamentalism[4] seems to be the cause of many of the world's ills, the reason for this being that people tend to operate from a narrower frame of reference (world-view) than what they are capable of, thereby failing to transcend the influence of their particular religion, culture, particular set of parents and childhood experience upon their understanding (Peck, 2006:180). The following three examples seem to attest to this:

---

[2] The world was recently also rocked by attacks by religious fanatics in Copenhagen, Denmark and Paris, France.

[3] Denominational differences within Christianity are a well-known example of this. Christianity embraces reformational, Catholic and pentecostal believers, to mention only three such different groups of believers.

[4] Religious fundamentalism refers to a contextual condition where a group of people may decide to view their religion's role in public life to be greater than it realistically should be. Consequently, their behaviour is usually too religiously confident and / or they may engage in any sort of action out of religious conviction (Potgieter & Van der Walt, 2014: 3).

The self-declared Islamic State, which previously called itself the *Islamic State of Iraq and the Levant* (ISIL), is an unrecognized Sunni jihadist state in Iraq and Syria in the Middle East. In April 2013, the group changed its name to the *Islamic State of Iraq and Syria* (ISIS) (Nye, Zennie & Martosko, 2014: n.p.n.). During August and September 2014, ISIS made headline news across the world, mainly because of videos that showed them beheading firstly United States journalist James Foley, then United States journalist Steven Sotloff and thereafter British journalist John Cantlie, claiming that the executions were all carried out in retaliation for the U.S.' Obama administration's continued airstrikes in Iraq (Taibi, 2014: n.p.).

Boko Haram, which literally means "Western education is prohibited" (Okonta, 2011:12), was suspected of being responsible for the 2010 Old Eve's bomb explosions in Nigeria (in which 23 people were killed).

Early in 2015, 21 Egyptian Christians were beheaded by alleged Muslim fundamentalists.

3. The meaning of tolerance (in education)

From the above, it is clear that although, as Frank Furedi remarked, the matter of tolerance is not very exciting, research into the various aspects and facets of tolerance remains of importance. Tolerance, as Furedi (2012: 30-31, 37) convincingly indicated, constitutes one of the most important preconditions for social justice, fairness and democracy; without tolerance we cannot be free, we cannot live with one another in relative peace, we cannot follow and act on our conscience, we cannot pursue our own road toward seeking the truth. To be tolerant is a socio-cultural accomplishment; a tolerant society is one where tolerance as a cultural orientation discourages or restrains social intolerance. Tolerance, Furedi concludes, represents a positive appreciation of the necessity of diverse views and conflicting beliefs. It represents a positive orientation towards creating the conditions where people can develop their autonomy through their freedom to choose how they wish to think, believe and behave. Saulius (2013: 49) agrees with Furedi: tolerance indeed can be regarded as one of the most important democratic values.[5]

Tolerance, as Potgieter, Van der Walt and Wolhuter (2014) discovered, is a rather difficult concept to delineate (also see Saulius, 2013: 49). This explains why they and Van der Walt (2014) approached the phenomenon referred to as "tolerance" from various theoretical angles. It is not necessary, however, for purposes of this article to enter into all these different approaches to tolerance. Instead, it seems

[5] The concept of tolerance is criticized as it could be seen as "a form of paternalism towards the object of their tolerance, castigating tolerance as the 'intellectual charity' of the powerful" (Furedi, 2011: 17). The argument that tolerance has been a concept of the past, used to affirm power relations is strongly rejected by Furedi.

more important to attempt to explain how the concept "tolerance" was defined for purposes of developing the research instrument as discussed below.

When trying to understand what is meant by a particular concept, it is always helpful to discover what it is *not*. Frank Furedi's (2012) analysis of tolerance is useful in this regard. According to him, tolerance is not a disinclination to judge or to have strong views about the views, convictions and behaviour of others. It is therefore not a superficial signifier of acceptance and affirmation of anyone and everyone. It also does not mean judging other people and their views. It also is not a form of detached indifference or a polite gesture connoting automatic acceptance. Furthermore, he says, it is not a companion term to be used alongside terms like "inclusive" and / or "non-judgmental." It is furthermore not an expansive and diffuse sensibility that unquestioningly appreciates other cultures and religions. In addition, it is also not just about being nice and polite to other people, and it does not articulate "a necessary but passive act of putting up with someone else's view," of putting up with views deemed wrong or inferior (cf. Boersma, 2012). Calls for respect and recognition do not simply mean an exhortation to be polite and sensitive to the beliefs, cultures and predicament of other people. It is, therefore, not the unconditional affirmation transmitted by today's anti-judgmental respect for others' views, belief and acts (Furedi, 2012: 31-37). Tolerance, as Joe (2011: 8) remarked, does not mean that one has to respect those lifestyles, or even regard them as morally equal to one's own practice. It is also not the polar opposite of conflict (Furedi, 2012: 33). To this list of what tolerance is not, Saulius (2013: 49) adds that it is also not a skill or competence such as those that students master through effective education. He adds another "not": the mere fact of having firm values is not synonymous with being tolerant or intolerant.

In view of the above negative delineation of tolerance, what is it in positive terms? In contrast to Boersma (2012) who contends that an ontology of tolerance might not be possible, Van der Walt (2014: 43) sees it as a "moving phenomenon" that is difficult to delineate, circumscribe or define. According to Potgieter *et al (*2014 :3), it reflects the ontology of a social construct, and as such reveals the following essential features: it involves decision-making based on a certain value system, ethical behaviour, reasonable argument, difference, as well as a spectrum of behaviour.

How one perceives the phenomenon depends, therefore, to a large extent on context, as will be explained below. Despite their different opinions about the ontic status of tolerance, Boersma's view is akin to that of Van der Walt; he perceives "tolerance" as a social concept about which one has to reflect philosophically. Also in this case, how tolerance is approached depends to a large extent on definition and context. (Incidentally, the vague nature of tolerance, and the possibility that there might not be an ontology of tolerance made the birth of the measuring instrument

– as reported below – a very difficult one. Many of its facets had to be operationalized and concretised for purposes of being included as items in the questionnaire [cf. Van der Walt, 2014]).

Analysis of Furedi and others' views about tolerance shows that tolerance indeed can be regarded as a social construct that can be circumscribed in terms of a number of key concepts. The first of these concepts is *freedom*. For tolerance to exist there has to be an appreciation of the true meaning of freedom. Tolerance, according to Joe (2011: 6), can only be practised in a society that values freedom, and freedom itself requires a tolerant society. The individual should be free to hold any belief and should be able to express his or her views either through a medium (such as the press) or inter-personally. Without tolerance one cannot be free to live with others, to act on one's own conscience and pursue one's own road toward seeking the truth. Tolerance allows the free expression of beliefs, opinions and behaviour associated with the exercise of individual conscience. Tolerance is therefore, Furedi (2012: 30) opines, intimately connected to the affirmation of the most basic freedom, namely the freedom of belief and conscience. Tolerance pertains to the domain of the political and philosophical through its avowal of the principle of non-interference towards the way people develop and hold beliefs and opinions. Tolerance affirms the freedom of conscience and individual autonomy (Furedi, 2012: 31).

Furedi (2012: 31) typifies tolerance with Voltaire's well-known statement: "I disapprove of what you say, but I will defend to the death your right to say it." This expresses the intimate connection between judgment and a commitment to freedom. Tolerance represents, Furedi (2012: 37) concludes with respect to its connection to freedom, a positive appreciation of the necessity of diverse views and conflicting beliefs; it represents a positive orientation towards creating conditions where people can develop their autonomy through the freedom to choose. Since Kant, decisions and actions have moral content not because of social context but rather as expressions of free will. In contrast to Saulius (2013: 53) who sees human coexistence as the interaction among absolutely free individuals, Boersma (2012) does not regard the freedom of human beings as absolute and total; such an approach, in his opinion, overemphasises human freedom and autonomy.

Secondly, the notion of tolerance is only meaningful in the *context of difference(s)*. People differ, but not all differences among them are acceptable to each and every individual and group, particularly if a certain individual or group sees a difference as of no value or significance if and when compared with their own (Saulius, 2013: 50). Tolerance comes into play when different individuals and groups have conflicting beliefs and / or act in unacceptable ways (morally, politically or in a religious sense). Tolerance is born when individuals and groups realise

that they have no alternative if they wish to coexist peacefully with others who are different (i.e. when they strive to a positive *modus vivendi*).

As alluded, tolerance is, thirdly, also closely connected to *respect* for others. One can only speak of tolerance when people regard one another as moral equals and respect them as such (Saulius, 2013: 53). To be tolerant means that we accept the existence of others' lifestyles and respect the right of others to lead their lives as they see fit (Joe, 2011: 8). To tolerate others and their views and behaviour implies having respect for their right to hold beliefs and act according to the dictates of their conscience. The act of tolerance, says Furedi (2012: 32), demands reflection, restraint and respect for the right of other people to find their own way to the truth. As mentioned, calls for respect and recognition do not simply mean an exhortation to be polite and sensitive to the beliefs et cetera of other people; tolerance always also calls for judgment, evaluation and discrimination (Furedi, 2012: 36).

Tolerance is, fourthly, closely connected to *judgment, evaluation and discrimination*. Although one accepts the autonomy and freedom of others to believe and act as they choose, this does not mean that one accepts what they believe and do uncritically. It does not mean that one has to uncritically accept their lifestyle or regard them as morally acceptable or equal to one's own lifestyle (Joe, 2011: 8). A tolerant person may have strong views about the beliefs and behaviour of others (Furedi, 2012: 30). On the other hand, it implies a willingness to live with or put up with disagreeable beliefs and opinions instead of attempting to suppress them. Although tolerance involves an act of judgment and discrimination it does not serve as a prelude to censoring another person's supposedly wrong belief because "tolerance demands respect for the right of people to hold beliefs in accordance with their conscience" (Furedi, 2012: 31). Acts of judgment, evaluation and discrimination, says Furedi (2012: 34), are integral to the act of tolerance. When tolerance is seen as a default response denoting uncritical approval of others, their views and their behaviour, people are attempting to protect themselves from the challenge of engaging with moral dilemmas. Mere acceptance and affirmation "can be seen as a way of avoiding difficult moral choices" (Furedi, 2012: 32).

In the fifth place, tolerance is closely connected with a person's *values or ethical system* (Saulius, 2013: 49). To be tolerant, one needs an understanding of what is good or bad (as values), of what behaviour is expected from one under certain circumstances. Tolerance only has meaning if basic moral categories can be satisfactorily defined. If one has no ethical "truths" on which to fall back, one has no basis for tolerance (Saulius, 2013: 53). Van der Walt (2014: 43) concurs with Saulius: values and principles play a pivotal role; people tend to be tolerant if they do not feel their values and principles threatened, and vice versa.

In the sixth place, Saulius (2013: 50) makes the important point that tolerance depends on the *context*. There are two contexts at play here. The first is the one referred to by Saulius (2013: 52), namely that tolerance might be a product of *Western political thought* and that it therefore is based on Western standards of thinking and living. This might explain why certain non-Westerners display behaviours and values that are "normal" and "acceptable" to them but abhorrent to Westerners, such as the death penalty for religious heresy. Tolerance is also, in the second place, a context dependent notion, and therefore claims about tolerance as a general concept are "ambiguous, uninformative and non-instructive," according to Saulius. Regarding this second context, Van der Walt (2014: 43) contends that tolerance relates to *a particular point in time*. A relatively minor incident might trigger or spark a bout of severe intolerance and even conflict, and vice versa. The degree of tolerance depends on the equilibrium prevalent in a social system. Greater tolerance might be the order of the day if all checks and balances are in place.

In the seventh place, tolerance depends on *understanding and empathy*, on moral imagination, as Wright (2009: 413-428) refers to. Intolerance discloses itself when a person "avoids discussion on motives and principles of their actions," in other words when s/he resorts to so-called end vocabulary (final or last-ditch statements of principles) that puts an end to any conversation or discussion (cf. Saulius, 2013: 54).

On the basis of these seven aspects of tolerance, tolerance can be circumscribed as that respectful, meaningful and empathetic attitude of people or groups which, in a context of differences, acknowledges and defends the right of individuals and groups of people to cherish freely certain beliefs and values while accepting that others possess the freedom and right to evaluate and judge those same beliefs and values in terms of their own value systems.[6] Tolerance can therefore be approached from two different perspectives, namely from the vantage point of one's own (religious) motives, values and beliefs, and from the perspective of the other who may judge and evaluate same from the vantage point of his or her particular (religious) motives and value system. The future of society and the maintenance of a peaceful *modus vivendi* in a diverse society depend to a significant extent on the tolerance of individuals and groups. Most if not all societies harbour a number of latent tensions that can lead to conflict in one form or another, and tolerant members can help relieve such tensions. Social justice must also prevail in the sense that despite the diversity of society, the right and freedom of every individual and group to maintain their own (religious) motives and value systems should be respected while allowing others to do the same. The future of societies worldwide that are becoming

[6] Tolerance can of course also occasionally be abused, for instance when a person appeals to others to be tolerant only so that he or she can enjoy the freedom to do and say as he or she wishes, even to the extent of doing and saying things that might be intolerant of others and their views.

increasingly diverse due to migration and other factors depend on the inculcation of tolerance in all individuals and groups.

The inculcation of (religious) motives and values as well as of an attitude of tolerance begins with the home and extended family of an individual (Hitlin & Piliavin, 2004: 371-372) and is continued during the period of primary, secondary and higher education (Borgonovi, 2012: 146-147). According to Biesta (2011: 20) the development of an individual lies at the intersection of the ideal to attain a certain competence, skill and / or qualification, and the processes of socialization and subjectification. Socialization refers to the many ways in which an individual – through education – becomes part of a particular social and / or political group. Education tends to socialize even when to do so is not seen as an explicit aim of the educative act. The same can be said of subjectification, that is, the process of forming a person to become and eventually be an individual in his or her own right, as an independent person and hence not simply as an exemplar of an encompassing and dominant social order (Biesta, 2011: 21). The intersection between socialization and subjectification is the locus where an individual tends to construct his or her own value system while at the same time attempting to become and remain loyal to the values of the society in which he or she is growing up and also learning to be critical (and ideally, also tolerant) of the opinions of other individuals and groups in that society.

This formation process (education) is not only facilitated by lessons or textbooks but also by the educator's behaviour and attitude. Beliefs and intuitions continuously seep through during the teaching and learning process, mostly without the educator being aware of them as part of the hidden curriculum. This hidden curriculum, in part an expression of the educator's own value system, is also at work with regards to the inculcation of religious tolerance with respect to differences. The role of the educator should therefore not be underestimated in the process of guiding young people to become more or less tolerant, as the case may be.

It is on the basis of this conclusion that we decided to focus on prospective teachers in the process of developing an instrument for measuring the degree of tolerance that prevails in a particular social group. Prospective teachers are not only in the process of developing their own individual value systems but, in a sense, they also represent the degree to which the respective social groups to which they belong can be considered religiously tolerant or not. As educationalists / teacher educators who attach value to religious and other forms of tolerance among individuals and groups we are particularly interested in the degree of tolerance that prevails among *final year* undergraduate teacher education students, that is, students typically in their fourth year of undergraduate study. Once we have determined the degree of tolerance among these student teachers, steps can be taken

to ameliorate the situation (if and where necessary) or to offer the necessary support (if and where required). We specifically targeted final year teacher education students because they find themselves on the threshold of entering the teaching profession. Their teaching proficiency at this liminal stage represents the upshot of the teacher training curriculum to which they have been subjected over the previous four years. In order to understand the outcome of their training or education (with specific reference to the degree of religious tolerance that they display) and hence of the teacher education curriculum that they have covered, it is necessary to measure the degree of religious tolerance at this stage of their training. If necessary, curriculum changes can be effected on the basis of the data obtained by means of the instrument.

4. The birth of the measuring instrument

The above outline of tolerance is a brief summary of the theory on which the measuring instrument discussed in the following section was based. For purposes of providing theoretical grounds for every item in the questionnaire, the various theoretical aspects and / or facets of tolerance were teased out. Each of these theoretical perspectives was thereafter formulated as a potential item to be included in the questionnaire. Specialists in the art of formulating measuring instruments, in this particular case a questionnaire, then took over and reformulated the tentative theory-based items into items suitable for a questionnaire. The rest of the article explains the rationale that these specialists followed in putting the final questionnaire together. It also contains an exposition of how the questionnaire was validated by submitting it to four entirely different cohorts of respondents, from different parts of the world and from different language groups. The article concludes with a brief exposé of the results flowing from the validation phase, and with a brief outline of future plans and prospects with the questionnaire.

5. Developing and validating the questionnaire

We departed from the premise explained by Olthuis (2012: 1-7) that there is no innocent, unbiased way that people look at the world; they look at the world through the lens or frame of their worldview, an important part of which are their religious beliefs. Part A of the questionnaire (see appendix 1) therefore probed respondents' affiliation with one or more of the major religious groupings in the world, and items numbered 1-3 probed their level of awareness of the extent to which religious beliefs play a role in guiding their lives and choices (see appendix 2 for the entire questionnaire).

In addition, Olthuis (2012) developed an interesting theory about how people look at others and the world around them. Based on psychology literature, he came

to the conclusion that people look at / experience the world around them through one or more expectancy filters. A person looking at the world and others through a *secure filter* tends to trust others and to be open to the world; a person working with a *pre-occupation filter* is engrossed in efforts to get his or her own needs met and tends to be inattentive to the needs of others; a person using a *dismissive filter* expects nothing from others and of the world, and a person with a *fearful filter* is fearful of any closeness to other people. To probe this psychic disposition of respondents in their encounters with others (and their religious convictions) items 4-8 were included in the questionnaire.

Radical centre theory contends that since we are living in an increasingly culturally (including religiously) diverse world there should ideally be a core of universal values that all people can identify with and find broadly acceptable (Alford, 2009: 57, 163). To test respondents' beliefs as regards the existence of such a common set of core values, items 9-14 as well as items 32, 35 and 51 were included in the questionnaire.

It was also contended that besides the fact that a person looked at the world through an expectancy filter, he or she also tends to orientate themselves on the basis of the values that they hold dear. A person's hierarchy of values might have its origin way back in the family and / or school and / or religious community in which s/he was brought up. To determine the presence, force, rigidity and / or openness to change of respondents' hierarchy of values items 15-21 were included in the questionnaire. To probe the extent to which respondents are willing to acknowledge the impact of context with regard to religious differences, items 26-31 and 41-44 were included. To determine the role that judgment plays in their religious tolerance, items 22-25 were included, and to get an indication of the role of respect (another feature of tolerance, as explained above), items 40, 48, 50 and 52 were included. As explained above, tolerance is intimately connected to the notion of freedom. To test respondents' views on freedom with respect to religious beliefs, items 37-39 and 45-47 were included. To probe the occurrence of understanding and empathy as features of tolerance, items 33, 34 and 49 were included.

The questionnaire was run among a pilot group of respondents, consisting of final year undergraduate student teachers from different cultural contexts. The first version of the questionnaire was translated into the languages of the students. The first administration of the instrument thus produced five datasets – the complete dataset and four subsets. Only questionnaires that were completely filled in were taken into consideration for analysis (n=323) in order to determine the validity and the reliability of the first version of the instrument. The complete dataset as well as the four subsets were analysed in the process (see appendix 3 for the results of the factor analysis).

The five sets of data were subjected to exploratory factor analysis (free rotation, cf. Howitt & Duncan, 2005a: 309). Fifteen factors were initially extracted with eigen values equal to or greater than 1.00, which explained 62.5 per cent of the total variance in the data pool. Some of this large number of factors consisted of only one or two items. A second factor analysis was then done with a fixed number of factors, namely six (Howitt & Duncan, 2005b: 171-177). The six factors identified on the basis of the first factor analysis were: 1. Value attached to own religion; 2. Respect; 3. Inclusivity; 4. Relations (those living together, society); 5. Inclusivity; 6. A willingness to recognise the freedom of others; a tendency to be indifferent about others and their values. These factors explained 46.7 per cent of the total variation in the data pool. These factors, the items that loaded onto each factor, the names of the factors and the Cronbach's alpha coefficient of each factor are presented in appendix 3.

Cronbach's alpha index is used to measure reliability or internal consistency; a value of 0.7 plus is conventionally taken as indicative of internal consistency (0.8 plus indicates a high level of reliability; cf. Field, 2009). All but one of the sets of questions grouped under the six factors have a Cronbach's alpha coefficient value of 0.7 plus. The Cronbach's alpha coefficient of the total questionnaire is 0.83.

6. Concluding remarks

The validation process that the measuring instrument (questionnaire) underwent brought two significant initial findings to the surface. The first is significant in view of the theory that undergirded the questionnaire. When the results of the four cohorts of students (different countries, different areas, different language media) were processed as a single cohort (n=323), six factors emerged that explained nearly 47 per cent of the variance. As mentioned, these factors were: value attached to own value system and / or religious convictions; respect for others; the tendency to think and behave exclusively and self-centredly; understanding the need for a positive *modus vivendi* (peaceful coexistence); the need also to think inclusively, recognise the freedom of others, and a measure of indifference about what others think and do. By and large these findings lend support to the underlying theory of the questionnaire.

The second finding was equally significant in that it underscores the importance of context, as suggested by the underlying theory. When the results of each cohort of respondents are processed separately, between 72 per cent and 77 per cent of the variation in the data pool is explained by the questionnaire. However, when all the responses are lumped together, the explanation of variance drops to 47 per cent. This seems to suggest that national, cultural, political, religious and other contextual factors are important; items and factors tend to cancel one another out

when lumped together. Put differently, each group seems to be more homogeneous regarding their beliefs, values and respect for others than the aggregate of the four groups lumped together. This preliminary finding will now have to be tested by administering the questionnaire to other groups of final year teacher undergraduate education students.[7]

The next round is already in progress. The questionnaire is – as we write – being administered to another 25 cohorts of final year undergraduate teacher education students in Anglophone countries across the globe. In each case, the responses will be processed separately to see what degree of variation in the data pool the questionnaire explains in each case. All the responses will again be lumped together to see what effect that might have on the explanation of overall variation in the data pool. The results of this exercise will be reported in a follow-up article.

Readers of this article who have access to a cohort of 100 final year teacher undergraduate education students, irrespective of location, culture or language medium, are hereby invited to contact any of the authors of this article with a view to administering the questionnaire to their final year teacher education students. The questionnaire is currently available in English, Afrikaans, Dutch and Setswana but will be translated for the following round into French, then Spanish, German, Portuguese and as many of the other languages used around the world as possible.

References

Alford, H. 2009. *How to live. A search for wisdom from old people*. New York: Twelve Books.

Biesta, G. 2011. What is education for? Good education in an age of measurement: ethics, politics, democracy. Boulder, Colorado: Paradigm Publishers.

Boersma, P. 2012. *Personal communication.* The Netherlands: Besturenraad.

Borgonovi, F. 2012.The relationship between education and levels of trust and tolerance in Europe. *British Journal of Sociology (63)*1, 146–167.

Coolsaet, R. 2011. *Jihadi terrorism and the radical challenge: European and American experiences.* London, Burlington, U.K.: Ashgate Publishing Company.

Esposito, John. 2002. *What everyone needs to know about Islam*. London: Oxford University Press.

Field, A. 2009. *Discovering statitistics using SPSS*. Los Angeles: Sage.

Furedi, F. 2011. *On tolerance: A defence of moral independence.* London/New York: Continuum Publishing.

[7] It is important to note that this article only discusses the birth of the questionnaire. The findings referred to in appendix 3 therefore only pertain to the development phase and not to the subsequent application of the questionnaire to other groups. To do so will follow in the next round as described in the next paragraph in the text.

Furedi, F. 2012. "On tolerance." *Policy, 28* (2), 30-37.

Grayling, A.C. 2000. "The last word on tolerance," *The Guardian,* 01 July, viewed 12 February 2011, from http://www.theguardian.com/books/2000/jul/01/books. guardianreview7.

Grayling, A.C. 2007. *The meaning of philosophy: Applying philosophy to life.* Phoenix, London.

Hassan, G.S. 2013. "Radical Islam / Islamic Radicalism: Towards a theoretical framing," viewed 12 March 2015, from http://www.researchgate.net/profile/Gubara_Hassan/publications.

Henningsen, P. 2015. "Libya, Egypt and ISIS: Could World War III start with a video?," viewed 12 March 2015, from http://21stcenturywire.com/2015/02/17/libya-egypt-and-isis-could-world-war-three-start-with-a-video.

Hitlin, S. & Piliavin, J.A. 2004. Values: Reviving a dormant concept. *Annual Review of Sociology, 30*, 359-393.

Howitt, D. & Duncan, D. 2005a. *Introduction to statistics in psychology (Third Edition)*. Harlow: Pearson Prentice Hall.

Howitt, D. & Duncan, D. 2005b. *Introduction to SPSS in psychology (Third Edition)*. Harlow: Pearson Prentice Hall.

Joe, D. 2011. *Review of F Furedi's "On tolerance: A defence of moral independence."* (Continuum Publishing). Retrieved July 2, 2014, from www.manchestersalon.org.uk/on-tolerance-frank-furedi.pdf.

Law, S. 2011. *The complete philosophy files*. Orion House: London.

Liz, (no initials). 2015. " #Africa – Boko Haram and the problem with armchair activism," viewed 15 March 2015, from https://hamnashida.wordpress.com/2014/05/15/africa-boko-harem-and-the-problem-with-armchair-activism.

Mohanty, N. 2012. *Radicalism in Islam: Resurgence and ramifications.* New York, Toronto: University Press of America.

Morton, A. 1998. *Philosophy in practice.* Blackwell Publishers: Malden.

Nye, J., Zennie, M. & Martosko, D. 2014. "I'm back, Obama": ISIS executioner Jihadi John taunts President as he beheads second US journalist, Steven Sotloff ... and threatens to kill a British hostage next. Viewed 2 September 20124, from http://www.dailymail.co.uk/news/article-270998/ISIS-release-video-showing-beheading-American-journalist-Steven-Sotloff.html.

Okonta, I. 2011."Nigeria's restive north." *The Citizen*, 10 October, p. 12.

Olthuis, J.H. 2012. A vision of and for love: Towards a Christian post-postmodern worldview. *KOERS: Bulletin for Christian Scholarship* 77(1). http://dx.doi.org/10.4102/koersv77i.28.

Peck, M.S. 2006. *The road less travelled*. Random House: London.

Potgieter, F.J. & Van der Walt, J.L., 2014, "Is religious fundamentalism our default spirituality?: Implications for teacher education," *HTS Teologiese Studies/ Theological Studies* 70(1), Art. # 2082, 9 pages. http:// dx.doi.org/10.4102/hts. v70i1.2082

Potgieter, F. J., Van der Walt, J. L. & Wolhuter, C. C. 2014. Towards understanding (religious) (in)tolerance in education. (http://dx.doi.org/10.4102/hts.v70i3.1977, Ed.) *HTS Teologiese Studies / Theological Studies, 70* (3), 1-8.

Saulius, T. 2013. What is "tolerance" and "tolerance education"? Philosophical perspectives. *Ugdymas. Kuno Kultura. Sportas. Socialiniai Mokslai, 89* (2), 49-56.

Soffer, A. . 2014. "Woman stoned to death by her own father in ISIS territory," viewed 12 March 2015, from http://www.israelnationalnews.com/News/News.aspx/186403.

Taibi, C. 2014. ISIS Video purportedly shows another journalist being held in captivity, viewed 18 September 2014, from http://www.huffingtonpost.com/2014/09/18/isis-john-cantlie-video-islamic-state-british-journalist_n_5842610.html.

The Nobel Peace Prize. 2014."Announcement: the Nobel Peace Prize for 2014," viewed 13 October 2014, from http://nobelpeaceprize.org/en_GB/laureates/laureates-2014/announce-2014.

UNESCO. 1995. *Declaration of Principles on Tolerance Proclaimed and signed by the Member States of UNESCO*, Paris: UNESCO Culture of Peace Programme, viewed 15 October 2014, from http://www.unesco.org/cpp/uk/declarations/tolerance.pdf.

Van der Walt, J. L. 2014. *Measuring religious tolerance in education*. Retrieved July 2, 2014, from http://www.driestar-educatief.nl/research/ religious-tolerance.

Van der Walt, J.L. & Potgieter, F.J. 2011. How citizens with integrity can contribute to social justice in an unequal society. *Journal of Social Sciences*. 28(2). pp. 77-86.

Ware, D.G. 2015. "Child kills alleged spy in latest Islamic State show of force," viewed 15 March 2015 from http://www.upi.com/Top_News/World-News/2015/03/10/Child-kills-alleged-spy-in-latest-ISIS-show-of-force/2201426031729.

Wright, R. 2009. The evolution of God. New York: Little, Brown & Company.

Appendix 1: Part A of the Questionnaire

Indicate with a cross which is applicable to you (make just one cross).

☐ I regard myself as belonging to one of the organised religions/philosophies/life and worldviews. (if you chose this option proceed to the next question and from there to questions 1-52)

☐ I do believe in a supernatural force/power, but I do not belong to an organised religious/philosophical/life and worldview grouping. (if you chose this option, proceed to questions 1-52)

☐ I do not regard myself as belonging to an organised religious/philosophical/life and worldview grouping and I also do not believe in a supernatural force/power. (if you chose this option, proceed to question 1-52)

To which of the following prevalent religions/philosophies/life and worldviews do you regard yourself as belonging to? (cross just one option)

☐ Christianity ☐ Islam ☐ Hinduism ☐ Buddhism ☐ Taoism
☐ Jewry /Judaism ☐ Sikhism ☐ Traditional African religion

Appendix 2: Part B of the Questionnaire

1. My religion/philosophy/life and worldview defines everything in a series of rules and dogmas.
2. I live strictly according to the rules of my religion/philosophy/life and worldview.
3. When having to take an important decision, I am strongly aware of my religion and/or my beliefs which are part of my religion/philosophy/life and worldview.
4. In general I feel safe and secure when I encounter other people.
5. I concentrate on my own affairs and interfere as little as possible with other people.
6. I could not care less what other people think and feel.
7. I desire to be on a friendly foot with other people.
8. I do not feel threatened by the world around me.
9. I can comfortably get along with someone who adheres to norms and values different from my own.
10. All people should be able to get along with one another, regardless of which norms and values are important to them.
11. There are norms and values which should be important to all people, regardless of their own religion/life-views.
12. I share particular norms and values with people who adhere to a religion/philosophy/life and worldview totally different from my own.
13. In my encounters with other people I always adhere to my own norms and values.
14. Values and norms which stem from a religion/philosophy/life and worldview other than my own cannot give direction to my life.
15. The values which are important to me, all stem from my religion/life-view.
16. The values and norms which are important to me cause me to see myself as quite different from other people.
17. The values which are now important to me are not much different from the values that I adhered to as a child.
18. The values which I regard as important today, were imbued in me by my parents when I was a child.
19. The values which I today regard as important were imbued in me by the school(s) that I attended.
20. I am able to explain to others those values that I regard as important.
21. I can explain the values that are important to me in such general terms that other people can also find them acceptable.
22. I do not care what other people think and do.
23. I feel quite comfortable in the company of a person who acts in accordance with the rules of his own religion/life-view.
24. I do not care what other people think and do based on their religion/life-view.
25. I am not concerned with the ideas and actions of other people based on their own religion/life-view.
26. I think that I am contributing to the wellbeing of my fellow human beings when I tolerate their ideas and beliefs.
27. I often tolerate behaviour in other people, even when I myself do not hold it in high regard and/or which I myself do not find acceptable.
28. I can imagine adhering to a religion/philosophy/life and worldview totally different from my own.
29. I have a strong tendency to trust people of religions/life-philosophies other than my own.
30. I have a deep trust in my own beliefs.

31. I am of the view that other people should have the right to their own beliefs, even if I do consider them to be wrong.
32. I believe in a society where all people share one and the same set of beliefs.
33. I believe that my own religion/philosophy/life and worldview is the only correct one.
34. I think that people can arrive at the truth only via my religion/philosophy/life and worldview.
35. I believe that all religions/life-views in the end lead to one and the same truth.
36. I am convinced that my own religion/philosophy/life and worldview can be enriched through dialogue with other religions/life-philosophies.
37. In my view, personal freedom is the highest goal to strive for in life.
38. I am convinced that people should adhere to principles contained in the holy scriptures of their religion.
39. I am of the view that people should live and behave according to principles not flowing from a particular religion/life-philosophy.
40. I respect the religious beliefs of people with convictions quite different from mine.
41. Based on my own religion/philosophy/life and worldview, I feel unhappy with some of the measures taken by Government.
42. I do not care whether my country is governed by Christians, Muslims, Hindus, Buddhists or New Age followers.
43. I feel I should participate in society if that does not result in conflict with my religious views.
44. I would like to become a member of a society where everyone's approach to life is the same as mine.
45. I am convinced that differences between people are so pronounced that peaceful co-existence in one and the same society is impossible.
46. I am of the view that people should have so much trust in one another that peaceful co-existence between them can be possible.
47. I am convinced that people should seek ways to overcome the differences that exist among people in society.
48. I am of the opinion that people should respect the differences that exist among different people in society.
49. I find it very difficult to imagine myself living according to the thought system of people who adhere to a set of beliefs totally different from my own.
50. I respect and do not condemn people whose beliefs are different from mine.
51. I am convinced that people who see themselves as belonging to an organised religious grouping are also searching for a higher/supernatural power.
52. I feel free to respectfully socialise with people who hold beliefs quite different from mine.

Appendix 3 : The Results of the Factor Analysis of part B

Factor 1: Value attached to own religion Cronbach's alpha: 0.83

1. My religion/philosophy/life and worldview defines everything in a series of rules and dogmas.
2. I live strictly according to the rules of my religion/philosophy/life and worldview.
3. When having to take an important decision, I am strongly aware of my religion and/or my beliefs which are part of my religion/philosophy/life and worldview.
13. In my encounters with other people I always adhere to my own norms and values.
14. Values and norms which stem from a religion/philosophy/life and worldview other than my own cannot give direction to my life.
15. The values which are important to me, all stem from my religion/life-view.
20. I am able to explain to others those values that I regard as important.
30. I have a deep trust in my own beliefs.
38. I am convinced that people should adhere to principles contained in the holy scriptures of their religion.

Factor 2: Respect Cronbach's alpha: 0.78

26. I think that I am contributing to the wellbeing of my fellow human beings when I tolerate their ideas and beliefs.
31. I am of the view that other people should have the right to their own beliefs, even if I do consider them to be wrong.
36. I am convinced that my own religion/philosophy/life and worldview can be enriched through dialogue with other religions/life-philosophies.
40. I respect the religious beliefs of people with convictions quite different from mine.
46. I am of the view that people should have so much trust in one another that peaceful co-existence between them can be possible.
47. I am convinced that people should seek ways to overcome the differences that exist among people in society.
48. I am of the opinion that people should respect the differences that exist among different people in society.
50. I respect and do not condemn people whose beliefs are different from mine.
52. I feel free to respectfully socialise with people who hold beliefs quite different from mine.

Factor 3: Exclusivity Cronbach's alpha: 0.70

32. I believe in a society where all people share one and the same set of beliefs.
33. I believe that my own religion/philosophy/life and worldview is the only correct one.
34. I think that people can arrive at the truth only via my religion/philosophy/life and worldview.
41. Based on my own religion/philosophy/life and worldview, I feel unhappy with some of the measures taken by Government.
51. I am convinced that people who see themselves as belonging to an organised religious grouping are also searching for a higher/supernatural power.

Religious freedom, reasonable accommodation and the protection of the conscience of learners in South African public schools

Georgia Alida du Plessis[1]

Abstract

South Africa under apartheid practiced a policy of Christian National Education, teaching children within a narrow framework of religion and values. Post-apartheid, the government has worked to balance equality and pluralism. Problems easily arise in the educational sphere when parents object to the content of required courses. The principle of reasonable accommodation provides guidance in such situations. The practice and implications of reasonable accommodation may be found in legal precedent. Reasonable accommodation requires flexibility of both parties in a dispute. It demands not equality of outcomes across all cases, but rather that all parties be treated with equal respect and consideration.

Keywords South Africa, education, religion, conscience, pluralism, discrimination, constitution, reasonable accommodation.

The interplay of the right to religious freedom, the right to freedom of conscience and the right to education is significant and this interplay universally creates a difficult dynamic. The fact remains that the interplay of these complex rights requires thoughtful engagement with diversity, tolerance as well as pluralism (De Vos & Freedman 2014:483). One of the ways in which South Africa has dealt with this interplay is by way of the principle of reasonable accommodation.

Religious freedom and equality within the context of education did not exist during Apartheid in South Africa. Christian National Education (CNE) formed the cornerstone of education and the application thereof was exclusive of other beliefs, religions and ideologies. CNE violated the psychological integrity, security and conscience of learners and parents who did not follow a specific version of Protestant Christianity.

Because South Africa is now a democracy that promotes the right to religious freedom, the possibility of harming the psychological integrity and security of a learner or parent seems unlikely. Yet, it is argued that less obvious and subtle threats to the violation of the conscience and psychological integrity of learners and parents can occur. Seemingly neutral provisions within the National Policy on Re-

[1] Georgia Alida Du Plessis (* 1984) is a lecturer at the University of the Free State, South Africa. She holds the degrees LL.B and LL.M from this university and is also a PhD candidate at the University of Antwerp, Belgium. Article received: 7 Oct. 2014; Accepted: 27 Dec. 2014. Contact: PO Box 339, Bloemfontein 9300, Republic of South Africa / Sint-Pietersvliet 11, Box 3, Antwerpen, 2000, Belgium; Email: duplessisga@ufs.ac.za.

ligion and Education, 2003 (hereinafter the Policy), have the potential to cause or threaten to cause injury to the psychological security or the freedom of conscience of learners or their parents. These potential and subtle threats exist in the inherent transfer of values that emanate from education and specific subjects, especially those more conducive to the transfer of values such as sex education, religious education and human rights education. Values and ideologies which form part of compulsory subjects might be in conflict with certain religious and ideological views of parents and learners. This has the potential to be burdensome to the psychological integrity of a learner since these subjects are compulsory and not subject to free and voluntary attendance. Situations may arise where the values and standards of parents and schools cannot be reconciled. The growing schism between family education and education received in schools does not help this situation. This applies to sex education, religious education and the teaching of values in general.

The first part of this article will research potential instances in South African public school curricula where the transfer of values, whether religious or non-religious occur most prominently. Secondly, the nature of the principle of reasonable accommodation and whether it should be applied in cases concerning the transfer of religious and non-religious values within public school curricula as a measure to promote the right to religious freedom is considered. Thirdly, problems arising from the application of the principle of reasonable accommodation are discussed and dealt with.

The development of the principle of reasonable accommodation towards the protection of the right to religious freedom, the freedom of conscience and the psychological integrity of learners and parents also has international value. The problem of freedom of religion and conscience within education is found in various countries, especially countries such as the United States of America, Belgium, Russia, India and several others. This article adds to the general debate on methods to deal with conflict between curriculum and freedom of religion and can also be relevant for these countries.

1. South African legal position regarding the transfer of religious[2] and non-religious values[3]

Section 15(1)[4] of the Constitution of the Republic of South Africa, 1996 (final Constitution) refers to the "freedom of conscience, religion, thought, belief and opin-

[2] "Teaching of religion" or "transfer of religious values" is a phrase used holistically to describe any type of teaching concerning religion. In other words, teaching about religion or religion education and confessional teaching of religion or religious instruction. This is also a narrow subset of "the transfer of values".

[3] "The transfer of values" is a very broad concept which, for purposes of this article includes: religion education, religious instruction, sex education, and human rights education and also the impartation of any ideology, value, concept, idea or virtue.

[4] "(1) Everyone has the right to freedom of conscience, religion, thought, belief and opinion. (2) Religious observances may be conducted at state or state-aided institutions, provided that (a) those

ion." The wording of section 15(1) derives much from the predecessor, section 14 of the interim Constitution[5] and includes a broad spectrum of atheistic and theistic beliefs and values (Farlam 2008:41-5).[6]

Section 15 has two components – a free exercise component and an equal treatment component. Teaching of religion falls mainly under the free exercise component which includes the customs inherently associated with religions, the wearing of traditional religious symbols and religious education. These have the potential to cause conflict in a multi-religious South Africa (Du Plessis 2006). Teaching of religion can also fall under the equal treatment[7] component (section 9 of the final Constitution), where a public school, or the government, or an individual, attempts to establish a religion in the state and hence in the public schools, and in effect discriminates against other religions – similar to the South African government and Christian National Education during Apartheid.[8] This does not mean that the state is not allowed to assist or aid religious institutions in the public sphere (as indicated in section 15 (2)) – as long as the requirements of section 15(2) are met and it does not amount to unfair discrimination in section 9. According to Iain Benson (2010:27), South Africa thus favours both a religiously inclusive conception of the public sphere and a plural conception of the public sphere.

Former Chief Justice Chaskalson stated in the case of *S v Lawrence; S v Negal; S v Solberg* (hereinafter the *Lawrence*-case) that section 14 of the interim Constitution does not include an establishment clause.[9] It is not similar to the United States' position where the First Amendment states that: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." and that we should not read

observances follow rules made by the appropriate public authorities; (b) they are conducted on an equitable basis; and (c) attendance at them is free and voluntary..."

5 200 of 1993

6 This is also in line with the wide interpretation of religion and belief as mentioned in international law jurisprudence. Article 18 of the Universal Declaration on Human Rights (UDHR), 10 December 1948, states: "Everyone has the right to freedom of thought, conscience and religion." In line with section 15 of the final Constitution and section 14 of the interim Constitution, article 18 does not only protect religion but also political or other opinions. Also see article 18 of the International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49.

7 "(1) Everyone is equal before the law and has the right to equal protection and benefit of the law...(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including...religion, conscience, belief, culture, language and birth..."

8 Christian National Education meant education as the study of all the sciences based on the doctrine of the sovereignty of God (Kinghorn 1997:136). Every sphere of society, church, state, schools, and households had to conform to what was regarded as divine law (Chidester 1992:192). Also see the National Education Policy Act, No. 39 of 1967.

9 S v Lawrence; S v Negal; S v Solberg 1997 10 BCLR 1348 (CC), paragraph 101.

into this the "advancement or inhibition of religion by the state."[10] The cases of *Christian Education South Africa v Minister of Education*[11] (*Christian Education*-case) *and Minister of Home Affairs and Another v Fourie*[12] (*Fourie*-case), state that the religious beliefs held by the great majority of South Africans must be taken seriously.[13] Religious bodies are seen to be part of the fabric of public life, and constitute active elements of the diverse and pluralistic nation contemplated by the Constitution.[14]

The inclusive and pluralistic approach towards religion is further mentioned in legal instruments concerning education, such as the National Policy on Religion and Education, 2003. In the foreword of the Policy, it is stated that the Policy gives expression to the invocation of religion in our Constitution and the principles governing religious freedom. It mentions that, because South Africa is a diverse population, it should be developed through diversity, a unity of purpose and spirit recognising and celebrating our diversity. The Policy also clearly states that there should be no particular religious ethos dominant in public schools suppressing other religions. The Minister (at the time Kader Asmal) further stated that we do not have a state religion, but our country is not a secular state where there is a very strict separation between religion and state.[15] The Policy recognises the right and diverse religious heritage of South Africa and adopts a co-operative model. Also, the Policy is not hostile towards any religion and does not discriminate against anyone – rather it displays respect towards the various religions of South Africa.[16] Paragraph 5 states that the state does not advance or inhibit religion and must assume a position of fairness informed by esteem for all worldviews and religions. This is called positive impartiality.

South African law, in general, supports an inclusive, pluralistic and accommodative approach towards religion in society and education – but what about instances concerning the transfer of values? The question remains as to what extent and how the right to religious freedom is realised in South African public schools and what it can contribute with regards to the transfer of religious and non-religious values within public school curriculum universally.

The current approach to freedom of religion, belief and conscience within education is vastly removed from the historical CNE approach and contrary to censorship and exclusiveness. When considering the current democratic dispensation and the human rights in the Bill of Rights of the final Constitution such a past seems

[10] Ibid.
[11] 2000 (4) SA 757 (CC) (2000 (10) BCLR 1051).
[12] 2006 (1) SA 524 (CC) (2006 (3) BCLR 355).
[13] Minister of Home Affairs and Another v Fourie and Another 2006 (1) SA 524 (CC) (2006 (3) BCLR 355), paragraph 89.
[14] Ibid., paragraph 90.
[15] National Policy on Religion and Education, 2003, Minister Kader Asmal's foreword.
[16] Ibid.

unreal and under the Constitution, never to be repeated again. In order to prevent any unintentional repetition of past injustices and harm to the psychological integrity of the learner, several subject areas within the South African curriculum that are viewed and instituted as objective, neutral and compulsory, and in line with the current democratic approach to the right to freedom of religion and belief, need further investigation. These subjects are chosen since they can easily contain the transfer of controversial information and values. It is argued that these subjects are not in themselves necessarily discriminatory, but in their application, have the potential to discriminate, irrespective of their neutral and objective motivation.

It is not argued that these subjects should not be allowed. In fact, these are vital parts of the curriculum and it is fundamental for a school to provide this information and access to this information. Children should be able to choose this if they want to. This is vitally important to prevent censorship as was done during Apartheid. However, alternatives to religion and sex education that are actively sought by a person will be a form of self-censorship which is the prerogative of an individual – and this is not provided for by these compulsory subjects.

1.1 Religion education

In accordance with the National Policy, religion education is a set of curriculum outcomes defining what a pupil should know about many different religions in a "neutral way" (Jeenah 2014:17). Paragraph 18 states that religion education is justified by the educational character of the programme. Religious instruction on the other hand refers to the actual teaching which is aimed at "providing information regarding a particular set of religious beliefs with a view to promoting adherence thereto."

It is argued that even the objective teaching of religion can occasion the transfer of values – values which can be viewed by parents and learners as contrary to their right to religious freedom, conscience or psychological integrity. Some parents do not want their child to be taught about other religions as they fear that this might divert them from their own religion, or they may not agree with some of the principles of other religions. Whether such a form of self-censorship is an appropriate response by parents or not, is not necessarily for the state to determine. It holds a possible threat to the conscience and psychological integrity if a choice is not provided since this subject is compulsory. What is relevant is whether parents and learners have alternative options.

1.2 Sex education

The second subject within the South African curriculum that is conducive to the transfer of values is sex education. Sex education forms part of the subject "Life Orientation" which is provided for as a fundamental subject required for the National

Senior Certificate in South African schools. Life Orientation can include topics that are vitally important but potentially harmful to the psychological integrity and conscience of the learner or parent. These topics include information on gender roles, changes towards adulthood and decision-making regarding sexuality, stereotypical views of gender roles and responsibilities, teenage pregnancy and sexually transmitted diseases – including HIV and AIDS.[17] Nothing in the Schools Act allows parents to play a role with regards to sex and health education. As parents' views regarding sex and health education to their children may be shaped by their religious beliefs and philosophical worldviews, they may have objections to the way such education is presented (Visser 2005:213).

1.3 Science

In Grade 12, the South African curriculum requires students to learn about Darwinism, natural selection and evolution in the subject called "life sciences" and Grade 10 students are taught about the history of life on earth.[18] The issue of teaching evolution in countries such as the USA has been a major cause of conflict regarding religious freedom.[19] It is important to indicate that topics such as Darwinism, natural selection and human evolution can be contrary to specific religious views and may cause an issue with regards to imposing on the freedom of conscience of specific religious individuals, as well as imposing on the right to religious freedom – especially in light of the fact that this subject has no provisions for alternative classes.

1.4 Values education

It should be remembered that values education referred to in this thesis is much broader than the subjects "religion education" and "religious instruction" as indicated in the Policy. It includes other subjects and is encompassing of the whole curriculum of South African public schools and the teaching of ideologies, beliefs, ideas, religions and opinion in the curriculum.

---

[17] Ibid.

[18] "National Curriculum Statement, Life Sciences, Further Education and Training phase (grades 10-12)", Department of Basic Education, 2011, accessed September 1, 2014, http://www.education.gov.za/LinkClick.aspx?fileticket=RsiGaHNRRNA%3D&tabid=420&mid=1216.

[19] In *Edwards v. Aquillard* 482 U.S. 578 (1987), the US Supreme Court held that a balanced treatment in the teaching of creation science and evolution science violated the First Amendment. See also, *McLean v. Arkansas Board of Education*, 529 F. Supp. 1255, 1258-1264 (ED Ark. 1982) and *Tammy Kitzmiller, et al. v. Dover Area School District*, et al. 400 F. Supp. 2d 707, Docket no. 4cv2688. In *Peloza v. Capistrano Unified School Dist.* 782 F. Supp. 1412 (C.D. Calif. 1992), the School district did not violate the First Amendment rights of the biology teacher by requiring him to teach the evolution theory and prohibiting any discussion of creationism or religion during class. For a discussion of these issues see Barendt 2011:267-281.

One specific example is the teaching of human rights and other values. For example, the relationship between religion and education must be guided by the principles mentioned in paragraph 8 of the National Policy: the relationship must flow directly from the constitutional values of citizenship, human rights, equality, freedom of conscience, religion etcetera. Paragraph 30 states that schools should show awareness and acceptance of the fact that values do not necessarily stem from religion and that not all religious values are consistent with the Constitution.

The Preamble of the South African Schools Act[20] aims at providing one national education system enhancing the culture of human rights and the foundations of the Constitution (human dignity, equality, non-racialism and non-sexism, the supreme authority of the Constitution, and the rule of law in South Africa) (Joubert 2012:342). From the above, South African education promotes the teaching of constitutional values and specific interpretations of human rights within its curriculum in general.

It can be argued that such values may be contrary to the religious, ideological or philosophical convictions of parents or learners. It can also be asked whether a new ideological viewpoint based on constitutional values is not being enforced upon learners. Paragraph 68 of the Policy tries to answer this question by stating that it does not try to select from different religious traditions to try and build a new unified religion and it is not a project in social or religious engineering designed to establish uniformity or religious beliefs and practices. According to the Policy a free and open space is created for exploration and respect for diversity. It cannot be denied that the teaching of the human rights and values of the Constitution can impart specific values to students that might be contrary to their religious views.

Gerhard van der Schyff (2001:152) states that if religious classes form part of the public school curriculum the attendance at such classes must be voluntary. However, religion education and values education, where constitutional values are taught (whether contrary to religious beliefs or not) are not voluntary in South Africa. PJ Visser (2005:213) is of the opinion that the Policy attempts to impose a humanistic perspective on the study of matters of faith, which ostensibly goes against the views on religion held, for example, by many Christians and Muslims. If the Policy would be implemented on a voluntary basis by allowing for exemptions on conscientious grounds (which is currently excluded), parents and learners would at least have a choice and their right to freedom of religion would accordingly be respected.

Since it is argued that the transfer of values cannot be avoided in education, it is argued that reasonable accommodation should allow for schools teaching a sin-

[20] 84 of 1996

gular ideological ethos as long as respect for the other are taught at the same time (which is in contrast with former CNE). The goals of the Policy can also be taught by schools with a singular ethos.[21]

An inclusive and accommodative approach to these curricula issues is supported by the Constitution and other jurisprudence analysing provisions on the right to education and religious freedom. In order to promote such an accommodative approach, it is argued that the principle of reasonable accommodation as used in South African law needs further development to provide protection for learners whose religious freedom and freedom of conscience can potentially be infringed upon by seemingly neutral subjects such as religion education, sex education, science and the general transfer of values in public schools.

2. Reasonable accommodation

Reasonable accommodation is used by Justice Langa in the case of *MEC for Education, Kwazulu-Natal, and others v Pillay*[22] (*Pillay*-case). He states that religious and cultural practices should not only be permitted, but rather affirmed, promoted and celebrated. This is in line with the Constitution's commitment to affirming diversity and completely in accord with the nation's decisive break from its history of intolerance and exclusion.[23] Justice Albie Sachs continues this interpretation by stating that equality is not uniformity. His interpretation of equality is one where uniformity can be the enemy of equality. Equality means equal concern and respect across differences and does not presuppose the elimination or suppression of difference. Respect for human rights requires the affirmation of self, not the denial of self. Equality does not imply a homogenisation of behaviour but acknowledgement and acceptance of difference.[24] This is also supported by section 2(c)[25] of the schedule in the Promotion of Equality and Prevention of Unfair Discrimination Act[26] (PEPUDA). However, this accommodation is qualified by the fact that it must be accommodated substantively equally (thus, all religious groups / individuals must be allowed the same opportunities) and attendance must be free and voluntary. Thus,

---

[21] The general religious community within South Africa agrees with such an approach. This general view can be found in articles 7-9 of the *South African Charter of Religious Rights and Freedoms* of the South African Council for the Protection and Promotion of Religious Rights and Freedoms.

[22] *MEC for Education, Kwazulu-Natal, and Others v Pillay* (CCT 51/06) [2007] ZACC 21; 2008 (1) SA 474 (CC); 2008 (2) BCLR 99 (CC) (5 October 2007).

[23] Ibid., paragraph 65.

[24] *National Coalition for Gay and Lesbian Equality v Minister of Justice and Others* (CCT 11/98) [1998] ZACC 15; 1999 (1) SA 6; 1998 (12) BCLR 1517 (9 October 1998), paragraph 132 (Sachs J).

[25] One of the unfair practices in education includes: "(c) The failure to reasonably and practicably accommodate diversity in education."

[26] 4 of 2000.

religion cannot be forced onto a person / group, if religious activities / rituals are conducted in the public sphere. Teaching about religion will have to adhere to these equality provisions and provisions concerning personal liberty. Such a religiously inclusive and plural conception of the public sphere is in line with the approaches followed in countries such as Belgium[27] and Netherlands.[28]

An approach which celebrates diversity is in line with one of the two approaches to liberalism. The two approaches to liberalism include convergence liberalism and *modus vivendi*. Convergence liberalism assumed that society will move towards some sort of consensus as time goes on. This version hides the real problem, that there are claims, integral to our various communities that cannot in fact be reconciled. *Modus vivendi* gives space to diversity – "pluralistic liberalism" (Benson 2014). Convergence liberalism states that liberal toleration is the ideal of a rational consensus on the best way of life (Gray 2000:1). It cannot show us how to live together in societies with plural ways of life (Gray 2000:1-2). Pluralistic liberalism (*modus vivendi*) is the search for terms of peace among different ways of life – a means to peaceful coexistence (Gray 2000:2). With reasonable accommodation, room is made for diverging ideas about life and these ideas acknowledged. For example, neutral forms of sex education and religion education are upheld and presented as the status quo (this is more in line with convergence liberalism), but reasonable accommodation acknowledges that there are plural thoughts on these issues and should be accommodated when reasonable (which gives adherence to pluralistic liberalism). This also provides for a practical method to give effect to religious diversity in education.

Accommodation has been discussed in South African jurisprudence and case law. In the *Fourie*-case[29] it was stated that an open and democratic society is a place where there is capacity to accommodate and manage differences of intensely-held world views and lifestyles in a reasonable and fair manner. The Constitution's objec-

[27] Many refer to the Belgian system as one where there is a separation between religion and state. However, this is not the same as *laïcité*. Also, some authors argue that the separation-terminology is not appropriate. Another phrase may more precisely capture the religion-state model in Belgium – "mutual independence." The phrase emphasises the freedom which exists as well as the mutual consideration which demands, at the least, the acceptance of each other's existence. Belgium is neutral but this is not neutrality in a way that requires state disbelief of religious phenomena. This is positive neutrality where positive promotion of the development of religion exists without interference in their independence (Torfs 1996:959).

[28] The right to religious freedom in the Netherlands is a combination between positive and negative religious freedom (Wijnen and Miedema 2013:6). The state is actively trying to make the exercise of religion possible and adheres to the idea of active pluralism or inclusive neutrality. In this approach religion is actively allowed in the public sphere but on an equal basis. Ibid., 7 See also, Zoontjens and Glenn 2012:339. In France the emphasis is on neutrality and *laïcité*. In the Netherlands, the emphasis is on diversity. Ibid., 9. Unlike France and the US, there is no principle requiring the separation of religion and state in education in England (Glendenning 2008:143).

[29] (CCT 60/04) [2005] ZACC 19; 2006 (3) BCLR 355 (CC); 2006 (1) SA 524 (CC) (1 December 2005).

tive is to allow different concepts about the nature of human existence to inhabit the same public realm, in a manner that is not mutually destructive and allowing government to function in a way showing equal concern and respect for all.[30]

The most prominent case dealing with reasonable accommodation and its meaning is the case of *Pillay.* In this case a young Hindu girl was wearing a nose-stud to school as part of her religious tradition. The wearing of the nose-stud was contrary to the dress code of the particular school.[31] This case clearly poses the question: what is the place of religious and cultural expression in public schools? It raises vital questions about the nature of discrimination under the provisions of the PEPUDA as well as the extent of protection afforded to cultural and religious rights in the public school setting and possibly beyond.[32] In the Equality Court it was held that the discrimination was not unfair and she could not wear the nose-stud.[33] This decision was set aside in the High Court and indicated to amount to unfair discrimination.[34] The Court decided that the phrase reasonable accommodation is important in the determination of the fairness of discrimination against religious freedom.[35] Reasonable accommodation is also most appropriate where discrimination arose from (a) a rule or practice that was neutral on the face of it and designed to serve a valuable purpose but (b) nevertheless has a marginalising effect on certain parts of society.[36] The Court finally decided that the discrimination had a serious impact on the girl and the intended purpose of upholding discipline and a high standard of education was not diminished by the girl's exemption from the rules of the school.[37] This case indicated that reasonable accommodation allows for the wearing of religious symbols in public institutions. The Court also stated that "…religious and cultural practices are protected because they are central to human identity and hence to human dignity which is in turn central to equality."[38]

The PEPUDA, section 14(3)(i)(i-ii), states that steps must be taken that are "reasonable in the circumstances to (a) address the disadvantage which arises from or is related to one or more of the prohibited grounds; or (b) accommodate diversity." One of the prohibited grounds includes religion.[39] This supports the principle of reasonable accommodation. Paragraph 73 of *Pillay* elaborates on the content of the

[30] Ibid., paragraph 95.
[31] (CCT 51/06) [2007] ZACC 21; 2008 (1) SA 474 (CC); 2008 (2) BCLR 99 (CC) (5 October 2007).
[32] *Pillay*-case, paragraph 1.
[33] Ibid., paragraph 14.
[34] Ibid., paragraph 18.
[35] Ibid., paragraph 77.
[36] Ibid., paragraph 78.
[37] Ibid., paragraph 112.
[38] Ibid., paragraph 32.
[39] Section 1 of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.

principle, by stating that a school must sometimes take positive measures and possibly incur additional hardship or expense in order to allow all people to participate and enjoy all their rights equally. It ensures that people are not relegated to the margins of society because they do not or cannot conform to certain social norms.

Paragraph 74 of *Pillay* also states that exclusion from the mainstream of society results from the construction of a society based solely on mainstream attributes. "Rather, it is the failure to make reasonable accommodation, to fine-tune society so that its structures and assumptions do not result in … relegation and banishment."

As already mentioned, certain requirements are given for reasonable accommodation. Paragraph 78 of the *Pillay*-case states that first, reasonable accommodation is most appropriate where discrimination arises from a rule of practice that is neutral at face value and is designed to serve a valuable purpose, but which nevertheless has a marginalizing effect. Second, the principle is particularly appropriate in specific localized contexts, such as an individual's workplace or school, where a reasonable balance between conflicting interests may more easily be struck.

The curriculum subjects discussed above all fall under these two requirements. They are all practices of curricula that are neutral at first glance, but may still have a marginalizing effect when they intrude on the religion, belief or conscience of a learner. If it is possible to expect a school to incur additional hardship or expenses to accommodate learners in cases where their or their parents' views differ regarding sex education, transfer of values, religion education and, in some instances, science, it can still place an enormous burden on the school and state. In order to overcome this, the accommodation has to be reasonable. Is compulsory religious education, sex education and other objective values taught in the schools neutral at face value, designed to serve a valuable purpose but (b) nevertheless have a marginalising effect on certain parts of society?[40] It is argued that they have the potential to be so in the absence of opt-out clauses or other alternatives. It is also argued that the flexible nature of the reasonable accommodation principle as proven in the *Pillay*-case and confirmed by Dympna Glendenning (2008:28), can find application in religious education and the transfer of values and in general, the further protection of religious freedom in public schools. In line with the Equality Act, reasonable steps must be taken to accommodate diversity and prevent discrimination on one of the prohibited grounds – namely, religion.

3. Problems and arguments concerning reasonable accommodation

Reasonable accommodation also presents some problems and is not without limitation. When will accommodation be reasonable? When will accommodation place

[40] Ibid., paragraph 78.

too much of a burden on the state? Will the allowance of learners and parents to opt-out vital curriculum modules not create an unmanageable administrative burden on the state and therefore be unreasonable?

Prince v President of the Law Society of the Cape of Good Hope[41] (*Prince*-case) states that "it is not demeaning to their religion if we find that the manner in which they practice their religion must be limited to conform to the law…the balancing exercise requires a degree of reasonable accommodation from all concerned. Rastafari are expected, like all of us, to make suitable adaptations to laws that are found to be constitutional that impact on the practice of their religion."[42] However, Justice Sachs in his minority judgment did not agree by indicating that the:

> [M]ajority judgment effectively, and…unnecessarily, subjects the Rastafari community to a choice between their faith and respect for the law. Exemptions from general laws always impose some cost on the state, yet practical inconvenience and disturbance of established majoritarian mind-sets are the price that constitutionalism exacts from government. …the majority judgment puts a thumb on the scales in favour of ease of law enforcement, and gives insufficient weight to the impact the measure will have, not only on the fundamental rights of the appellant and his religious community, but on the basic notions of tolerance and respect for diversity that our Constitution demands for and from all in our society.[43]

Clearly then, reasonable accommodation will not be possible in all circumstances, and sometimes it is even expected of the holder of the belief to compromise. It is agreed that religion, together with the state, must in some cases make reasonable accommodations and adapt to circumstances. Learners and parents cannot abstain from curricula without restriction as this will place an enormous burden on the school. It is also agreed with the minority judgment that the mere fact that accommodation of religious instruction or allowance of opt-out clauses during specific parts of science or alternative classes during sex education might place some financial or administrative burden on the state is not sufficient to refuse reasonable accommodation. Reasonable accommodation should be applied in a flexible manner, depending on the circumstances of the case.

Reasonable accommodation is also influenced by the ideologies promoted in society. Convergence liberalism will usually hold forward one version of the common good and measure all other instances against it. For example, one interpretation of equality and the common good might allow reasonable accommodation in some

[41] (CCT36/00) [2002] ZACC 1; 2002 (2) SA 794; 2002 (3) BCLR 231 (25 January 2002).
[42] Ibid., paragraph 76.
[43] Ibid., paragraph 147. Minority judgment of Justice Sachs.

circumstances, but another interpretation of equality might not allow reasonable accommodation in the same circumstances. Religion is accommodated within the framework of the values established by the state and their interpretation thereof. This immediately creates a scenario where religion has to adapt itself in order to "fit" those values. This is not always a just position and therefore it is argued that it is the state who should, as far as possible reasonably accommodate religion (as argued by Justice Sachs) and not the religion that should, as far as possible accommodate the state. This can very easily be contrary to human dignity and also place a grave burden on the religious person or group. However, reasonable accommodation cannot be abused by learners and parents as a measure simply to impose their will. Silvio Ferarri mentions that the right of religious freedom has increasingly taken on the goal of protecting a public order unilaterally assessed by the states themselves rather than autonomies of individual consciences and religious groups. The right of religious minorities to access the public space is increasingly made dependent on their ability to pass a very identitarian and reasonable/unreasonable test (Foblets 2012:14). It is the modern state that defined, in different ways according to the times, the space and role of the private sphere. "The latter can be free – and distinct – from the state only when the state agrees and restrains itself, in this way giving spaces of freedom to individuals and groups."[44] In the *Christian Education*-case the court held that to grant respect to sincerely held religious views of a community and make an exception from the general law to accommodate them would not be unfair to anyone else who did not hold those views. The essence of equality lay not in treating everyone in the same way, but in treating everyone with equal concern and respect.[45] Therefore, making an exception for children who do find the objective teaching of religion in religious education to be contrary to their beliefs, will not necessarily amount to inequality against others who do not believe this. The same is relevant for sex education and other forms of transfer of values.

Iain Benson (2011:11) also states that the principle of accommodation exists because we cannot expect public officials to act differently than their religions dictate when they are at work. If we wish for them to act conscientiously, and their consciences are formed by their beliefs and their beliefs may well be informed by what they believe to be true about religion, then one cannot expect them to leave their religion at home. Similarly, we cannot expect children and parents to act differently at school, even more so if their conscience is formed by their religion and it is expected of them to act in accordance with their conscience. Iain Benson

[44] Alessandro Ferrari, "Religious Freedom and the Public-Private Divide: A Broken Promise in Europe?" in *Religion in public spaces: A European perspective*, eds. Silvio Ferrari and Sabrina Pastorelli, 71-91 (Farnham, Surrey: Ashgate, 2012), 71.

[45] Paragraph 42 at 781H/I - 782B/C.

(2010:25) further argues that the public is best understood as a realm of competing belief systems: the public contains believers of all kinds – agnostic or religious. The role of the law is to order or reconcile the relationships when conflict arises between believers and to do so according to the principles of justice. This should give religion as much scope as possible, rather than taking a narrow approach, such as saying that the public sphere is non-religious (Benson 2010:25-26).

Based on such an interpretation of reasonable accommodation, it can be argued that it is a positive duty of the state to reasonably accommodate parental choice and more religious freedom in the public school. This does not mean that each person can determine for himself which laws he / she will obey or which parts of the curriculum he / she will attend, but rather, that the state should avoid a burdensome scenario for parents and children. This means possible allowance of religious instruction on a voluntary basis or allowance for opt-out clauses during sex-education, religious education or science for parents who find these modules contrary to their right to religious freedom. With this it is not stated that parents with religious ideas are automatically exempted from certain laws of governing education.

Finally, reasonable accommodation, despite its limitations, is promoted as a solution to enhancing religious freedom in education. The right to religious freedom is fundamentally important and the argument that an undue burden is placed on the state in the accommodation of religion should not easily be accepted. In the words of Justice Sachs above – this is the price that constitutionalism exacts from the government. The state has the resources to reasonably accommodate religious freedom – resources that persons and communities usually do not possess and yet, at a time of secularist movements, convergence liberalism and increasing pressures on religious associations, the needs of religious societies are not met, but rather the needs of the state. In this manner a repetition of past Apartheid religious discrimination is avoided. Single religion education or teaching is not rejected but it is rather stated that reasonable accommodation can make room for single religion schools and schools with a singular ethos while still teaching "respect for the other."

4. Conclusion

This article acknowledges the importance of the rights in the Constitution. It is also argued that these rights are so fundamental that the past injustices of Apartheid should never be repeated again. CNE promoted one religion above all others in public school education.[46] This infringed on the psychological integrity, freedom of religion and conscience of many parents and learners. It is argued that the current curriculum contains

[46] Single-faith education is not necessarily negative if it is dealt with properly and in line with Constitutional values. It is merely argued that single-faith education as used in CNE is contrary to the values of freedom, equality and human dignity.

subtle threats to the right to religious freedom and conscience, although the intention has not been to repeat past injustices. Education inherently contains the transfer of values, whether of a religious or non-religious kind. Certain subjects such as religion education, sex education and science are more conducive to the transfer of values and therefore carry a higher risk to infringe on the right to religious freedom and the right to freedom of conscience. In order to avoid such discrimination these threats are identified and possible solutions considered, namely, the principle of reasonable accommodation. Together with this it is argued that reasonable accommodation should also allow single ethos schools teaching respect for the "other." This approach is contrary to CNE.

Although it is not argued that the development of reasonable accommodation is the only way to enhance equality and pluralistic liberalism regarding the right to religious freedom, it is argued that it is one way to do so. It is also a way to prevent infringements on the freedom of religion, belief, conscience and psychological integrity of the learner or parent in subjects that are deemed to be neutral but may still have a discriminating effect.

The use of the principle of reasonable accommodation presents limitations but is one method in promoting the values of diversity, tolerance, equality, freedom and human dignity of the final Constitution. Because the right to religious freedom is so fundamental, the mere fact that an administrative burden is placed on the state does not serve as a blanket ban to the use of the principle of reasonable accommodation. As stated by Justice Sachs, ease of law enforcement cannot be promoted at the expense of tolerance and respect for diversity demanded by the final Constitution.

References

Barendt, Eric 2011. Teaching evolution, creationism, and intelligent design in US schools (with some European comparisons). In Myriam Hunter-Henin (ed.). *Law, religious freedoms and education in Europe*, Farnham, Surrey: Ashgate (267-281).

Benson, Iain 2010. Taking pluralism and liberalism seriously: The need to re-understand faith, beliefs, religion and diversity in the public sphere, *Journal for the Study of Religion*, 23, 27.

Benson, Iain 2011. Unexamined faiths and the public place of religion: emerging insights from the law, *Acta Theologica*, Suppl. 11, 11.

Benson, Iain 2014. "Two versions of liberalism," Catholic Education Resource Centre, Catholiceducation.org/articles/civilization/cc0125.html

Chidester, David 1992. *Religions of South Africa*. London and New York: Routledge.

De Vos, Pierre and Freedman, Warren 2014. *South African Constitutional Law in context*. Cape Town: Oxford University Press.

Du Plessis, Anél 2006. "The fulfillment of human rights related to religion: Some current challenges in South Africa." Paper prepared for the ICS Workshop on Secular and Religious Sources of Human Rights Law, Berlin, May 17 –20, 2006.

Farlam, Paul 2008. Freedom of religion, belief and opinion. In Stu Woolman and Michael Bishop (eds.). *Constitutional Law of South Africa*, 2nd ed., vol. 3, Cape Town: Juta (41-5).

Ferrari, Alessandro 2012. Religious freedom and the public-private divide: A broken promise in Europe? In Silvio Ferrari and Sabrina Pastorelli (eds.). *Religion in public spaces: A European perspective*, England: Ashgate (71-91).

Foblets, Marie-Claire 2012. Religion and rethinking the public-private divide: Introduction. In Silvio Ferrari and Sabrina Pastorelli (eds.). *Religion in public spaces: A European perspective*. England: Ashgate (1-21).

Glendenning, Dympna 2008. *Religion, education and the law*. Dublin: Totel Publishing.

Gray, John 2000. *The two faces of liberalism*. New York: The New Press.

Jeenah, Na'eem 2014. Religion and schools. In Brian Ramadiro and Salim Vally (eds.). *Education rights project: Booklet 5*, erpbooklets.files.wordpress.com/2013/02/religion-booklet_web.pdf

Joubert, Rika et al. 2012. South Africa. In Charles Glenn and Jan de Groof, vol. 3. *Balancing freedom, autonomy and accountability in education*. Nijmegen: Wolf Legal Publishers (318-345).

Kinghorn, Johann 1997. Modernization and Apartheid: The Afrikaner churches. In Richard Elphick and Rodney Davenport (eds.). *Christianity in South Africa: A political, social, and cultural history*, Los Angeles: University of California Press (135-154).

Torfs, Rick 1996. Church and State in France, Belgium, and the Netherlands: Unexpected similarities and hidden differences, *Brigham Young University Law Review*, 4.

Van der Schyff, Gerhard. 2001. The Right to Freedom of Religion in South Africa. Unpublished Master of Law, submitted in partial fulfilment of the requirements for the degree Master of Law in Constitutional Law in the Faculty of Law at the Rand Afrikaans University.

Visser, PJ 2005. Educational rights in South Africa, *International Journal for Education Law and Policy*, 1, 213.

Wijnen, Lizzy and Miedema, Siebren 2013. (On)mogelijkheden voor levensbeschouwelijke educatie in het Franse en Nederlandse openbaar onderwijs: Over de scheiding van kerk en staat, neutraliteit van de staat en godsdienstvrijheid, *Onderwijsrecht en Onderwijsbeleid*. Tilburg, Netherlands: Tilburg University Press, 6.

Zoontjens, Paul and Glenn, Charles 2012. The Netherlands. Belgium (Flemish Community). In Charles L. Glenn and Jan de Groof (eds.). *Balancing freedom, autonomy and accountability in education*, vol. 2, Nijmegen: Wolf Legal Publishers (333-362).

The Church order of De Mist and the advent of religious freedom in South Africa

An important contribution to the common good in South African society

Johan M van der Merwe[1]

Abstract

The arrival of Jan van Riebeeck in the Cape in 1652 brought the reformed faith to Southern Africa. For nearly two hundred years the government in the Cape not only protected the reformed religion, but also prohibited any other form of religion. This changed with the introduction of the Church Order of de De Mist in 1804. Other Christian denominations and even other religions were then allowed. This article describes the changes that took place with the introduction of the Church Order of De Mist. It then compares the Church Order of De Mist with the current Constitution of the Republic of South Africa in order to illustrate that the introduction of the Church Order of De Mist was indeed the start of religious freedom in South Africa.

Keywords Religious freedom, Church Order, De Mist, Cape colony, Reformed faith, common good, Constitution of South Africa, Islam, Judaism, Roman Catholic Church, South Africa.

The 25th of July 1804 is the day which can be commemorated as the day on which religious freedom was announced in the then called Cape Colony.[2] Although it was a baby step, it was the first step. Coertzen is correct when he states that religious freedom was not guaranteed before 1997,[3] the start of religious freedom in South Africa can be traced back to 25 July 1804 with the adoption of the Church Order of De Mist. In the year in which South Africa celebrates 20 years of freedom and democracy it is important to revisit this important event which changed the religious landscape in South Africa forever. The importance of this event is further confirmed by the fact that not even the notorious apartheid policies of the 20th century could change the fact that people had the right to practice the religion of their choice. Although the Church Order has been severely criticized

[1] Dr Johan M van der Merwe (* 1964) is Professor in the Department of Church History and Church Polity at the University of Pretoria. Contact: J. van der Merwe, Dept of Church History and Church Polity, Faculty of Theology, University of Pretoria, Hatfield, Pretoria, Tel +27 0825653768, cell +27 124202818, Email: johan.vdmerwe@up.ac.za.

[2] Meijer, GJ Ratifikasie [ratificatie] in die gereformeerde kerkrecht, 1995. www.kerkrecht.nl accessed on 20 April 2014.

[3] Coertzen, P 2008 Freedom of religion then and now: 1652 – 2008. *Verbum et Ecclesiae* JRG 29 (2) 346.

in the past,[4] it was nevertheless an important contribution to the common good in South African society.

The aim of this paper is to describe how the Church Order of De Mist changed the religious landscape of South Africa for the common good. In order to do so, the paper will firstly describe the lack of religious freedom in the Cape Colony in the time before De Mist. Secondly it will focus on De Mist and his Church Order as well as the consequences of his Church Order with regard to religious freedom. Thirdly it will compare the Church Order of De Mist with the current Constitution of South Africa and the Charter for Religious Freedom before it will conclude that what we celebrate today with regard to religious freedom, indeed all started with the Church Order of De Mist.

1. The Cape Colony: 1652 – 1803

One of the important features of the first hundred and fifty years of the history of the Cape Colony was the lack of religious freedom. In order to understand this, it is important to understand the church state relationship of the time. This is no easy quest. Coertzen is correct when he states that: "Many scholars have tried to define the relationship between church and state in South Africa between 1652 and 1994."[5] He then argues that "it was not a theocratic model of the relationship between church and state that determined the place of religion in the South African society from 1652, but rather a Constantine model. This meant that the political authorities, often with their own understanding of what Christianity is, were dominant over church authorities and that the political authorities assisted, influenced and sometimes fully controlled and used the church. Gerstner is correct when he states: "The position of the Dutch Reformed Church in colonial South Africa was parallel to that of the church in the Netherlands at the time except for some unique prerogatives claimed by the colonial administration."[6] He then goes further by saying that the colonial government had more direct influence on the Dutch Reformed Church in South Africa than the civil government in the Netherlands because of the absence of a local classis. This control of state over church meant that the state had a role to play in the advancement and support of the "true religion" even to the extent of using its coercive power. The state, in various degrees, determined the position of church and religion in society without denying freedom of religion.[7] This was the

4 Compare Van der Watt, Pont and numerous others.

5 Coertzen, P 2008 Freedom of religion then and now: 1652 – 2008. *Verbum et Ecclesiae* JRG 29 (2), 346.

6 Gerstner, JN 1997 A Christian monopoly: The Reformed Church and Colonial society under Dutch Rule, in Elphick, R and Davenport, R *Christianity in South Africa*, 20.

7 Coertzen, 349.

model prevalent in the Cape Colony. Although other religions were tolerated, the fact of the matter is, that for the first 150 years no other religion but Christianity was officially allowed in the Cape. To be more precise, only churches from the reformed tradition of Christianity were allowed by the Dutch government.

How did it all start? Although the prime reason for establishing the refreshment station in the Cape in 1652 was commercial in nature, the Dutch East India Company did not forget the importance of the "Kerke Christi."[8] Van der Watt argues correctly that colonization and church planting was two sides of the same coin.[9] From the colony's beginnings as a garrison, the Dutch East India Company provided for Dutch Reformed services led by officially recognized religious workers.[10] The church in the East Indies of which the Cape was a part, derived its existence from the active interest of the trading company.[11] This was exemplary of the Constantine model[12] which had its roots in the reformation. One of the important confessions of faith of the Reformed Churches in the Netherlands was the Belgic Confession of Faith. This Confession was part of the Dutch Reformed Church that came to South Africa in 1652, as was also the case in the Dutch Reformed Churches in the other colonies of the Dutch Republic. Article 36 of the Belgic Confession of Faith states that:

> The government's task is not limited to caring for and watching over the public domain but extends also to upholding the sacred ministry, to remove and destroy all idolatry and false worship of the Antichrist; to promote the kingdom of Jesus Christ and to see that the Word of God is preached everywhere so that God might be honoured and served by everyone, as He commands in His Word.[13]

In the light of this article, the government in the Netherlands saw it as their responsibility not only to enable the church, but also to control ecclesiastical matters.[14] This did not only happen in the Netherlands, but became the norm in the different colonies. The Dutch East India Company claimed a God given authority to direct the affairs of the church and therefore, church affairs in the colonies were left to the governor and his Political Council. The church was regarded as an instrument of secular authority to which all requests had to be directed. This is confirmed by a letter from governor Simon van der Stel to the incoming governor, his son Simon van

---

8 Van der Watt, PB 1976. Die Ned Geref kerk 1652-1824, 3.

9 Van der Watt, 3.

10 Gerstner, 16.

11 Hofmeyer, JW 1994 Christianity in the period of Dutch colonisation, in Hofmeyer, JW and Pillay, GJ A History of Christianity in South Africa Vol 1, 19.

12 Coertzen, 349.

13 The Belgic Confession 1561, www.creeds.net accessed on 15 April 2014.

14 Coertzen, 350.

der Stel in which he: "invoked God's grace for the 'directing of Church and politics to the benefit of the company's profit and interest here which shall extend to the glorifying of the all holy name of God and the enhancement of the new governor's reputation.'"[15]

This is confirmed by the second charter of the Dutch East India Company of 1622 which stated clearly that it was also the task of the company to "conserveren het publijcke geloof"[16] (to protect the public faith). This meant that in the Cape, the Reformed Church was the only church to be recognized by the government.[17]

History tells how this played out in the Cape. From 1652, during the first years of the Cape colony, Coertzen quotes Vorster saying that "responsibility for religion and the spiritual care for the people at the Cape resided with the Political Council under the leadership of the commander."[18] The church was regarded as an instrument of secular authority. This changed in 1665 with arrival of the first permanent minister, reverend Johannes van Arckel. Van Arckel started by founding the first congregation in the Cape and appointing the first Church Council.[19] The first elder was Abraham Schut and first deacon Joan Reynierzen. All spiritual matters and pastoral care, were now the responsibility of the Church Council, however, all decisions that the Church Council took had to be submitted to the Political Council before they could be implemented. The Political Council elected elders and deacons from names that the Church Council submitted to them. Political Commissioners represented the Political Council at all the meetings of the different Church Councils.[20]

The control of the Political Council over religious affairs and the privileged position of the Dutch Reformed Church are further demonstrated by two examples. The first was the fact that they refused the request of the French Huguenots to install their own Church Council in Drakenstein.[21] The French Huguenots arrived in the Cape in 1688 and established themselves mainly in the districts of Drakenstein, Stellenbosch and Franschhoek.[22] They initially formed part of the Reformed Church congregations but due to mainly language reasons and the fact that they were accompanied by their own French minister, in 1689 they asked to form their own

[15] Gerstner, 20.
[16] Van der Watt, 4.
[17] Hofmeyer, 25.
[18] Vorster, JD 1956. Die kerkregtelike ontwikkeling van die Kaapse Kerk onder die Kompanjie 1652-1792, 38.
[19] The minutes of the first meeting of the congregation are dated 23 August 1665 under the title: " Kerken – boek van de Caab van Goede Hoop."
[20] Coertzen, 351.
[21] Hofmeyer, 13.
[22] Hofmeyer, 13.

congregation. Although the request was later granted in 1691 when the first Church Council was elected and reverend Pierre Simond was appointed as minister, this only happened after the Political Council granted permission.

The establishment of the Lutheran Church serves as a second example. About 28 percent of the early settlers were German immigrants.[23] It would be a fair assumption to say that most of them were members of the Lutheran Church. Shortly after van Arckel's arrival in the Cape, the newly established Church Council decided that Lutherans of good standing, also being "reformed"[24] would be allowed to partake of Holy Communion. In 1742 a petition signed by 69 people was presented to the Political Council, requesting permission for public worship and a minister for the local Lutherans. This was rejected.[25] In the next four decades various attempts were made to gain recognition for the Lutheran church, without success. It was only in 1778 with the help of the Lutheran Consistory in Amsterdam, that the Lutherans in the Cape were granted the freedom to conduct worship on the same terms as existed in Batavia. In 1780 the first Lutheran minister, Andreas Kolver, arrived in the Cape.[26]

With both the Huguenots and the Lutherans having trouble establishing their own congregations although they came from a reformed background, other non-reformed churches and other religions had no chance at all while the Dutch were governing the Cape.

This is confirmed by the fact that despite a small community at the Cape, the Roman Catholic Church was excluded from the Cape Colony.[27] The attitude towards Roman Catholic Christians is illustrated by a remark of reverend Johannes Apeldoorn, minister of Stellenbosch when he called the Roman Catholics "Antichristian, Papist Babylon" because they rejected the doctrine of justification by faith alone.[28] Gerstner is correct when he states that: "during the seventeenth and eighteenth centuries the colonial administration engaged in largely successful efforts to suppress Roman Catholicism in the colony.[29] Other religions like Islam and Judaism underwent the same treatment. Although there were Muslims and Jews in the Cape Colony, no official form of worship was allowed. This would only change with the introduction of the Church Order of De Mist in 1804.

---

[23] Hofmeyer, 28.

[24] The Lutheran church also stems from the Reformation of Martin Luther of 1517.

[25] Hofmeyer, 25.

[26] Hofmeyer, 25.

[27] Donaldson, ME 1994 Christianity in the period of English colonisation, in Hofmeyer, JW and Pillay, GJ A History of Christianity in South Africa Vol 1, 76.

[28] Gestner, 21.

[29] Gestner, 22.

2. The Church Order of JA de Mist changes the religious landscape

Change in the religious landscape of the Cape Colony would not take place without political change. That change came in 1795 when the Cape was first occupied by Britain during the war against Napoleonic France.[30] In 1803 the Treaty of Amiens again ceded the Cape to the Netherlands, by then constituted as the Batavian Republic. In keeping with the changes that took place in the Netherlands, the Cape came under new influences of rationalism and deism. This is confirmed by Davenport when he states that change in Europe also "brought French revolutionary deism to the Cape."[31] The new Dutch Commissioner, General JA de Mist, had done a survey of the Colony in 1802 and prepared a comprehensive memorandum outlining future policy. One of the important aspects of De Mist's memorandum which was introduced was the Church Order of 1804.[32]

The Church Order consisted of two parts. The first was general principles and stipulations[33] and the second instructions[34] about the management of different church societies in the Colony. It was especially the first part that opened the Colony to other churches, societies and religions and changed the religious landscape in the Cape forever. The different important articles read as follows:

> Art 1. All religious associations which for the furtherance of virtue and good conduct respect a Supreme Being will have equal protection by law.
> Art 2. All religious associations should confess their faith publicly, withhold themselves from criticizing each other and should have open right of admission.
> Art 3. There will be no special privileges awarded in civil society to any religious group.
> Art 5 Each religious group has the right to their own teachings as long as they do not intervene with public Order in which case the governor has the right to intervene.[35]

In terms of this ordinance the colonial government would continue to provide for ecclesiastical needs of the colony and the Dutch Reformed Church continued in its position in the colony, but other denominations and religions were also entitled to

---

[30] Donaldson, 39.
[31] Davenport, R 1997 Settlement, conquest and theological controversy: The Churches of nineteenth century European Immigrants, in Elphick, R and Davenport, R 1997 Christianity in South Africa, 51.
[32] Donaldson, 45.
[33] Algemene Beginselen en bepalingen.
[34] Houdende Voorschriften omtrent het behoorlyk Bestuur der toegelaaten kerk- genoodschappen binnen deze Volksplanting.
[35] Pont, AD 1991. Die historiese agtergronde van ons kerklike Reg deel 2, 179.

support.[36] Pont argues correctly when he says that from the start it is clear that the Church Order of de Mist brought a totally new dispensation to the Cape. For the church in the Cape this meant progress and was therefore acceptable.[37]

Although the Church Order was severely criticized for the fact that "where the church gave support it would also exercise control,"[38] it opened the way for other churches and religions other than reformed to establish themselves in the Cape Colony.

2.1 The Roman Catholic Church

One of the churches that immediately took advantage of this opportunity was the Roman Catholic Church. The earliest imprint of Christianity on Southern Africa was in 1488 when Bartholomew Diaz, searching for the sea route to India, planted three large stone crosses on South African soil. The settlement of the Dutch in 1652 meant that the Roman Catholic Church was excluded from this territory until 1804.[39] Although some Catholics did live at the Cape before 1795, they were obliged to conceal their faith.[40] In 1804 the church sent three priests to the Cape and services began in a room in the Castle of Good Hope.[41] When the British occupied the colony again in 1806, the commander, Sir David Baird expelled the three priests and repatriated them with the garrison in which they served. Catholic chaplains were sent out after 1817 and they were followed by Fr Scully who arrived in the Cape in 1820.[42] Scully served in the Cape for two years and even built a church which was used until 1837.[43] He was succeeded by two priests in 1822, namely Fr Wagenaar and Fr Rishtow. Both of them received a living of 100 pounds per annum from the colonial government which clearly indicated the ambivalence of the government towards Roman Catholicism.[44] When the parliament in England passed the Catholic Emancipation Act of 1829, restrictions were removed from Catholics in the colonies.[45] This led to the arrival of the first resident bishop, Patrick Raymond Griffith, an Irish Dominican, on Easter Sunday 1838.[46] On his arrival in Cape Town Griffith found the ruins of a washed away chapel and

[36] Donaldson, 45.
[37] Pont, 191.
[38] Donaldson, 45.
[39] Pillay, 7.
[40] Brain, J 1997 Moving from the margins to the mainstream: The Roman Catholic Church, in Elphick, R and Davenport, R 1997 Christianity in South Africa , 195.
[41] Van der Watt, 75.
[42] Van der Watt, 76.
[43] Donaldson, 76.
[44] Donaldson, 76.
[45] Donaldson, 76.
[46] Brain, 195.

a scattered congregation with meagre funds. During his twenty-five years in the Cape, he laid the foundation for the Roman Catholic Church in South Africa.[47] Although the Church Order of de Mist changed the official religious face of the colony, it did nothing for the anti-Catholic sympathies in the colony. Members of the Dutch Reformed Church were warned against the Roman Catholic Church. When Johanna C Bird indicated that she had become a member of the Catholic Church, she was excommunicated by the Church Council of Cape Town.[48]

2.2 Islam

The first traces of an Islamic community at the Cape appeared in the seventeenth century. It grew slowly in the eighteenth century and rather spectacularly in the centuries that followed."[49] In the beginning of the nineteenth century there was a fairly strong and flourishing Muslim community in Cape Town. It included slaves and free blacks. The Dutch East India Company brought slaves, political exiles and even convicts from Indonesia and India including Bengal and the Malabar Coast to the Cape. These people, who had a long tradition of Islam behind them, brought Islam to the Cape. They were responsible for the introduction and spreading of the religion.[50] Many of these convicts stayed in the Cape after the completion of their sentences and became the nucleus of the Islam population, known as *Vrye Swarten* (Free blacks). Although In Corydon of Ceylon purchased two properties in Cape Town September 1794 and was the first muslin to own property in the Cape,[51] the Cape Muslims were severely restricted in practicing their religion due to the *Statutes of India,* a set of rules aimed at restricting the spread of Islam in the Dutch colonies.[52] Shell describes the early practice of Islam in the Cape as follows: "It was spread by word of mouth by *hafez* (persons who had memorised the Quran) and in ceremonies conducted at night in secret mosques in Muslim homes (*langes* or *masjids*), and later, at the end of the eighteenth century when the Muslim congregation became larger, in the town's quarry. The secrecy was necessary: the laws of the Dutch East India Company imposed heavy penalties, including the confiscation of the slave and a stiff fine on all who suffered their slaves to embrace Mohammedanism."[53]

---

47 Brain, 196.
48 Van der Watt, 77.
49 Hofmeyer, 29.
50 Mahida, EM 1993 *History of Muslims in South Africa: A chronology*, 2.
51 Mahida, 12.
52 Mahida, 14.
53 Shell, Robert – C. 1997. Between Christ and Mohammed: Conversion, slavery and gender in the urban Western Cape, in Elphick, R and Davenport, R *Christianity in South Africa*, 268.

This all changed with the introduction of the Church Order of de Mist. The importance of this event is reflected by Mahida when he wrote: "Thus on 25 July 1804 the patience and perseverance of the Cape Muslims were rewarded when religious freedom was permitted for the first time in the Cape of Good Hope."[54] Several prayer rooms were erected and the first piece of land for a Muslim cemetery was granted to Frans van Bengalen in 1805.[55] Although the first *masjid* was already constructed in 1794 important additions were only made in 1807.[56] Although Muslims were allowed to practice their faith before 1804, the history of the Muslim community in the Cape confirms the importance of the Church Order of De Mist with regard to freedom of religion. Muslims now had the same rights as their fellow Christian countrymen.

3. The Church Order of de Mist and the Constitution of South Africa

It is not only historical events that confirm the importance of the Church Order of de Mist with regard to religious freedom. A second important confirmation arises from a comparison with the current Constitution of South Africa. The final Constitution (1996) was agreed on by a Constitutional Assembly and adopted by Parliament.[57] According to Du Plessis section 15 (1) of the 1996 Constitution "unequivocally entrenches the right to religious freedom."[58] The Constitution states: "Everyone has the right to freedom of conscience, religion, thought, belief and opinion."[59] Du Plessis interprets this further by saying that: "This provision goes beyond protecting the right to freedom of religion in its narrow connotation and also guarantees freedom of conscience, thought, belief and opinion. This probably includes the right not to observe any religion at all."[60]

He goes further by saying that: "Tolerance of religious diversity goes beyond putting up with the free exercise of divergent religious beliefs and practices. It also entails the evenhanded treatment of diverse religions and religious groups, communities and institutions with potentially conflicting interests. A broadly conceived establishment clause can play a significant role in guaranteeing such treatment."[61]

---

[54] Mahida, 14.
[55] Mahida, 15.
[56] Mahida, 16.
[57] Du Plessis L Religious rights and freedom in "the New South Africa." Brigham Young University Law Review, 239.
[58] Du Plessis, 449.
[59] Du Plessis, 64.
[60] Du Plessis, 449.
[61] Du Plessis, 449.

Du Plessis' point of view is confirmed by the fact that the Constitution does not only guarantee freedom of religion. Section 9 (1) states: "Everyone is equal before the law and has the right to equal protection and benefit of the law."[62] This means that the Constitution guarantees equality before and equal protection by the law.[63] The Constitution further states in Section 9 (3) that: "The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience of belief, culture, language and birth."[64] It is clear that unfair discrimination against "Anyone on one or more grounds"[65] of which religion, conscience and belief are specifically named is unconstitutional. Du Plessis is correct when he says that: "Protection of religious rights and freedom under the equality clause is arguably as significant and indispensable as their protection under Section 15 (1)."

To my mind, the Constitution of South Africa (1996) continues what was started by the Church Order of de Mist with regard to religious freedom. What started as a small step by De Mist became a huge leap in the Constitution of the post-apartheid South Africa. Although the Constitution is not perfect and has according to Du Plessis "rendered religiously biased provisions both in statutes and in the common law"[66] it constitutes freedom of religion in a post-apartheid South Africa and points in the same direction as the Church Order of De Mist did in 1804. In that sense it confirms the fact that the Church Order of de Mist was indeed the first step towards religious freedom in South Africa.

4. The Church Order of De Mist and the South African Charter of Religious Rights and Freedoms[67]

The South African Charter of Religious Rights and Freedoms is another important benchmark in the history of religious freedom in South African. Similarities with the Church Order of de Mist will further help to ascertain if the Church Order of de Mist was indeed the start of religious freedom in South Africa.

A few examples from the Charter serve as illustration to show how religious freedom is understood in a post-apartheid South Africa. In Article 1 the Charter states that: "Every person has the right to believe according to their own religious or philosophical beliefs or convictions and to choose which faith, worldview, reli-

[62] Constitution: South African 1996. www.gov.za/documents/constitution accessed on 17 April 2014.
[63] Du Plessis 449.
[64] Constitution: South African 1996. www.gov.za/documents/constitution accessed on 17 April 2014.
[65] Du Plessis.
[66] Du Plessis, 448.
[67] As amended 6 August and 1 October 2009.

gion or religious institution to subscribe to, affiliate with or belong to."[68] In Article 2 it is stated that: "No person may be forced to believe, what to believe or what not to believe, or to act against their convictions." Article 3 states: "Every person has the right to the impartiality and protection of the state in respect of religion." It is then further explained that the state must create a positive and safe environment for the exercise of religious freedom.[69] Article 6 states that: "Every person has the right to freedom of expression in respect of religion."[70] This is further qualified in 6.4 that: "Every person has the right to religious dignity, which includes not to be victimised, ridiculed or slandered on the ground of their faith, religion, convictions or religious activities."[71]

This overview of the Charter of religious rights to my mind indicates clearly that there are important similarities with the first part of the Church Order of de Mist. The fact that the Church Order states that all religions have equal protection by law, there should be no privileges to certain groups and that all religious groups should confess their faith publically breathes the same essence as the Charter. If the Charter is recognized as the benchmark of how religious freedom is understood in South Africa, the Church Order of De Mist was indeed the first baby step on the way to religious freedom in the history of South Africa.

5. Conclusion

History tells the story of how the Church Order of de Mist changed the religious landscape of the Cape Colony and therefore of South Africa for the common good of all the people in South Africa. Although there were signs of religious tolerance before 1804, religious freedom was introduced by the Church Order of De Mist. Although state intervention in church affairs was still the order of the day, non-reformed churches and non-Christian religions were for the first time officially allowed. The history of the Roman Catholic Church in the Cape and the history of Islam in the Cape serve as two examples that confirm this statement. It is not only historical events that confirm the advent of religious freedom. Both the Constitution of South Africa and the Charter for Religious Rights and Freedoms are benchmarks with regards to religious freedom in a post-apartheid South Africa. A comparison between these two important documents and the Church Order of de Mist further

[68] South African Charter of Religious Rights and Freedoms. www.familypolicyintitute.com accessed on 23 April 2014.

[69] South African Charter of Religious Rights and Freedoms. www.familypolicyintitute.com accessed on 23 April 2014.

[70] South African Charter of Religious Rights and Freedoms. www.familypolicyintitute.com accessed on 23 April 2014.

[71] South African Charter of Religious Rights and Freedoms. www.familypolicyintitute.com accessed on 23 April 2014.

underlines the fact that the Church Order of De Mist was indeed the first step to a common good with regard to religious freedom in South Africa.
The following table of comparison confirms this:

	Church Order of de Mist	**Constitution of South Africa**	**Charter of Religious Rights and Freedoms**
Religious freedom	Art 1. All religious associations which for the furtherance of virtue and good conduct respect a Supreme Being will have equal protection by law.	Section 15 (1). Everyone has the right to freedom of conscience, religion, thought, belief and opinion.	Art 1. Every person has the right to believe according to their own religious or philosophical beliefs or convictions and to choose which faith, worldview, religion or religious institution to subscribe to, affiliate with or belong to.
Equality	Art 3. There will be no special privileges awarded in civil society to any religious group.	Section 9 (1). Everyone is equal before the law and has the right to equal protection and benefit of the law.	Art 3. Every person has the right to the impartiality and protection of the state in respect of religion.

It is impossible to talk about the common good in South Africa without talking about religious freedom. It is impossible to talk about religious freedom without remembering the Church Order of de Mist. What started as a baby step in 1804 has become a giant leap for the common good 110 years later.

Sources

Brain, J. 1997. Moving from the margins to the mainstream: The Roman Catholic Church, in Elphick, R and Davenport, R *Christianity in South Africa.* Pretoria: HAUM.

Coertzen, P. 2008. Freedom of religion then and now: 1652 – 2008. *Verbum et Ecclesiae* JRG 29 (2).

Constitution: South African 1996. www.gov.za/documents/constitution accessed on 17 April 2014

Davenport, R. 1997. Settlement, conquest and theological controversy: The Churches of nineteenth century European immigrants, in Elphick, R and Davenport, R *Christianity in South Africa.* Cape Town: David Philip.

Donaldson, ME. 1994. Christianity in the period of English colonization, in Hofmeyer, JW and Pillay, GJ. *A history of Christianity in South Africa Vol 1.* Pretoria: HAUM.

Du Plessis, L. 2001. Religious rights and freedom in "the New South Africa." *Brigham Young University Law Review.* 439 -466.

Gerstner, JN. 1997. A Christian monopoly: The Reformed Church and Colonial society under Dutch rule, in Elphick, R. and Davenport, R. *Christianity in South Africa.* Cape Town: David Philip.

Hofmeyer, JW. 1994. Christianity in the period of Dutch colonization, in Hofmeyer, JW and Pillay, GJ. *A history of Christianity in South Africa Vol 1.* Pretoria: HAUM.

Mahida, EM. 1993. *History of Muslims in South Africa: A chronology*. Durban: Arabic study circle.

Meijer, GJ. 1995. *Ratifikasie [ratificatie] in die gereformeerde kerkrecht*. www.kerkrecht.nl accessed on 20 April 2014.

Pont, AD. 1991. *Die historiese agtergrond van ons kerklike reg*. Pretoria: Kital.

Shell, Robert – C. 1997. Between Christ and Mohammed: Conversion, slavery and gender in the Urban Western Cape, in Elphick, R and Davenport, R *Christianity in South Africa*.

South African Charter of Religious Rights and Freedoms. www.familypolicyintitute.com accessed on 23 April 2014.

The Belgic Confession 1561, www.creeds.net accessed on 15 April 2014.

Van der Watt, PB. 1976. *Die Nederduitse Gereformeerde Kerk 1652 -1824*. Pretoria. NG Kerkboekhandel.

Vorster, JD. 1956. *Die kerkregtelike ontwikkeling van die Kaapse Kerk onder die Kompanjie 1652-1792.* Potchefstroom: Pro-Rege.

Thomas Schirrmacher

Human Trafficking

The Return to Slavery

VKW The WEA Global Issues Series 12

WEA
World Evangelical Alliance

International Institute for Religious Freedom
IIRF

The Middle East

A future region without Christians?

Hanna Nouri Josua[1]

Abstract

The Islamic world is undergoing a very turbulent, agonizing, barbarous, intolerant and dreadful time, hardly witnessed before in its history. Old regimes are collapsing; countries are disintegrating; sectarian, ethnic and racial conflicts are rising to the surface and are flaring up everywhere. Tribes and adherents of certain religious groups, especially the targeted native Christian population, are being forcibly deported or coerced to leave their native countries. In order to address the rather prophetical question on the future of Christianity in the Middle East and North Africa, the article identifies the roots of the crisis of Christians in the Middle East and the status quo of historic Christian Churches in the light of the "Arab Spring" by scrutinizing a sample of countries regarding religious freedom. After that the author proceeds to describe the development of human rights issues which arise. The article ends with some suggestions as to how a dependable consensus between native Christians and Muslims can be achieved.

Keywords Arab nationalism, Arab Spring, Arab world, cradle of Christianity, crisis of Christianity in the Middle East, conversion, deportations, emigration, Iran, Iraq, Israel, Jordan, justice, Lebanon, Muslim responsibility towards Christians of the Middle East, Palestine, political Islam, Sharia, Shiites, Sunnites, Syria, Turkey.

[1] Dr Hanna Josua (*1956 in Lebanon), is Adjunct Professor for Comparative Studies at the Jordan Ev. Theol. Seminary, Amman. He holds a BA in Political Science, Islamic Studies and history of the Middle East, American University of Beirut (1978), 1978-1980 graduate studies in the same field until emigration from Lebanon, BTh at EFH Ludwigsburg (1978), Licenciate in Ev. Theology (1996) and Dr. of Theology, Evangelical Theological Faculty, Leuven, Belgium (2005). He lives in Germany with his wife and adult children. Since 1989 he has been executive director of Evangelical Pastoral Work among immigrants; since 1992 member of several committees on inter-religious dialogue within the Ev. Lutheran Church and the German Ev. Alliance; worked in several commissions on faith issues; shared actively and passively at international conferences on Islamic issues. In 1997 he was ordained as a pastor in the Ev. Lutheran Church in Wuerttemberg, Germany, for pastoral care with the church. Since 1993 he has been ministering at two Arabic-speaking churches in Southern Germany; he is also visiting lecturer at several theological seminaries and academies in Germany, as well as in congregations interested in migration and Islam. Article received: 27 February 2015; Accepted: 2 May 2015. This article uses American English. Contact: Dr. Hanna Josua, Evangelische Ausländerseelsorge e.V., Postfach 63, 71550 Weissach im Tal, Germany, email: Josua@Arabic-Church.com, Tel. +49 7191 903525, Fax: +49 7191 906445, Mobile: +49 176 10319578, www.Arabic-Church.com, www.auslaenderseelsorge.com.

1. Introduction

In the middle of the second decade of the 21st century the world is confronted with an Islamic world that is undergoing a very turbulent, agonizing, barbarous, intolerant and dreadful time, hardly witnessed before in its history.[2] It extends from the Indian subcontinent through the Middle East and across North Africa. Ancient regimes are collapsing; countries are disintegrating; sectarian, ethnic and racial conflicts are rising to the surface and are flaring up everywhere. Tribes and adherents of certain religious groups, especially the targeted native Christian population, are being forcibly deported or coerced to leave their native countries. They seem to have become shocked and dismayed at the situation.

An ISIS[3] video titled: "A Message Signed with Blood to the Nation of the Cross" was released on 15 February 2015 showing the beheading of 21 Egyptian Coptic Christians for the first time outside Syria and Iraq. "This undeniably means," a flashpoint report said, "that the group now views Christian populations not only as targets but also part of the bigger 'Crusader plot', not separate from the US-led coalition or aggressors." "The group's message is highly intimidating and in some way challenges the Western nations to intervene to save the Christians as it intervened to save the Yazidis and others."[4]

Lebanese authors who underline the contributions of the Christians in the region describe the crisis bluntly: "Christians live in a twofold crisis: The first is expressed, generally speaking, in the humiliation of the Arabs. The second is the feeling of superiority of the Muslims and the lockout of Christians, an issue that threatens them specifically in their historical existence in the region."[5] To deal with this existential and challenging issue, Christians hurried to organize religious and societal conferences in various places. In Rome the Catholic Church summoned a synod for the Middle East from 10 - 24 October 2010 to discuss with the patriarchs, archbishops, bishops and laymen from all five continents the fate of the Christians in the Middle East. Pope Benedict XVI said: "It is one of the human rights to live in dignity in one's own home country. Freedom and justice are indispensable for a harmonious existence for all in the region."[6] Pope Tawadros II of the Coptic church took a similar step in February 2012 by calling upon all Christian denominations in Egypt to form

---

2 "The responsibility of the hero for the disappearance of the peaceful solution," ash-Sharq al-awsat, 30 Dec. 2014, Ntt. 13181, http://aawsat.com/home/article/254526/

3 Islamic State of Iraq and Syria.

4 Hasani Gittens, ISIS Releases Video Purportedly Showing Beheading of 21 Egyptian Christians, 15 Feb. 2015, http://tinyurl.com/behead21.

5 The Revolution of the Arab Christians, Basil Aoun, 4 Feb. 2012, daily newspaper: an-Nahar, http://tinyurl.com/annahar.

6 Gabriela Maria Mihlig, "opening session of the Near East Synod", 11 Oct. 2010, http://www.zenit.org/article-21555?l=german

a council, the presidency of which would rotate and the aims of which, according to Safwat El Bayadi, were to create a unified vision on several critical issues such as the legal personal status, the law on houses of worship and several other issues relating to citizenship.[7]

A rather secular one was held in 2013 in Jordan:

> "On September 27, approximately 50 academics, politicians and parliamentarians met in the Jordanian capital Amman for a three-day research conference. They were united by one thing: they were all Eastern Christians. They came from the original Christian groups that remain in the region: from Egypt, Palestine, Iraq, Syria and Lebanon. The conference was entitled 'Eastern Christians in Light of the Arab Spring'. Yet, the few papers and recommendations that were presented were sufficient to realize the confusion in the title of the conference, for Christians are not certain that they will remain in the East."[8]

For security reasons, all interviewed emphasized the importance of staying anonymous: "All parliamentarians interviewed at the conference requested that their names and countries of origin should not be made public."[9]

This article will address the abovementioned difficult and rather prophetical question on the future of Christianity in the Middle East and North Africa. The article identifies the roots of the crisis of Christians in the Middle East and the *status quo* of historic Christian churches in the light of the "Arab Spring" by utilizing paradigms from some countries in the light of the issue of religious freedom[10] to make the exposition of the Christian issue concrete. The article proceeds to describe the development of human rights issues resulting from the description given and at the end of the article makes some suggestions as to how consensus between native Christians and Muslims can be achieved on a basis of mutual trust.

This description is taken from the perspective of a native Arab historian and theologian raised in Lebanon who, for the last 34 years of his life, has been involved in social and diaconal work among Arabic-speaking people from the whole Arab region who have immigrated to Germany. Besides that, he has shared in international conferences and visits Arab countries on a regular basis.

---

7 "Egyptian churches to form council to unify views on critical issues", Al-Masry Al-Youm, Sat, 3 March 2012, http://www.egyptindependent.com/node/692501.

8 Jean Aziz "Do Christians have a future In the Middle East?", Posted 4 Oct. 2013 - Al-Monitor: the Pulse of the Middle East, 6 Feb. 2015, 22:18h. http://tinyurl.com/xrspring2013.

9 ibid.

10 Annette Langer, Index on persecution worldwide 2015: Where Christians are being antagonized - Wo Christen angefeindet werden. http://tinyurl.com/AL-WWL2015, download: 8 Jan. 2015.

The author intends to use mostly European sources easily accessible to the reader. They emanate mainly from Christian bulletins and present the current situation in the Middle East and North Africa. Additionally, personal experiences and encounters will be included. However, everyone researching this subject will face difficulties due to the necessity of not endangering people, specific churches and institutions concerned in the respective countries.[11]

Beyond these difficulties, the author is also aware of the fact that dealing with the issue of mission means conversion from Islam to the Christian faith. This addresses the tension between historic churches and younger Protestant denominations which are active in witnessing. In a personal discussion with a high Iranian official the author was told that Protestant churches in Iran are causing problems for the rest of the churches. The Iranian government is taking measures to restrict their activities, for example, by forcing priests of historic churches not to hold their services in the Persian language but in the ancient languages of their churches, which already existed in the country and region before Islam. In an interview, an expert on multi-religious issues in Iran hints at this aspect: "The really dangerous people are those who have converted to Christianity and have joined the ever-increasing church movement. According to the specific source it is said that these house churches are stronger than the Catholic Church in Iran."[12]

Nowadays, this observation can be made in almost every country in the region with a Muslim majority. Therefore, Protestant churches have no choice but to approach the problem of conversion from Islam to the Christian faith in the light of freedom of belief and freedom of conscience. At the same time, it has become an issue that concerns all other Christian denominations, as seen by the current developments in the region for the last four years, due to a lack of differentiation among extremists, as Egypt, Iraq and Syria have witnessed. It is no accident that the Latin bishops of the Arab region express their fears by appealing to the regimes in the Arab world in a joint statement:

> There is no peace without justice and no justice without respect for the social and religious rights of man and without respect for human dignity. Ultimately there is no peace without forgiveness and reconciliation. The churches and organizations work to make reconciliation in the Middle East a reality. Without true reconcilia-

[11] At times this also makes it difficult to offer more than the skimpy use of footnotes that usually are attributed to a scholarly work.

[12] Michaela Koller, "Christen sind Bürger zweiter Klasse", Interview mit dem Iran-Experten Wahdat-Hagh über die Christenverfolgung in Iran, BRÜSSEL, 30. Oktober 2009, http://www.zenit.org/article-18956?l=german. The scholar of political science Wahdat-Hagh is a staff member of the "European Foundation for Democracy" in Brussels.

> tion based on justice and mutual forgiveness there will be no peace because the same factors that cause the conflict will result in more hatred and wars.[13]

In § 2 the bishops plead with the governments to "respect the culture and traditions of the countries that receive 'migrant workers'".[14]

2. The roots of the modern crisis of Christianity

2.1 The roots of the crisis of Christianity in the Middle East

The roots of the crisis facing Christians of the Middle East and North Africa, expressed in the constant decimation of their numbers, can be sought in several developments going back to the beginning of the 20th century.

The first major event began with the genocide of the Armenian and Aramaic Christians in Turkey.[15] Survivors were dispersed in the neighboring countries and beyond.[16] Native Aramaic Christians who fled the massacre now total 200 000 in Germany and thus exceed the number of the whole Christian population living in Turkey today.[17] At least half a million Armenians with Turkish origin can be found in France today.[18]

Then the founding of the state of Israel in 1948 caused several Arab-Israeli wars.[19] The defeats of the Arab states were in part due to the unconditional Western support given to Israel. Nevertheless, these wars caused existential confusion among the Arabic-speaking community of the Middle East, disregarding the Christian interests in Palestine and beyond, as will be explained below.

Alongside these events, three decisive movements arose, the impact of which would determine the crucial fate of the Christians in their native region: a secular movement, the Arab Nationalism and two Islamic movements, Sunni and Shiite Islamism, that is, *Salafism* with all its nuances and *Khoumeinism* in Iran.

Arab Nationalism was (among other factors) strongly influenced by Arab Christians as a reaction to the Turkish one colored by Islam – and started with a fervent search for a political system under which Arab states independent from the colonial and mandatory powers could be run after the end of World War II. Albert Hourani

---

[13] "Kein Friede ohne Vergebung und Versöhnung" "No Peace without conciliation", Statement der Konferenz der Lateinischen Bischöfe der Arabischen Regionen (CELRA), Ra's al Chaima, *(source:* Latin Patriarchat of Jerusalem, *9 Oct. 2014, §1, http://tinyurl.com/CELRA2014.*

[14] See § 2 of the Bishops' statement.

[15] "Farman" = Edict of 24 Apr. 1915 ordering the deportation of Armenians.

[16] See Andreas Baumann, *Der Orient für Christus. Johannes Lepsius: Biographie und Missiologie* (Giessen: Brunnen, 2007).

[17] ZOCD, press release 10 Nov. 2014.

[18] French Debate with Turkey on the recognition of the Armenian Genocide of 1915-17.

[19] The wars waged by the neighboring countries to Israel took place in: 1949, 1956, 1967, 1973, and on Lebanese soil in 1978, 1982, 1996, 2000 and 2006.

does not conceal the disenchantment of intellectual Lebanese and Syrian Christians, who saw a problem in the hierarchical influence of the church that was recognized and supported by the state. They considered it to be an obstacle for their spiritual development and freedom of thought. Therefore, some of them represented a radical secularism.[20] But they also attempted to escape Islamic Sharia and to enhance a religious and ethnic pluralism. The Baath Party emerged from this movement and seized power in Syria and Iraq, with minor ideological differences. Both parties succeeded to a certain extent in imposing their secular ideologies on the major section of the population of both countries. Unfortunately, one has to admit that the left-wing oriented Christians played a significant role in the system of both countries, which deepened the roots of antagonism of the Muslim-oriented segments against Christians in both societies. Logically therefore, the elimination of Saddam Hussein in 2003 meant simultaneously the loss of political influence and privileges of that political stratum. In conjunction with this a gradual persecution took place against the Christian minority which had never been entirely free from oppression at the hands of the Shiite majority in Iraq and the Sunni majority in Syria. In the case of Iraq's Christians, three wars caused the decrease of the Christian presence: The Iraq-Iran War, the first Gulf War and the raid of America on Iraq in 2003.

Parallel to the abovementioned developments in the 20th century, the response on the Sunni side was the rise of political Islam. Muhammad Abduh, Rashid Rida, Hasan al-Banna, Sayid Qutb, Sayid Abu l-Ala al-Mawdudi, among others, laid the foundations of the ideology of modern political Islam, expressed in the Muslim Brotherhood and Salafism. It found a fertile soil in the Islamic world, responding to the communist and socialist raids on the Arabic House of Islam, where they gained the upper hand in Syria, Iraq, Egypt, Algeria, South Yemen, Afghanistan and partly in India. The fronts became clear: NATO had to prevent the Soviets from benefiting from the warm waters (Mediterranean and Indian oceans) and expansion in the emerging countries and established the Baghdad Pact of Turkey, Iraq, Iran, and Pakistan; but after the *coup d'état* of 1958 Iraq left the pact.

With idealistic, logistic and financial support from the West, as well as from Saudi Arabian *Wahhabism* and the Petro-Dollar from several oil-producing countries, the uprising began in several countries. The first climax of aggressions in Egypt in the 1970s by the Muslim Brotherhood against Christians and their properties culminated in the assassination of President Anwar as-Sadat on 6 October 1981 by Jihadists. An attempt by the Muslim Brotherhood in 1981-82 was crushed when Islamists in Algeria tried to gain power through the ballot box and although in 1990

[20] Albert Hourani, Die Geschichte der arabischen Völker, Translated from English by: Manfred Ohi and Hans Sartorius, Frankfurt am Main, Oct. 2000, p.376-382. Original: A history of the Arab people, London, 1st ed. 1991.

they won the first election, the army took over and suppressed the new political modernistic Islamism. In the meantime, the Mujahideen supporters, with logistic support from the West, managed to defeat the Russians in Afghanistan and forced them out of the country. The disintegration of the Soviet Union led to the addition of the Central Asian states to the number of Muslim states in the OIC.[21] A nationalistic and religiously motivated war (1995) was then provoked in the Balkans to destroy the last Russian vassal state. Massacres were committed against Muslims in Bosnia and Herzegovina. This aggravated the Muslims and emotions of the masses on the streets of most countries in the Arab and Muslim world leading them to retaliate for their co-religionists in the Balkans. The intense feelings against the West increased. Tourists were assaulted and, especially in Egypt, the hatred was increasingly directed against the native Christians. Political Islam was gaining confidence. In order to achieve an Islamic identity, all means were justifiable for the Islamic movements which ranged from political activism to intimidations and terror assaults against western institutions.

The terror of 11 September 2001 and the international reactions against Al Qaeda strongly affected the Muslim world. The campaign – led by the USA and NATO – created an aversion against the native Christians, because of the link between them and the West. The raid on Iraq in 2003 resulted in a new political confidence among the Shiite majority that inflamed the religious Sunni-Shiite conflict and led to severe suffering of other ethnic and religious groups. Furthermore, occurrences like caricatures of Muhammad, the speech of Pope Benedict XVI in Regensburg in 2006 and other events inflamed the antagonistic feelings towards Christians and made them vulnerable to all kinds of suppressions caused by events which they neither approved of nor were concerned with.

Are executions and the crucifixions that followed in Saudi Arabia[22] according to the Islamic Sharia not a defamation of the Christian faith and the seed of what happened in Libya and at the hands of ISIS in ar-Raqqa and elsewhere? Do such events contribute to confidence in the hearts of Christians to feel at ease with the situation and to remain in the Arab world? Is there a connection between the abovementioned massacre of 21 Copts (in February 2015) and the killing of 21 Copts on New Year's Eve 2011 in a church in Alexandria? Could there be a message behind the two incidents or may they even be related to the same ideological understanding and regional group? Radwan as-Sayyed suggests:

---

[21] Organization of Islamic Cooperation, established in 1969.

[22] Ahmad Ash-Shamlani was executed and then crucified on 29 May 2009. Another Yemeni person met with the same fate on 27 March 2013 in the city Jizan in the Holy week, http://www.france24.com/ar/, 28 March 2013.

> It is obvious in the Iraqi case that there is a systematic banishment of Christians there. ... The situation is in fact in Egypt different than that in Iraq but the phenomenon is the same. ... Christians in Egypt suffer from a lack of religious rights, suffer from their neighbors, and suffer from the negligence or at least slackness of the authorities in protecting them. ... Due to the dispersion of Christians in the whole country it is therefore the radical Islamists in most cases who initiate the assaults against Christians.[23]

After the removal of President Muhammad Mursi in July 2013 and the dismantling of the civil blockade of the Muslim Brotherhood of ar-Rabia Square in August, confusion and disturbances spread all over the country. The Christians were becoming worried because in al-Minya the possessions and homes of Christians were destroyed – which is not unusual in the history of the Muslim world. A year later the same happened to the Christians of Mosul. The International Society of Human Rights reported: "On Sunday militant Islamists attacked and burnt houses and commercial buildings of the Christian minority in Ebzet Zakariya, a village in the upper Egyptian province of Minya."[24] The society reported that a number of Christian inhabitants were driven from their homes: "Some violent Islamists, named Jihadists, marked with a colored spray the houses and buildings of Christians in Upper Egypt, which a few days later were burnt down."[25]

Khoumeinism is the second Islamic movement. The unexpected unique success of the Khoumeini revolution in Iran, the sixth military power in the world at that time, resulted in a Shiite revival that was soon to be noticed in the Arab and Islamic world and beyond. The religiously motivated politics found fertile soil in Lebanon, Iraq, Bahrain, Yemen, North Africa, etcetera. The Iraq-Iran War of 1980-1988, supported by the Gulf States, was supposed to hinder the spread of the Shiite interpretation of the Quran and the political influence of the Mullahs. However, the opposite has happened as the Iraq Wars 1980-1988 against Iran, in 1991 against the World Alliance and in 2003 with America, weakened the Sunnite power to protect the Gulf Region against the overwhelming power of the movement. This was exacerbated by the population explosion of the Shiites. Hizbollah in Lebanon, the Syrian regime and Iraqi Shiites built a strategic bridge from Iran to the Mediterranean from where missionary movements were heading to North Africa. No matter how one looks at the war between Israel and Hizbollah in 2006, the masses on the streets in the Arab world in those days regarded

[23] Radhwan as-Sayyed, "How long will the campaign persist against the Christians and why?" 4 Jan. 2011, http://tinyurl.com/aawsat2011.

[24] Internationale Gesellschaft für Menschenrechte = International Society for Human Rights.

[25] "Zahlreiche Häuser der christlichen Minderheit angezündet, Kopten vertrieben. IGFM: Dschihadisten geben Häuser von Christen zur Brandschatzung frei", 30 Sept. 2013, http://www.igfm.de/laender/aegypten/.

the war against Israel as a restoration of the lost Arab dignity and identity. The sad result is a gradual evacuation of Christians from South Lebanon and their emigration from the country because the Hizbollah with its sophisticated weapons has neutralized the politics of the country. It is only a matter of time until the last Christian multi-ethnic and multi-religious state on the continent disappears. Simon Faddoul, president of "Caritas" in Lebanon summarizes the situation saying:

> I should just confirm that we Christians are the largest losers and scapegoats for the development in the Near East. ... The Western engagement in the Middle East is full of contradictions. On the one side the West wants to enhance democracies and on the other hand it supports theocracies. It preaches on the one hand laicism and separation of state and religion while on the other it supports countries in which Islam alone is the state religion.[26]

2.2 The present situation

Up to this point, the uprisings have revealed an evident struggle for power between four major adversaries in the Arab societies: political Islam, Islamism, ancient regimes defending the *status quo,* and liberals and youth striving for freedom and change. Besides all this we are witnessing a major trend to ethnic and religious sectarianism between Sunnites and Shiites that is governing the behavior of many conflicting fractions in the region. Due to the distress caused by the Islamists in several countries, no matter which affiliation they belong to, liberals and the youth have mainly sided with the military power. The director of Al-Arabia TV-Channel drastically puts it to the point: "From Syria to Mauritania and South Sudan, Arab republics are the outcome of the religious and militant institutions. As long as these two institutions maintain the grip on power, the region will never advance into an era of civilized democracy. The Arab democracy crisis, whether real or assumed, will often lead to repressive regimes led by religious men or militants."[27]

These uprisings have been greatly influenced by globalization and modern technology. Mobilization and communication have played a major role in the latest developments taking place in the Middle East and North Africa.[28] Modernity was never so far away, yet so close to the people in the remotest areas of the Arab world. It is defined by the perspective with which people look at the situation today.

---

[26] "We Christians are the losers of the Arab Spring", André Stiefenhofer interviewed the Lebanese Caritas-President, Simon Faddoul, Rome, 26 Apr. 2013, ZENIT.org

[27] Abd Al-Rahman Al-Rashed, website of Alarabiya TV, 26 April 2014, Translation of a special dispatch of memri, No. 5722.

[28] See mainly the role of the TV-channel al-Jazeera in first supporting and fuelling the uprisings, then in presenting the news in a very one-sided manner.

One can say that the cradle of the Christian faith in the second decade of the 21st century is witnessing the most horrific incidents: confusion, chaos, excessive coercion, use of chemical weapons, abductions and public executions, deportations and massacres in the "House of Islam." This volcanic eruption in the Arab world has shaken the feelings of the Muslims and compelled them to reconsider what is happening within their own house.[29] These outrageous developments have also deeply stirred the civilized world. The mass media are kept busy pouring out daily news and images of executions of "apostates" that are being disseminated through the electronic media around the world. What was supposed to be "the Arab Spring" left us with over 300 000 victims in Syria alone, and a great number of casualties, and wounded and physically disabled people from every denomination and affiliation. "The Arab Spring" resulted in millions of displaced people, whose fate is changing the present demography of the Middle East and North Africa.

Nevertheless, some talked of "the Arab Spring" because for the very first time in their history people could to a certain extent – at least at the outbreak of the "Arab Spring" – express their opinions frankly, openly and freely without fear of death. They were able to demonstrate in some countries and speak out loud on social and political issues. However, does this "Arabic Glasnost Era" apply likewise to the Christian religion? What has happened to those Christians throughout history, who criticized religious institutions and practices?

3. The cradle of Christianity at stake

The above description of the developments endangering the Christians in the Middle East[30] shows the extent of the chaotic events leading to a massive exodus of native Christians from the region to Western countries, which has become irreversible. Even in the Kurdish region, Christians are not willing to stay any longer for fear of the Islamic State. The vicar of the Syrian town of Qamishly, Abd al-Masih Yusuf, commented on the situation: "Before the crisis 5 000 Syrian Orthodox families lived in Qamishly. ... Since then more than every second person has left and emigrated."[31]

3.1 Christianity on the eve of the "Arab Spring"

Already before the beginning of the "Arab Spring", the European Parliament expressed its concerns in the resolution of 20 January 2011 regarding the critical

[29] See the letter of 126 Muslim clerics and intellectuals against the leader of IS, Abu Bakr al-Baghdadi, 27 Sept. 2014: http://lettertobaghdadi.com/

[30] Prince Charles uttered his concern about the persecution of Christians in the Middle East at a Christmas meeting with other religious authorities on 17 Dec. 2013.

[31] Rainer Hermann, 'Die letzten Christen von Qamischli', 24 Nov. 2014, http://tinyurl.com/RH-FAZ2014.

situation of Christians in the context of freedom of religion in several countries of the Middle East. § 1 reads:

> The EU condemns the recent attacks on Christian communities in various countries and expresses its solidarity with the families of the victims; expresses its deep concerns about the proliferation of episodes of intolerance, repression and violent events directed against Christian communities, particularly in the countries of Africa, Asia and the Middle East.[32]

And in § 4: "The EU is concerned about the exodus of Christians from various countries, especially Middle Eastern countries, in recent years."[33]

Historic Oriental Christian churches and individual Christians and families in the Middle East and North Africa have become a target of this ongoing tragedy and their destiny is at stake. Former Jordanian information minister, Salah al-Qallab, already warned the public in 2008, saying: "If the harassment of Christians in the region continues, we will soon become like a dying tree. The multicultural [Middle] East, with its variety of possibilities for man to connect to God, will become a large, unyielding, and lifeless rock."[34]

In the face of this the Kuwaiti columnist Ahmad al-Sarraf resorts to bitter sarcasm: he demands that Christians leave the region immediately so that the Muslims can massacre each other. In the newspaper *Al-Qabas* he wrote: "Get out, we hate you, we don't want you any more amongst us. We are tired of it all – advancement, civilization, openness, tolerance, love, brotherhood, living friendly together and being considerate. Get out at last!"[35]

This calamity shows that social structures and infrastructures are evidently breaking down on all levels in some key countries of the Middle East and North Africa. New political Islamic classes are emerging and trying to gain the upper hand in most countries of the Arab world and are calling for a traditional conservative and literal interpretation of the Qur'an. It is indeed a momentous time in the history of the Arab world that caused the influential writer in the Gulf Region, Jamal Khashoggi, to ask:

> What has gone wrong? ... All those who babble about the foreign conspiracy suppress the truth and close their eyes to our own mistakes. … They have mistaken tyranny for stability, they have ignored social impoverishment of peoples, believing

[32] Situation of Christians in the context of freedom of religion. http://tinyurl.com/Europarl2011.
[33] ibid.
[34] Al-Rai Jordanian Daily Newspaper, 4 June 2008.
[35] Martin Gehlen, 'Muslimische Intellektuelle begehren auf', Kairo, 30 Aug. 2014, http://tinyurl.com/MG-Z-2014.

> religious life is to be passive and inactive; and religion in general to serve to legitimize authority. Yet no one will admit their mistake. Thus the flood of extremism is the only thing that is moving forward.[36]

A short description of the situation in some countries serves to illustrate the awkward situation of the historic and the Protestant churches in the Middle East. In the countries that were chosen, Christianity had existed since its birth. The countries represent the Arab, Turkish and Persian worlds and the endurance of Christianity there.

3.2 Iraq

The process of the migration of Christians from Iraq began many decades ago, but was accelerated due to the war of 2003 and the subsequent intimidations, culminating in a shocking terrorist attack in 2010. It is said that the largest wave of Christian migration from Iraq in modern times began after the terror attack on the Sayyidat an-Najat church in 2010. According to some sources over 4 000 families left Baghdad within three weeks.[37] Car explosions, economic pressure, the displacement of ethnic and religious groups within the country, led to insecurity and are to be regarded as factors that robbed the Christians of their resolve to remain in the country. Tom Holland, an author and historian of antiquity, says that "religious diversity in Iraq and the region is at risk from the extreme interpretations of Sunni Islam espoused by groups such as ISIL. Along with Christians, Shia Muslims and ancient sects tracing their history back to Babylonian times, such as the Yazidis and Mandeans, have become subject to persecution and been pressured to flee their native lands."[38] Holland refers to the tragedy of the Iraqi Christians, saying: "The problem for Christians, though, was that they had no homeland. Now, as the inadequacies of the Western model of the nation-state in the Middle East are brutally exposed, they find themselves with nowhere to hide."[39]

Therefore, what happened in Mosul and the plain of Nineveh was to be expected. In the summer of 2014, all over the plain of Niniveh and Mosul in Iraq, the Christian residences were marked with the Arabic letter *NOON*, resembling Nazarene, that is, the name for Christians in the Qur'an, in order to identify them for destruction. Two weeks later, a swift raid of ISIS against the region brought the Sunnite districts of Iraq under their control. The Christians were given an ultimatum and had three

---

[36] ibid.

[37] http://alhayat.com/Articles/6182410/, 11 Dec. 2014.

[38] Nigel O'Connor, "Iraq's Christian refugees linger in Jordan", http://tinyurl.com/NOC-AJ2014, Last updated: 6 Dec. 2014.

[39] ibid.

choices: the embracement of Islam, the payment of jizya (the special tax for the people of the book) or death. Nual Ibrahim, a former resident of Mosul, told Al-Jazeera: "They said, 'convert to Islam or die', and they gave us one day to decide, so we fled."[40] Before the deadline was reached, about 1 200 families fled from their home-town Mosul, leaving behind them all their assets and possessions.[41] They were even robbed of their belongings, documents and money. These terrifying events, together with the attempted annihilation of the Yazidi religious community through ISIS showed that religious minorities are not wanted in the region.[42] An Iraqi refugee in Amman, Najem Handaniyeh, said in an interview to Al-Jazeera: "Any Christian still in our home city is now either a Muslim or dead."[43] The report of Al-Jazeera continues: "Mosul, which was seized by ISIL this summer, and surrounding towns on the Nineveh Plain were the heartland of Christianity in Iraq and home to a host of liturgical traditions, ancient monasteries and churches. That history is quickly being eradicated. Qaraqosh, which was the largest Christian city in Iraq and home to 40 000 people, fell to ISIL in August (2014)."[44]

According to Archbishop Warda it obviously became easy for the majority of the Sunnite population to collaborate with ISIS[45] in order to expel their undesired and alienated neighbors and take over their possessions.[46] Archbishop Warda commented: "The expulsion of Christians from Mosul and the Nineveh Plain was not only a shock: it was genocide. It was a crime against humanity." It disturbed him that Iraqi Muslims did not distance themselves from "the Islamic State." They seemed to be more concerned that the attacks had damaged the international prestige of Islam.[47]

Due to this situation Christians are lacking confidence and courage and it is almost impossible for them and other minorities to return to their original places and claim back what they have lost through their abrupt exodus from the region. Jamie Merrill writes:

> Father Yako recalls that "before Qaraqosh was taken by Daesh [Arabic acronym, i.e. IS Islamic State] there were many slogans by the KRG saying they would fight as hard for Qaraqosh as they would for Irbil. But when the town was attacked, there

[40] ibid.

[41] "Christians after Mosul: The Middle East is no longer an appropriate place to live in". In Arabic Language, 23 Aug. 2014, http://alhayat.com/Articles/4255410/

[42] Patriarchen der Ostkirchen: "Christen und andere sind Minderheiten in Gefahr: Beendet die Gewalt", Fides News, 28 Aug. 2014.

[43] Nigel O'Connor, "Iraq's Christian refugees ...".

[44] ibid.

[45] "Wir Christen wurden von Bagdad im Stich gelassen", zenit.org, 6 Oct. 2014.

[46] This is an example of hundreds of articles on the issue of sectarianism: "In a back-and-forth battle, an Iraqi town splits on ethnic lines". 16 Nov. 2014, http://tinyurl.com/NPR2014-Blog.

[47] "Wir Christen wurden von Bagdad im Stich gelassen", zenit.org, 6 Oct. 2014.

> was nobody to support us." He says that the Christian society in Iraq is still shocked by the way in which the Iraqi and Kurdish Governments failed to defend them. … Mounting persecution since 2003 and now the final calamity of ISIS taking Mosul and the Nineveh Plain has convinced many that they can no longer stay there. The Archbishop suspects that even if ISIS can be driven back and Christians can return to their homes, half of them will only stay long enough to sell their property. Almost exactly a hundred years after the Armenian Christians in Turkey were slaughtered or driven into exile, the end has come for the Christian community of Iraq. "Have no doubt," Archbishop Warda concludes, "that the IS massacre is a tragedy."[48]

The Syrian Catholic Patriarch of Antioch, Ignatius Youssef III Younan said in an interview with the English edition of Zenit:

> The challenges of the Christian families in Iraq and Syria are in the first place not carrying out their Christian calling, but the question how they will survive." In conclusion Younan said he was concerned about the situation of the people in Iraq and Syria and appealed to the nearest, especially the Western, countries. He had to continually encourage the people not to give up their hope for democracy, true peace and religious freedom.[49]

In an open letter to the "Muslim brothers and sisters" during an international conference organized by Saudi King Abdullah b. Abd al-Aziz for a religious and intercultural dialogue in November 2014 in Vienna, the Chaldaic Patriarch Raphael I called on the leading representatives of the Islamic community "to take over the responsibility to take over the fight against a grim Islamic extremism, which was a deadly danger for all Christians in the Middle East and no less dangerous also for Muslims."[50]

3.3 Turkey

The Christian history in Turkey has witnessed similar deportations. The French consul in Diyarbekir informed his ambassador on 2 November 1895 of the three days of bloodshed in the city. It was ordered by Abdulhamid II and known by his name. "Hawar! Hawar!" (Rescue! Rescue!) the Christians shouted in Kurdish. 30 000 were dead or missing, 119 villages were turned to ashes. Thousands of stores

---

[48] Jamie Merrill, Independent, 23 Nov. 2014, http://tinyurl.com/JM-I2014.

[49] Patriarch Younan: "Middle East families are facing a great challenge", Rome, 21 Oct. 2014, http://www.zenit.org/en/articles/patriarch-younan-middle-east-families-are-facing-a-great-challenge.

[50] "Irak: Barbarei im Namen des Islam erinnert an tödliche Ideologien des 20. Jahrhunderts" - Chaldäischer Patriarch fordert Stellungnahme muslimischer Religionsvertreter. Zenit.org, 20 Nov. 2014.

and private houses of Christians were plundered. Diken is being quoted as having said in this article:

> It is the final rehearsal of what happened in 1915… On 12 August 1915 the governor of the province Diyarbakir, Vali Dr. Mehmed Reshid Bey, received the order from Istanbul to drive out the Christian population to Syria. ... The Tsherkessic doctor sent a telegraph on 18 August communicating that he had succeeded in expelling 126 000 people within three days. ... There are some reports that tossed people were robbed of their clothes and jewelry outside the walls of the city. Everyone could come and do with the people what he wanted. Some took girls and women and married or raped them. ... According to official statistics dating back to 1914, 72 926 Armenians lived alone in Diyarbekir, 9 660 Catholics, 7 376 Protestants and the rest being Gregorian-apostolic Armenians.[51]

This tragedy occurred in 1915 to both Armenians and oriental churches in Turkey due to a governmental decree – Farman – legitimizing assaults against Christians all over the country. Ursula August, the present German female pastor in Istanbul writes:

> Today there are hardly any Christians in Turkey. Altogether there are 0.14% in the whole population. The reasons for this are the pan-Islamic as well as the national Turkish powers and movements. To be more specific it was the genocide of the Armenians during World War I as well as the exchange of people between Greece and Turkey after the Lausanne Agreement of 1923, by which almost half a million Orthodox Christians had to leave Asia Minor.[52]

The successive Turkish governments have suppressed the recognition of this Christian tragedy. They have neither recognized this dark chapter of their history till now, nor reconciled themselves with the small minority of Christians left in the country. The country of "the seven churches" of the book of Revelation has consequently become almost void of its native Christian community. The Turkish government is trying to change historical Christian monuments, transforming former churches into mosques.[53] Even the demonstrations at Taksim Square because of Gezi-Park showed this. The demonstrations were about removing trees, and they did not know that in former times there had been Armenian ruins that were transformed into a

[51] Mely Kiyak, "Die fehlenden Armenier von Diyarbakir", http://tinyurl.com/MK-Z2013, 9 Aug. 2013.

[52] Ursula August, "Toleranz auf Türkisch", Mitteilungen aus Ökumene und Auslandsarbeit 2013, pp.10-12, http://www.ekd.de/international/berichte/90953.html.

[53] Idea-online.de, 29 Aug. 2012.

park[54] in an attempt to eradicate Christian history in Turkey. The legal struggle for regaining Christian monasteries like Mor Gabriel in South East Turkey is a clear indication of the subtle method of making life uncomfortable for Christians in the country so that they will leave.

August sees the problem of the Christian denominations deeply rooted in the Lausanne Agreement of 1923:

> According to the Turkish definition of the Lausanne Agreement, however, the only minority groups were those living in Turkey at the time when the Agreement was signed i.e. the Armenians, Bulgarians, Greeks and Jews. Not recognized as religious minority groups were the Syrian Orthodox and Catholic United Churches and the Protestant Churches, planted after 1923. Recent foreign Christian churches are in the same way not recognized as falling under the clauses of Lausanne Agreement.[55]

Therefore, it seems logical and consequent for policy makers in Turkey, when the sedentary process against the criminals after the killing of three Christians in Malatya in the year 2007 shows the obvious unwillingness to punish the transgressors. "The five perpetrators arrested at the crime scene had already been released from prison in March 2014 and have since been allowed to live at home with their families. ... During the trial, it became clear that a shadowy nationalistic organization, known as 'Ergenekon' was associated with the attack on the Zirve Publishing House."[56] August continues in her report saying: "All non-Muslim minorities in Turkey have a common problem: that many of the rights formulated by the Agreement are not carried out and that people belonging to these minorities are not recognized by law."[57]

In order to feel secure in a surrounding, one has to experience a genuine equilibrium. In this connection Kamal Sido describes the injustice committed against the Christians in most Muslim states: "Crimes against Christians must be punished just like all other crimes."[58] The EU made recommendations to the countries of the third world, demanding this right for the Christians in § 2:

---

[54] Fiken Shitirian, "Another secret under the Park of Gizi in Istanbul", http://alhayat.com/Details/529612, 5 July 2013.

[55] Ibid., Ursula August, p.10-11.

[56] www.MEConcern.org 22 Jan. 2015.

[57] Ursula August, p.12.

[58] Kamal Sido, Tonja Klausmann, Threatened by changes: Christian minorities in the Middle East, Published by the Society for Threatened Peoples, March 2014, p.19. Dr. Radwan as-Sayyed analyses the injustice against Christians in Iraq and Egypt after the attack on a church in Alexandria 31 Dec. 2010. He further complains that there has been no real punishment for the committed crimes against Christians in both countries. Radhwan as-Sayyed, "How long will the campaign persist against the Christians and why?" 4 Jan. 2011, http://tinyurl.com/aawsat2011.

> …welcomes the efforts made by the authorities of the countries concerned to identify the authors and perpetrators of the attacks on Christian communities; urges the governments to ensure that perpetrators of these crimes and all persons responsible for the attacks, as well as for other violent acts against Christians or other religious or other minorities, are brought to justice and tried by due process.[59]

Also Amnesty International has criticized the lack of basic human rights in Turkey, and describes the situation as an inacceptable status.[60]

Nevertheless, mission agencies have not given up the hope that the situation may change: "The New Life Church in Gaziantep has now become a legal entity through registration as an association."[61] These positive signals have been put into the right perspective in a prayer request that: "those in authority will respect the freedom and rights of Protestant Christians, churches and workers in Turkey."[62]

3.4 Israel / Palestine / Jordan

The Holy Land has also experienced a tragic exodus of Christians. On the official website of Pope Francis' visit to the Holy Land the media published this statement: "The Holy Land is the home of 80 000 Christians who are by their culture and history Palestinian Arabs … In 1948 the Christians were about 10% of the Palestinian population. Today they are less than 2%."[63] Christians began to emigrate involuntarily from the Holy Land with the declaration of the State of Israel in 1948, the Intifada, the annexation of the West Bank in 1967, the Intifadas, and the erection of the wall. "The present radicalization of Muslims has weakened the Christians, especially among the youth, in their desire to remain in the country."[64]

Gaza Christians have suffered mostly because of the Islamic radicalization. According to research done by the Konrad Adenauer Foundation in Berlin, about 10 000 Christians lived in Gaza in 1967. Presently, their number does not exceed 1 300. "If the emigration of Gaza Christians continues, the 1 700-year-old Christian fellowship in Gaza will soon become history." The research proceeds to describe the importance of Gaza by saying: "In the 5th century Gaza was an important Christian center and constituted after Jerusalem the largest conglomeration of monastic

[59] http://tinyurl.com/Europarl2011.
[60] "Amnesty International: Türkei missbraucht Anti-Terror-Gesetze als Maulkorb", Zeit-online.de, 27 March 2013, http://tinyurl.com/AI-Z-2014.
[61] MEConcern.org, 4 Dec. 2014.
[62] www.MEConcern.org, 4 Dec.2014.
[63] Lateinisches Patriarchat von Jerusalem, *4 Nov. 2014.*
[64] Firas Abedrabbo, zenit.org 4 Nov. 2014.

life in Palestine."[65] Spiritual care can only be sustained through foreign help. The study declares: "Already all the Catholic and Orthodox priests and Protestant clergy come from abroad."[66]

It is an open secret that Christians are a casualty of the military operations between the Egyptian army and the radicals in Rafah:

> Several Christian families in Rafah near the border with the Gaza Strip found leaflets left on the doorsteps of their homes or shops in September 2012 that asserted that the area was "an Islamic Emirate" and demanded that all Christians leave within 48 hours. ... In response several Christian families left the town. Other Christian residents who worked in the public sector approached their employers and asked to be transferred to another town. ... This development follows an arson attack against a church in the same town on 2 January 2011, which also prompted some Christians to leave the town.[67]

It is however, necessary to point out a specific problem for Protestant Christians: that "although evangelical churches have been active in the Holy Land for many years, they are neither recognized as denominations by the Palestinian Authorities nor by the Israeli government." The former Secretary General of the World Evangelical Alliance, Geoff Tunnicliffe, in March 2014, drew attention to this issue:

> It is more than time that this recognition should be granted. I call upon the government of Israel and the Palestinian Authorities to grant this recognition. This is not only a call for justice and democracy but it will also create a more stable context. ... Treating them as third class citizens does not empower them to reach such a shared goal or even remain in the land.[68]

In the Hashemite Kingdom of Jordan the Sunnites have become the dominant population, despite the tolerant attitude of the Hashemite Dynasty towards the historic churches. The reasons for the decrease of Christians down to 5% in the Jordanian population[69] correlate to a large extent with those mentioned for Israel and the West Bank, due to the Arab-Israeli conflict. In the year 2014 "the Protestant Grace Church in Amman has been under regular scrutiny because of its extensive work amongst

---

[65] www.idea.de 20 Dec. 2014.

[66] ibid.

[67] MEConcern.com, 4 Oct. 2012.

[68] MEConcern.org, 23 Oct. 2014.

[69] Rula Samain, "Christian emigration: mildest in Jordan vis-à-vis region, but worrying enough economic pressures to blame, but other reasons not ruled out", 9 Jan. 2012 | 00:39 http://jordantimes.com/christian-emigration-mildest-in-jordan-vis--vis-region-but-worrying-enough

Iraqi and Syrian refugees. ... In response to questions from intelligence officers as to why so many Muslims attend their church center, church leaders emphasized that they serve all who are in need, regardless of their religious background."[70]

3.5 Iran

We need to differentiate between the traditional ethnic Christians and the new Christian movements in Iran. The Armenian and Syrian Christian churches have more or less adjusted to the situation even if their members are not able to live as they wish: they are systematically discriminated against in education and at the workplace and the women have to comply with the laws of compulsory use of the veil. The Christians and members of other recognized religions such as the Jews and Zoroastrians are considered "Dhimmis," second class citizens, because they do not possess the same rights as the Shiites.[71]

Protestant churches and house-churches are raided and believers who are willing to take the risk of accommodating converts and accept the social challenge of welcoming Muslims interested in the Christian faith into their communities are being imprisoned. Out of several hundred examples, it is sufficient to recall the harassment of the church in 1994 after the assassination of Mehdi Dibaj and the imprisonment of Haik Hovsepian-Mehr. Another recent incident illustrates the point more vividly "Seven believers were arrested in Shiraz on 8 February 2012 when their fellowship meeting was raided. An associate was also arrested at the same time in his home. In June 2012 the seven were found guilty of 'attending a house-church, spreading Christianity, having contact with foreign ministries, propaganda against the regime and disrupting national security.'"[72] The authorities could utilize any of these stigmatizing accusations against anyone at any given time in order to forbid him and his group to be religiously active. This psycho-terror obviously impacts Christians all over the country. This is why the Syro-Aramaic Iraqi human rights activist, Kamal Sido, appeals to the Pope to defend the Christians of the region "to ensure that the Christians have a future in the Middle East, Pope Francis should advocate for unrestricted freedom of belief and equality for all religious and ethnic groups before the law and in the constitutions of the respective countries."[73] The article quoted at the beginning of this article[74] comes to the same conclusion and asks: "Who is in the position of charging the religious and political Arab leaders who are

[70] MEConcern.org, 27 Nov. 2014.

[71] Michaela Koller, "Christen sind Bürger zweiter Klasse", Interview mit dem Iran-Experten Wahdat-Hagh über die Christenverfolgung in Iran, Brussels, 30 Oct. 2009, http://www.zenit.org/article-18956?l=german.

[72] www.meconcern.org, 17 Nov. 2014.

[73] Kamal Sido, Tonja Klausmann, Threatened by changes: Christian minorities in the Middle East, Published by the Society for Threatened Peoples, March 2014, p.19.

[74] Ash-Sharq al-Awsat, 30 Dec. 2014.

responsible for the tragedies occurring in the Arab world today?" The article ends with the question: "Where are the scientific centers which offer the objective political analysis for the young generation about what has happened in the last 50 years of our history?"

4. Religious freedom for Christians?

The spiritual development of the individual and free choice of conscience both belong to the human rights in Article 18 of the Universal Declaration of Human Rights. These are "irrevocable values that cannot be subject to decisions. Among them are the sanctity of human life, human dignity… and freedom of religion, for which the Christians of our time pay the highest price through discrimination, persecution, and elimination."[75] The tragic consequences for indigenous Christians have already been illustrated in this paper. Excerpts from the following report indicate the urgent necessity of permitting non-Muslims to enjoy freedom of faith and conscience. The Ecumenical Report on the Persecution of Christians 2013 complains about the excessive restrictions of the freedom of self-expression for Christians.

> It is evident that the restrictions in religious freedom since 2007 have increased, especially in the countries in the area of Saudi-Arabia … many countries with a bad evaluation can be found in the Middle East and Asia, that means in regions where one religion has privileges and others are excluded. The examples of these countries lead to the conclusion that the restrictions come from the government hand in hand with the social circumstances and are often strengthened by their interaction. Christians are particularly pressured when they represent a minority in authoritarian states.[76]

This is exemplified looking at Iran where "liberal Muslims say that there is no compulsion in Islam. But according to Islamic law, it is not allowed for a Muslim to defect from the religion, because the Quran is the last valid Word of Allah. This means for Iran that there is neither religious freedom nor freedom of conscience. Consequently, every other kind of freedom is missing: rights for women cannot exist in the Islamic Republic of Iran, nor can there be freedom of the press. The right to meet together and form an organization is affected too. Even more so the right for an apostate to live at all is annulled. Since the time when all laws in Iran were derived from the Islamic Law the freedom of faith and of conscience are forbidden by the constitution."[77]

---

[75] ZENIT, online-service 22 Dec. 2011.

[76] "Ökumenischer Bericht zur Lage der Religionsfreiheit von Christen 2013", p.53. The report was presented by bishop Martin Schindehütte and archbishop Dr. Ludwig Schick in Berlin on 1 July 2013.

[77] Michaela Koller, "Christen sind Bürger zweiter Klasse", Interview Mit dem Iran-Experte Wahdat-Hagh über die Christenverfolgung in Iran, Brussels, 30 Oct. 2009, http://www.zenit.org/article-18956?l=german.

This applies to almost every Islamic state in the region. Until 2010 Egyptian Christians were forced to abide by these legal restrictions although some remarked that they "do not want to cope with old tradition anymore that says they have to apply for permission from the president of the state to install a new church building or renovate an old one."[78] The European Parliament, being informed about all these cases, called attention to the necessity of granting the minorities in the Islamic world freedom of faith and conscience. In its resolution of 20 January 2011 on the situation of Christians in the context of freedom of religion, one can read in § 3 that the European Parliament "strongly condemns all acts of violence against Christians and other religious communities as well as all kinds of discrimination and intolerance based on religion and belief against religious people, apostates and non-believers; and stresses once again that the right to freedom of thought, conscience and religion is a fundamental human right."[79] Christians ought to remind the European Parliament continuously of its promised resolutions and demands made in 2011. It committed itself to the support of Christian affairs through its institutions: according to § 12 it "Invites the forthcoming External Affairs Council on 31 January 2011 to discuss the question of the persecution of Christians and respect for religious freedom or belief, which discussion should give rise to concrete results, especially as regards the instruments that can be used to provide security and protection for Christian communities under threat, wherever in the world they may be."[80]

Günter Nooke, the German Chancellor's personal representative for Africa in the Federal Ministry for Economic Cooperation and Development, writes in an article on the persecution of Christians:

> Religious freedom is a very special human right: one of the oldest and most fundamental rights of all. It was forgotten for a long time, but now it is in great demand: especially in view of the terrible acts of the IS terrorists that flicker over the TV screens into our living rooms. Freedom of faith and conscience offer the most possibilities in the political context to terminate misunderstandings. In Germany at this time a factual discussion with the majority of the population is made difficult by the fact that "the people have forgotten that they have forgotten God." Unlike most other states therefore people in political and administrative authority here understand freedom of religion as a freedom from religious connections.[81]

[78] Radhwan as-Sayyed, "How long will the campaign persist against the Christians and why?" 4 Jan. 2011, http://tinyurl.com/aawsat2011.

[79] Situation of Christians in the context of freedom of religion, § 3, http://tinyurl.com/Europarl2011.

[80] § 12 , ibid. http://tinyurl.com/Europarl2011.

[81] Günter Nooke, "Verfolgte Christen sind eine Mahnung an uns! ", http://tinyurl.com/GN-idea2014, 23 Oct. 2014 (translation mine).

The prohibition or restriction on financial aid other than money that accrues to the state poses serious difficulties to civil and religious societies in the Arab world, affecting non-governmental organizations. In post-revolutionary Egypt, 44 persons were charged with illegal "foreign financing" and "missing permissions," among them various foreigners and the head of the German Konrad-Adenauer Foundation's office.[82] The arbitrariness of state permissions creates a climate of insecurity and fear. In Bahrain, the Indian Anglican congregations and Pentecostal churches had to obtain an official permit in 2007 and were threatened with forceful eviction.[83] The arbitrary detention of clergymen and lay members of congregations and house-searches also create a climate of fear and intimidation.[84]

Sometimes the entire Christian population is held responsible, for example, when in Egypt a Christian attracts the wrath of the Muslim majority, because of the picture of a Muslim woman on his mobile phone, or for other "offenses". Often all Christian families are cast out of the village.[85] The times for Sunday services are also restricted: in order to restrict the attendance of church services, the Iranian government outlawed services on Fridays, the public holiday.[86] Accusations of immoral behavior are also made: in Saudi- Arabia, the police frequently break up home congregations of Christian foreign workers under the pretext of "illicit mingling of men and women"[87] or of holding a dance party.[88]

4.1 Conversions to the Christian faith

The plea for freedom leads us to reflect upon one of the most awkward issues for Muslims in Christian-Muslim-Dialogues. It is also a point of disagreement between the churches, because of their differing understanding of mission. One thing is certain today: Muslims are becoming Christians! This challenge has exposed many historic Oriental churches to serious problems with Protestant churches. The reasons are plausible: the historical churches have been increasingly pressurized by the government to stop the activities of the younger churches because the historical churches have for centuries been the natural addressees of the governments in the

[82] http://tinyurl.com/Zeit-2012, 7 Feb. 2012.

[83] "Kirchen droht Zwangsräumung – Gemeinden sollen binnen zwei Wochen Genehmigung nachweisen", in: idea-online, 29 Nov. 2007.

[84] For example, the imprisonment of the pastor of the Assyrian Evangelical Church of Kermanshah / Iran, mec-online, 23.2.2010.

[85] In 2012, a Christian laundry owner burned a Muslim's shirt in Dahshur. For the first time, the government assisted the evicted Christian families upon their return. http://tinyurl.com/Dahshur2012, 8 Aug. 2012.

[86] MEC-online, 16.11.2009.

[87] MEC-online, 10.2.2012.

[88] idea-online, 5.8.2008.

Arab world. The Oriental and Catholic Churches want to maintain certain privileges and their assets.

There have also been protests against a strict interpretation of the Islamic Sharia on apostasy and defection from Islam. Although it is forbidden from an Islamic point of view for Christians to do missionary work among Muslims, it is rather Muslims who want to become Christians, led by their own independent convictions. Since the last decade of the 20th century, due to the globalization, churches and states are confronted with the phenomenon of conversion and with a new understanding of freedom of conscience and freedom of belief.[89]

Therefore, all Oriental churches are facing the inescapable decision to redefine their position regarding mission among Muslims. The ruling Anti-Mission-Codex in most of the Christian-Islamic roundtables, that is categorically separating mission from dialogue and seeing mission as religious intolerance, has to be removed in the East and the West. A taboo on Christian mission – for whatever reason – means the abandonment of the Christian core values. Thereby, the dialogue degenerates in the West into monologues and the assignment of demands on Muslim behalf, while in the East the Christians are urged to obey and abide by the Sharia law. An affirmation of the conversion serves as a touchstone for a real and honest dialogue. If the dialogue aims at an understanding among religions and a pacification of the world, it must be held in mutual respect. However, respect for every person also means that everybody should have the freedom to decide his/her own affairs.

Missionary activities and public Christian events are generally prohibited in Islamic countries, especially when those activities touch upon Islamic matters. This means that it is forbidden for Christians to defend themselves against false accusations made against their faith, while they have to keep silent, fearing the blasphemy law that has become a sharp weapon causing many conflicts.

Laws against blasphemy are often used as a fig leaf to hinder the activity of academics, dissidents, reformers, and human rights activists. They restrict the freedom of thought and seek to build a closed mentality regarding religion.[90] For example the Algerian penal code punishes "insulting the Prophet and other messengers of Allah or the defamation of the faith or the principles of Islam."[91] The charge of insulting Islam or the prophet Muhammad is extremely subjective and can be brought

[89] C. Schirrmacher, Defection from Islam: A Disturbing Human Rights Dilemma, IJRF 3/1, 2010, p. 13-38.

[90] "Religionsfreiheit droht Erstickungsgefahr", review of: Paul Marshall and Nina Shea, "Silenced: How apostasy and blasphemy codes are choking freedom worldwide" (Oxford University Press); the authors direct the Hudson Institute's Center for Religious Freedom, zenit online, 16.1.2012.

[91] Similarly in Kuwait: Stoyan Zaimov: "Offending" God, Quran or Muhammad Could Mean Death for Kuwait's Muslims, in: Christian Post, 4 May 2012 http://tinyurl.com/SZ-CP2012.

forward arbitrarily. In 2009, a man was imprisoned in Egypt because he had published links on his blog that Muslims found offensive.[92] The religious institution Dar al-Ifta announced in 2014 that eating in public during the fasting month of Ramadan would be considered an insult to Islam ("a form of chaos and an attack on the sanctity of Islam, a clear violation of the sanctity of the community and respect for religious freedoms").[93] In Algeria, the distribution of a Christian CD was deemed as an insult to Islam.[94]

In some countries, such as Afghanistan, Saudi Arabia, and Somalia, not only blasphemy but also conversion automatically entails capital punishment. When migration to another country is allowed, as in the case of the Afghan convert Abdurrahman in 2006, it is not because of human rights concerns, but due to exceptions regulated by Sharia, such as declaring the convert insane.[95]

In Algeria, imprisonment between 2 and 5 years awaits anyone who

> incites, constrains or utilizes means of seduction tending to convert a Muslim to another religion, or by using to this end establishments for teaching, for education, for health, of a social or cultural nature, or training institutions, or any other establishment, or any financial means... and makes, stores, or distributes printed documents or audio-visual productions or by any other aid or means, which has as its goal to shake the faith of a Muslim.[96]

Frequently, the charge of apostasy is connected with the accusation of spreading Christianity and acting against the state, and in Turkey also for insulting "Turkishness."[97]

A sentence from a Middle Eastern country exemplifies the judicial procedure and its societal consequences:

> ... based on the accusation and the request and the confession and the insistency of the accused in his apostasy in spite of giving him time and according to articles, we judge that proven apostasy is the crime of the accused, therefore we strip him of all his rights. Therefore his marriage with any women, Muslims or of the "People of the Book," is annulled since the date of his apostasy and all documents signed

---

92 MEC-online, 17 Nov. 2009.

93 Dar al-Ifta: No eating, drinking in public during Ramadan, http://tinyurl.com/AMAY2012, 2 Aug. 2012.

94 www.MEConcern.com, online-service, 9 Dec. 2011.

95 http://www.afghantimes.com/AbdulRahman.wmv

96 "New regulations concerning the conditions and rules for the exercise of religious worship other than Muslim," Algeria, 2006, Ruling number 06-03 of 29 Moharram 1427 / 28 Feb. 2006.

97 MEC-online, 19 Oct. 2009.

> by him including his marriage certificate are annulled for he is considered a backslider with no religion and he cannot follow any other religion whatsoever, but he can return back to Islam. He has no right to inherit from anyone while he is still a backslider, and has no rights as a husband as he has been separated from his wife, and if he wishes to be married to her he needs to have a new marriage document, providing he returns to Islam first.[98]

In addition to annulling marriage, Islamic courts order the removal of child custody.

Furthermore, Muslims who become Christians are as a matter of principle not able to register their new religious denomination in their identification papers. Egypt's most famous convert to Christianity, the journalist Muhammad Hegazy, who became a Christian at the age of 16, has been fighting for this in public for years.[99]

Only when conversion is not merely reluctantly tolerated but explicitly allowed as part of the indispensable human rights, can we speak of a free society and a culture of tolerance. The baptism of the prominent Egyptian journalist Magdy Christiano Allam, who was baptized by Pope Benedict XVI in St. Peter's Basilica on Easter morning 2008,[100] brought about furious reactions in the Muslim World,[101] but it was a clear sign by a Christian church in the West that baptism of converts should no longer be performed in secret but as a public act also in the Arab world.

There is nowadays a new definition of ethics concerning "apostates" and "people of the book." On the one hand the Qur'an praises Christians because of their high ethical standard, and Muslims recognize faithful Christians because of their good moral life-style. At the same time, every Muslim, no matter how lukewarm his religious life is or no matter to what extent his behavior conforms with the Sharia, will be regarded as a Muslim and the punishment for his trespasses – apart from certain *hudud*[102] in Islam – does not weigh heavier than that of a pious Christian who happens to have left Islam to become a Christian.

Basically the categorization of Muslim and non-Muslim, believer and unbeliever, creates a climate of intolerance in a society that ought to treat its citizens equally in order to avoid a dual class society. Apostates are shaking this dualistic world view by

---

[98] The author has the verdict in the original language, signed on 25 Jan. 2005. Data is being withheld due to security reasons since the convert is still living in his home country.

[99] ZENIT, 27 Apr. 2010, http://www.zenit.org/article-20399?l=german; idea-online 30 Aug. 2007. The former minister for religion Zakzouk declared at a church congress 2007 in Cologne that the change of religion was under protection as a matter of principle. However, the turning back from Islam may not become public; this would be a danger for the public order equatable with high treason.

[100] "Osternacht im Petersdom: Benedikt XVI. tauft bekannten muslimischen Konvertiten Magdi Allam, 'Il Corriere della Sera'', 23 March 2008, http://www.zenit.org/article-14780?l=german

[101] "Muslim involved in Vatican talks slams Pope's baptism of convert from Islam", 25 March 2008, http://tinyurl.com/bapt2008.

[102] Hudud = boundaries, meaning capital punishment.

daring to express their religious opinions openly. An evaluation of non-Muslims – who are not part of the Islamic *umma* – concerning their civil rights and state affiliation should be re-considered. Shortly after the revolution in January 2011 al-Azhar, the highest Sunni authority, based in Cairo, issued a document titled "Renewal" with extensive suggestions for reform, including the equal treatment of Muslims and non-Muslims, but it was met with widespread disapproval.[103] In most interpretations a position is accepted which is at least a step forward. Since the Qur'an does not speak in detail about the worldly punishment but more about the transcendent punishment, this is left to God. This interpretation does not abolish rejection of apostasy in principle but leaves room for a different handling of apostates.

The classification of apostates as traitors cannot be accepted. The person who is not a Muslim cannot claim the full rights of citizenship. The person who actively turns away from Islam has, in the eyes of many Muslim theologians and Muslim citizens, thereby renounced his loyalty to the state and is guilty of treason or betrayal of his country.[104] This serious accusation ought to be vividly addressed by the church, when defending converts before the courts in the West, but also taken up as a political issue that must be regulated in the centers of power in the Islamic world.

Converts from Christianity to Islam are celebrated and viewed as proof of the superiority of Islam. But converts from Islam to Christianity cause hysterical reactions.[105] This provokes the question: Do Muslims consider their *umma* so vulnerable and endangered that a few apostates are feared so much? It appears they are seen as an "instrument of sedition" that "opens the door for the impious to attack Islam and sow doubt among Muslims" so that they are "in open warfare against Islam, even if they do not raise the sword against Muslims."[106]

The Catholic "Aid for the Church in Need" published a general analysis on "Religious Freedom in the World 2014,"[107] which describes the events between 2012 and the summer of 2014 and comes to the following conclusions:

> That there has been deterioration everywhere where there have been changes with regard to religious freedom.[108] One can speak of an improvement in only 6 of the 196

[103] www.youm7.com/News.asp?NewsID=343007.

[104] Christine Schirrmacher: Defection from Islam: A disturbing human rights dilemma, in: IJRF, 3/2, 2010, 15.

[105] The greatest hype can be observed when a priest's wife in Egypt allegedly converts to Islam and is being brought back by the Coptic Church. Often just the rumor of such an incident is enough to mobilise thousands of demonstrators or to torch churches. See the cases of Camilia, or the unrests of Imbaba, a Cairo suburb (http://tinyurl.com/Cairo-Cam).

[106] Former sheikh of al-Azhar, Muhammad Shalabi, cited in: Khalil Samir, Apostasy in the Qur'an.

[107] John Pontifex, Chief Editor of the Report, www.religionsfreiheit-weltweit.at

[108] Religionsfreiheit in vielen Ländern der Welt bedroht, 4 Nov. 2014.

> countries: in Iran, the United Emirates, Qatar, Zimbabwe, and Taiwan. Nevertheless, the degree of persecution in these countries is reckoned to be "high" or "medium".[109]

The constitutions of three out of six countries declare Islam the state religion. In addition, a 32-page extract of the report has been published in English which describes religious intolerance and persecution in 20 of these countries as "high". In 14 of the countries the religious persecution is related to Islamic extremism: in Afghanistan, the Central African Republic, Egypt, Iran, Iraq, Libya, the Maldives, Nigeria, Pakistan, Saudi-Arabia, Somalia, Sudan, Syria and Yemen.[110]

5. Dependable measures

At a conference about the Middle East Jean Aziz asked: "What are the possible ways of dealing with what has become one of the greatest humanitarian catastrophes of our time?"[111]

5.1 The role of the Muslims

A female Christian parliamentarian at the same conference commented on injustice towards Christians in the Sharia: "Inequality in divorce and inheritance rights is absolute: Women are entitled to half of what is given to men. In the absence of a clear heir, the property of a deceased person goes to the Islamic *waqf.* Yet, for deceased Christians, it goes to the state and not to the Christian *waqf."*[112]

A Jordanian priest, Rifat Bader, of the Catholic Center for Studies and Media comments: "The school curriculum ignores completely the indigenous Christians who have been living in the region since the time of the Apostles. How can children learn to respect each other when the other is not even mentioned in the schoolbooks?"[113] In their annual synod in December 2014 the Syrian Catholic bishops formulated demands towards the Arabic countries, "that places of education should revise their curricula to delete discriminating contents with regard to non-Muslims."[114] An initiative taken by the al-Azhar University is truly a positive sign. Here a high authority proclaims that terror in the name of religion does not belong to the Muslim identity. We can only hope that concrete actions follow this proclamation, for example to call on all the states to fight against the terror and to carry out an educational pro-

[109] Ibid. Zenit.org, 4 Nov. 2014. These figures are based upon the research of Open Doors.
[110] Ibid, Zenit.org, 4 Nov. 2014.
[111] Jean Aziz "Do Christians have a future In the Middle East?", Posted 4 Oct. 2013 - Al-Monitor: the Pulse of the Middle East, 6 Feb. 2015, 22:18h, http://tinyurl.com/JA-AM-2015.
[112] ibid.
[113] Fides News Service: 24 Nov. 2014.
[114] "Libanon: Prinzipien der 'Erklärung von al-Azhar' umsetzen", zenit.org, 11 Dec. 2014.

gram of tolerance in all the mosques and schools.[115] In this context Pope Francis appeals to the Islamic world to examine and take measures against the misdeeds of the radical Islamists by pointing out: "Before religious fundamentalism destroys people and terrible massacres occur, it rejects God himself, in that it makes him into a mere ideological excuse."[116] He then continues to express his hopes to the diplomatic corps "that the political, religious and spiritual leaders, in particular the Muslim, should condemn every fundamentalist and extremist interpretation of religion which leads to the justification of such acts of violence."[117]

Could the Pope's hope stop the massive emigration from the Middle East and shake up those in charge of the political decisions? Pope Francis tried to encourage Christians by showing them how to play a positive role in their own home countries, appealing to them by saying: "Most of you live among a Muslim majority. With your ability to differentiate you can help your Muslim fellow citizens to show an authentic picture of Islam, that many of them wish for, who continually say that Islam is a religion of peace and is in accordance with respect for human rights and demand that everyone can live together. That will be useful to them and to the whole society."[118]

To the diplomats the Pope said: "I wanted with my Christmas letter to express to the Christian Churches and organizations in the Middle East my personal concern and assurance of prayer. They are giving a valuable testimony of faith and courage and are playing an important role as peacemakers and assisting to further reconciliation and development in the respective civil societies to which they belong. A Middle East without Christians would be a distorted and mutilated Middle East."[119]

As a response to the abovementioned al-Azhar initiative, Christians came from all over the Arab world to the meeting held in Cairo. "The Moroccan Archbishop of Beirut, Paul Youssef Matar, was attending, then the Catholic Coptic Bishop Mina said that Archbishop Matar had spoken freely and concentrated on a few but very important aspects. He asked all Muslims of today to give every Christian the same respect that Mohamed gave them. For every Muslim the Christians and the Jews are 'the People of the Book' and therefore should not be considered a minority that

[115] Robert Cheaib, "Nur Gott allein weiß, ob und wann sie heimkehren werden". Der Patriarch der syrisch-katholischen Kirche von Antiochien erzählt vom tragischen Exodus von 120 000 christlichen Familien, (ZENIT.org), Rome, 15 Dec. 2015.

[116] 'Ein Naher Osten ohne Christen wäre ein entstellter und verstümmelter Naher Osten!' - Neujahrsempfang im Vatikan für das Diplomatische Korps', Zenit.org, 12 Jan. 2015.

[117] ibid.

[118] "Aus dem Vatikan, am 21. Dezember 2014, dem vierten Adventssonntag. FRANZISKUS", www.Zenit.org 23.12.2014 (translation HJ).

[119] "Ein Naher Osten ohne Christen wäre ein entstellter und verstümmelter Naher Osten!" – Neujahrsempfang im Vatikan für das Diplomatische Korps', Zenit.org, 12 Jan. 2015 (my translation).

could be oppressed or mistreated. Anyway all Muslims had the duty to pay their indispensable contribution to a harmonious living together."[120]

Will there be a real perspective for the disadvantaged Christian community to persist in the Arab world when its members experience unequal disadvantages to Muslims in daily life? These disadvantages include under-representation in political life, lack of jobs for highly qualified people , social and religious laws that frustrate the aspirations for positions in public life, fear of being accused of violating the blasphemy laws and of radical movements imposing their religious outlook in life and behavior upon Christians within the same environment. Under such conditions, Christians are unable to express themselves religiously and miss a secular society that grants all citizens equal opportunities to develop their abilities.

Aoun, the Lebanese author, comments on the issue of equilibrium in dealing with the citizens:

> Arabic Christians never ceased to seek the defense of their independent safeguard of their human freedom outside the Islamic Sharia that wants to guarantee this freedom for them. It is rather the inherent human dignity upon which the human being is created and relies.[121] He continues: "It is not the economic power but the indispensable Arab Christians who will help the Muslim world to interact with the other cultures globally, because Islamists have only one perspective with which they want to govern."[122]

These fundamental expectations can neither be realized without an active engagement of the Muslim majority in the Arab countries nor without an authentic Muslim understanding that the Christian community has always been a genuine enrichment for the Islamic society. Only by reckoning that there is a desperate need for a social change and by carrying out courageous amendments in the conventional thinking of the religious establishment in the Muslim societies would there be any motivation for Christians to endure for the sake of a promising future for them and the following generations.

5.2 Consequences for the church

The attitude of the churches in the West should be a twofold "yes" to religious freedom as a universal human rights issue, on the one hand to enhance unhindered

---

[120] Fides News Service, *4 Dec. 2014, cited in the article:* "Ägypten: Ein epochales Ereignis" 4.12.2014. This is the comment of the coptic-catholic Bishop of Guizeh, Msgr. Antonios Aziz Mina, on the conference of the Al-Azhar-University.

[121] Aoun, 'The revolution of the Arab Christians', http://tinyurl.com/Aoun-2012, 4 Feb. 2012.

[122] ibid.

practice of religion of Muslims in the West, and on the other at the same time to further the rights of Christians in the Muslim world, including conversion in both directions.[123] This applies to society also: "Sadly, American politicians and diplomats persist in ignoring the profound relationship between these two ideals. Quite apart from humanitarian considerations, there is mounting evidence that religious liberty is necessary for the stability and longevity of democracy in highly religious societies, and for the defeat of religion-based terrorism. Yet the United States, for the most part, has not encouraged or assisted other countries in reforming their repressive institutions and habits."[124]

The church must preserve and sharpen its Christian profile. Only a church that is self-confident and strong in its foundation can face the challenges of Islam, withstand and act in an inviting manner to outsiders. It should listen to an Oriental church leader, the Melkite patriarch of Antioch: "We should be rooted deeper in our faith and present and live it in a shining manner."[125] This means also that the church, whether in the West or in an Islamic context, should be clearly recognizable as Christian.

From oriental churches we can see what perseverance means and that faith is something precious. The readiness to remain steadfast and to pay the ultimate price for their faith in martyrdom distinguishes oriental churches and in particular congregations of converts. The afflictions cause them to close their ranks across denominational boundaries and become focused on the priorities.[126]

[123] Cf. the speech of Bishop Huber at the EKD synod in Dresden on 4 Nov. 2007, in: Christen und Muslime: Beide brauchen Glaubensfreiheit, idea online, 13 Nov. 2007.

[124] Paul Marshall and Nina Shea: Silenced. How apostasy and blasphemy codes are choking freedom worldwide, 2011, http://tinyurl.com/PMNS2012.

[125] Interview with the head of the Melkite-Catholic Church in the Middle East, Patriarch Gregor III. Laham of Antioch, "Christen im Nahen Osten: Salz, Licht und Sauerteig", ZENIT 20.12.2011.

[126] Facing an Islamic government, leading to uncertainty and emigration, the churches in Egypt became closer to each other developing a plan to form a council of churches with a unified vision for all churches. "Egyptian churches to form council to unify views on critical issues", Al-Masry Al-Youm, http://www.egyptindependent.com/node/692501 3 March 2012.

Religious monopoly and the loss of religious freedom in Christendom

Maximilian J Hölzl[1]

Abstract

The aim of this article is to analyse how the developments in the post-apostolic church, and particularly after the Constantinian shift, soon resulted in the loss of religious freedom. In recent years, there has been a great deal of interest in mission in the changing contexts of post-Christian societies in the West. Yet most of this research has neglected to examine the relationship between the post-Christendom shift and the previous shift from the persecuted primitive church to the religious-political construct of Christendom. What is more, an examination of the Christendom era contributes to the study of the conditions of religious freedom and persecution. The compulsion to religious uniformity and monopoly resulted inevitably in the loss of religious freedom over many centuries. In the final analysis, the differing assessments of Constantinianism depend on the respective eschatological and ecclesiological view.

Keywords Religious freedom and persecution, Christendom era, Constantinian Shift, ecclesiastical institution, imperial church, compulsory church, enforced uniformity, abuse of power, from martyrs to inquisitors, concept of discipleship, non-conformist movements.

At the second assembly of the World Council of Churches in Evanston, 1954, Edmund Schlink delivered a remarkable address on the main theme "Christ – the Hope of the World," which was contrary to the prevailing optimistic eschatological expectations and left some delegates and reporters shocked and annoyed.[2] The remarkable thing is how he connected the massive persecution of Christians in his

[1] Maximilian Hölzl (*1960) is co-author and co-translator into German of the Bad Urach Statement, as well as translator of the Bad Urach Call. He has published and lectured in the areas of Missiology, Practical Theology, religious freedom and persecution, Church History, and New Testament Theology. He holds an MA in Missiology (Columbia International University, USA), an MPhil in Theology (University of Manchester, U.K.), with further studies of Classical Languages and Theology (Universities of Tübingen, Heidelberg and Greifswald, Germany). For many years he served as a pastor, evangelist, speaker and translator, and is currently working on a PhD dissertation on non-conformist evangelical anticipations of post-Christendom mission. Recently he served as a guest lecturer at Nepal Baptist Bible College and Kathmandu Institute of Theology. The author writes in British English. Article received: 22 March 2014; Accepted: 5 Feb. 2015. Contact: Maximilian J. Hölzl, Tubizerstr. 3, 70825 Korntal, Germany, E-Mail: m.hoelzl@t-online.de.

[2] Eugene M. Skibbe, *Edmund Schlink: Bekenner im Kirchenkampf, Lehrer der Kirche, Vordenker der Ökumene* (Göttingen: Vandenhoeck & Ruprecht, 2009), 102-104.

generation with the eschatological way of the church and with biblical ecclesiology: The church has to follow her Lord through suffering to glory. Therefore, not the recognized and privileged church, but the powerless, suffering church is the manifestation of the glory of Christ. Paradoxically, the church which is dying with Christ is the triumphant one. The Heidelberg theologian concedes that even church history does not only glorify God, but time and again it is also a scandal. But it is not only the world that will pass away, but also the outward form of the church.[3] In retrospect, it is striking how these statements run parallel to much of the ongoing debate on the proper shape of the church at the end of the Christendom era and the downside of this long-lasting symbiosis of church, community and state.

1. Developments or changes before the Constantinian shift

Even without unrealistically idealising the New Testament churches,[4] it is noticeable that the bulk of the Christian movement was barely able to maintain the original course as early as in the post-apostolic age. Murray mentions that "Christendom," as an alliance of church and state, "advanced both through startlingly rapid changes" in fourth-century Rome and "gradual evolution" of "trends already apparent in previous decades."[5] The local apostolic churches had been responsible for testing prophetic utterances and "weigh carefully what is said" (1 Cor. 14:29; 1 Thess. 5:20; 1 John 4:1).[6] Yet already in the Didache in the early second century the prophets were removed from the critical judgement of the church. This had serious consequences, as the bishops took over the role of the prophets and, as bishops, they were also removed from the critical judgement of the church.[7] Already the apostolic father Ignatius of Antioch, who was martyred some time between 98 and 117, justified the unity of the church not in Christ, but in the hierarchical organization of the bishops – according to Hauss, an incorrect approach that led to the papal church.[8] In contrast thereto, according to Ladd, the churches in the New Testament "were bound together by no ecclesiastical ties or formal authority, they had a profound sense of oneness."[9] And the authority of apostles and prophets "was

[3] Edmund Schlink, "Christus - die Hoffnung für die Welt" in Foko Lüpsen (ed), *Evanston Dokumente: Berichte und Reden auf der Weltkirchenkonferenz in Evanston* (Witten: Luther Verlag, 1954), 135-144.

[4] Cf. David J. Bosch, Witness to the world (London: Marshall, Morgan & Scott, 1980), 102.

[5] Stuart Murray, Post-Christendom (Carlisle: Paternoster Press, 2004), 23.

[6] Gordon D. Fee, The first epistle to the Corinthians (NICNT: Grand Rapids, MI: Eerdmans 1987), 689-695. F.F. Bruce, 1 and 2 Thessalonians (WBC: Taco, TX: Word, 1982), 125-127. Stephen S. Smalley, 1, 2, 3 John (WBC: Taco, TX: Word, 1984), 214-220.

[7] Klaus Wengst, Schriften des Urchristentums II: Didache (Apostellehre), Barnabasbrief, Zweiter Clemensbrief, Schrift an Diognet (Darmstadt: Wissenschaftliche Buchgesellschaft, 1984), 43 and 63.

[8] Friedrich Hauss, Väter der Christenheit (Wuppertal and Zürich: R. Brockhaus, 1991), 5.

[9] George Eldon Ladd, A theology of the New Testament (Guildfort and London: Lutterworth, 1975), 353.

spiritual and not appointive or official or legal."[10] Peters reverses Cyprian's well known relationship between Church and bishop:

> The historic dictum of Cyprian, "Where the bishop is, the church is," finds its reversal in the biblical order, "Where the church is, the bishop [overseer] is," or, "There is no bishop [overseer] where there is no church." The church makes the bishop and not the bishop the church. The church is God's priority. It may not be so in human organizations.[11]

Apparently, the challenging transition into the post-apostolic era led to altered understandings of both the unity of the church and the authority in her. These modifications had far-reaching effects: As Hinson comments, when Constantine "sought to effect unity among Christians" for the unity of his empire "he set Christianity on the track of persecution that has cast a shadow on its history ever since." The persecution that Christians "had themselves experienced at times" did "not even equal the pain they inflicted on non-Christians and even on other Christians as they gave religious sanction to the state's coercive powers." It is a dubious progress of Constantinianism, that by "the time of Theodosius I, intolerance had become a public virtue."[12]

As Baker puts it, the "period from AD 100 to 325 was perilous for Christianity. Two dangers confronted it: (1) hostility and violence from the pagan government and (2) corruption and division from within." Eventually, the "nature of Christianity had been corrupted by 325. Changes had come in several overlapping areas." He denotes four of these areas: In the nature of faith; in the nature of the New Testament church; in the nature of ecclesiastical authority; and in the nature of worship.[13]

From a Roman Catholic perspective, however, the changes after the close of the apostolic era were logical and consistent. They were even necessary to combat the Gnostic heresy as well as non-Catholic churches:

---

[10] Ladd, Theology of the New Testament, 353. See also Peter Stuhlmacher, Biblische Theologie des Neuen Testaments, vol. 1: Grundlegung. Von Jesus zu Paulus (Göttingen: Vandenhoeck & Ruprecht, 1992), 201. Cf. Michael Hill, A Sociology of Religion (London: Heinemann, 1980), 175-176.

[11] George W. Peters, A biblical theology of missions (Chicago: Moody Press, 1972), 220. Cf. Maximilian J. Hölzl, 'Peters, George W.', in Traugott Bautz (ed), Biographisch-Bibliographisches Kirchenlexikon, vol. 35, 1014-1035. See also Leith Anderson: A Church for the 21st century: Bringing change to your church to meet the challenges of a changing society (Minneapolis, MN: Bethany House Publishers, 1992), 225.

[12] E. Glenn Hinson, The Early Church: Origins to the dawn of the Middle Ages (Nashville, TN: Abingdon Press, 1996), 206-207.

[13] Robert A. Baker, A summary of Christian history (ed. John M. Landers; Nashville, TN: Broadman and Holman, 1994), 13 and 44.

> As the church spread throughout the Roman Empire, it adapted itself to contemporary social and political structures. By the latter half of the second century organizational complexification had occurred in the form of synods and councils, and in the emergence of the monarchical episcopacy. The latter was especially linked with the effort to combat certain rigorist movements. Among the major bishop-theologians who fashioned an ecclesiology over against Gnosticism, Novatianism and Donatism were Irenaeus, Cyprian and Augustine respectively.[14]

Remarkably, these ecclesiological modifications were made in the rivalry against concurrent movements – in order to create, as Murray puts it, a "united church across the Empire undisturbed by non-conformist movements."[15] The "old catholic fathers" (180-250), like Irenaeus of Lyons (about 135-200) and Cyprian of Cartage (about 200-258), laid the foundations for the Roman Catholic Church.[16] After the Constantinian shift, the church father Augustine of Hippo (354-430) became so instrumental in shaping "Christendom" that he can be considered a "pioneer of Christendom" and "its main architect."[17] According to Diprose, with Cyprian "the Catholic church ceased being the universal church and became the Roman Catholic church." And "orthodoxy came to mean obedience to the ecclesiastical institution thought to mediate God's grace through the sacraments."[18] With the conversion of Constantine the meaning of the term "catholic" underwent a fundamental change. McGrath observed that "By the end of the fourth century, the term ecclesia catholica ("the catholic church") had come to mean "the imperial church" – that is, the only legal religion within the Roman Empire." Therefore, any "other form of belief, including Christian beliefs, which diverged from the mainstream, was declared to be illegal."[19]

In Brunner's view the origin of the Roman Church lies in two facts "which reciprocally influenced each other: the sacramental view of salvation and the assertion of

---

[14] Richard P. McBrien, "Church," in Alan Richardson and John Bowden (eds), *A new dictionary of Christian theology* (London: SCM Press, 2002), 108-110, here 109. Interestingly, against the Novatians, Cyprian insisted that "orthodoxy alone is insufficient for union with the one church. True membership requires unity with the bishops on whom the church is founded, with the successors of Peter at their center (109)."

[15] Murray, *Post-Christendom*, 80.

[16] Armin Sierszyn, *2000 Jahre Kirchengeschichte*, vol. 1 (Neuhausen-Stuttgart: Hänssler, 1995), 168. Cf. Kurt Aland, *Die Frühzeit der Kirche in Lebensbildern* (Giessen and Basel: Brunnen, 1990), 109, 141.

[17] Murray, *Post-Christendom*, 75, 79.

[18] Ronald E. Diprose, *Israel in the development of Christian thoug*ht (Rome: Istituto Biblico Evangelico Italiano, 2000), 128.

[19] Alister McGrath, *Christian theology: An introduction* (Oxford, UK/Cambridge, USA: Blackwell, 1994), 424.

formal legal authority."[20] This development started with the new understanding of the Lord's Supper as the Sacrament of the altar that turned the brotherhood in Christ into the sacramental priestly church.[21] From this change arose a second: Into the "spiritual organism" of the Pauline *Ekklesia*[22] intruded "a quite different kind of order, the formal authority of jurisdiction or power of command."[23] A third and "especially important step in the development into the Roman Catholic Church" was a new understanding of tradition (cf. *paradosis* in the New Testament) by "the coupling of office and tradition."[24] This is where the Catholic understanding of continuity is involved:

> Since Irenaeus the first principle holds good, the guarantors of the trustworthiness of tradition are the bishops; since Cyprian the second principle holds good – the Holy Spirit is bound up with the office, guaranteed by the office, and therefore *that* Church *cannot* err, which is episcopally organized and guaranteed by the continuity of transmission of office. From now on there is a central interest in unbroken lists of bishops as a proof in the unbroken tradition.[25]

A further highly significant step in the "development of the Ekklesia into the Church" is what Brunner calls "The Perfecting of the Holy Church Institution."[26] It is the transition from "the persecuted 'confessing Church' to the popular Church (*Jedermannskirche*) of Constantine."[27]

2. Christendom after the Constantinian shift

Historians argue over the question of whether the Christian movement needed the historical conversion of Constantine[28] in order that it could develop from a minority

---

[20] Emil Brunner, Dogmatics III: The Christian doctrine of the church, faith and the consummation (Cambridge: James Clarke, 2002 [1962]), 60.

[21] Brunner, Dogmatics III, 66. Cf. Gunnar Westin, *Geschichte des Freikirchentums*, 2nd ed. (Kassel: Oncken, 1958), 17: "Fast, but not without protest, the Christian movement was transformed into a sacramentalistic official church since the mid-second century." The English translation is mine.

[22] Brunner's reduction of the early church to the Pauline *Ekklesia* could be questioned, but that is beyond the scope of the present analysis. Cf. Christian A. Schwarz, *Die Dritte Reformation: Paradigmenwechsel in der Kirche* (Emmelsbühl: C & P, 1993), 19.

[23] *Brunner, Dogmatics III*, 66.

[24] Ibid., 69.

[25] Ibid., 69. Cf. Sierszyn, 2000 *Jahre Kirchengeschichte*, vol. 1, 146-147.

[26] Emil Brunner, *Dogmatik III* (Zürich: Zwingli, 1960), 90.

[27] Ibid. For "Luther's urgent desire" to replace the word "Church" with "congregation" see Karl Barth, *Dogmatics in Outline* (London: SCM, 1949), 141.

[28] James Stevenson (ed), A new Eusebius (London: S.P.C.K., 1974), 298. Reinhold Niebuhr, Staaten und Großmächte: Probleme staatlicher Ordnung in Vergangenheit und Gegenwart (Gütersloh: Mohn, 1960), 104-108. For recent studies on Constantine's impact on the church, see John D. Roth (ed), Constantine revisited: Leithart, Yoder, and the Constantinian debate (Eugene, OR: Pickwick, 2013) and Edward L. Smither (ed), Rethinking Constantine: History, theology, and legacy (Eugene, OR: Pick-

religion to a world religion.[29] Neither is there, according to Shenk, any consensus among them "as to whether the rise of Constantinianism was a positive development or not." But historians are in agreement that "the church was decisively changed by the decisions taken by emperor Constantine after A.D. 313" – decisions "that ultimately led to Christianity being recognized as the official religion of the Roman Empire in 380 under Emperor Theodosius I."[30] Undoubtedly, this change led to the increase of nominal Christianity at the expense of faithfulness.[31] In contrast, the period leading up to Constantine is commonly characterised by historians as "the age of the martyrs."[32] The period from 250 to 450 has been called by Johnson "From Martyrs to Inquisitors."[33] In any case, for most of the Christian era this shift fundamentally modified and defined the understanding of "the Church" and its role within the state and society.

On the one hand, many "negative developments regarding Church and mission" had started very early. Bosch even argues that they "could in embryo already be detected in the early Church de-scribed in the New Testament." On the other hand it is obvious that

> a new era dawned with Constantine's victory over Maxentius at the Milvian Bridge near Rome on 28th October, AD 312. Few, if any events in history had such a far-reaching and lasting effect on the Church. The phenomenon known as Europe has its origin here, as has the idea of the "Christian West" or "Christendom." Constantine's victory has consequences up to this day. In fact, it is only in recent decades that the full significance of those events at the beginning of the fourth century has begun to dawn upon us.[34]

---

wick, 2014).

[29] See Eckhard J. Schnabel, Urchristliche Mission (Wuppertal: R. Brockhaus, 2002), 1497-1498. Cf. Murray, Post-Christendom, 107. Cf. Rodney Stark, The rise of Christianity: How the obscure, marginal Jesus movement became the dominant religious force in the Western world in a few centuries (San Francisco: Harper, 1997), 7-8: Stark estimates a constant growth rate of 40% per decade during the first several centuries. In AD 250 Christians would make up 1.9% of the estimated 60 million population, in AD 300 10.5% and in AD 350 56.5%. Cf. Craig A. Carter, Rethinking Christ and Culture: A post-Christendom perspective (Grand Rapids, MI: Brazos Press, 2006), 80. Cf. also Stephen Neill, A history of Christian missions (The Pelican History of the Church, 6: Middlesex, UK/Baltimore, MD/ Ringwood, VIC: Penguin, 1964), 46.

[30] Wilbert R. Shenk, "New wineskins for new wine." in International Bulletin of Missionary Research, 29/2 (2005), 73-79, here 74.

[31] Richard Howell, "Christian suffering and martyrdom: An opportunity." in International Journal of Religious Freedom 2/2 (2009), 13-27, here 16.

[32] David F. Wright, "The testimony of blood: The charisma of martyrdom," in Bibliotheca Sacra, 160 (October-December 2003), 387-397, here 387.

[33] Paul Johnson, A history of Christianity (London: Weidenfeld and Nicolson, 1976), 67-122.

[34] Bosch, Witness to the world, 102.

It should be added, however, that the "Constantinian story" – according to Stone, the "story of the church's forgetting its journey and making itself at home in the world"[35] – is not limited solely to the person of Roman emperor Constantine the Great (270 or 288 - 337), his own intentions, or his lifespan. The relationship of church and world that is named after him, "has its origins in decisions, actions, and forces at work prior to Constantine and takes further and ongoing shape in the century after him up through at least Augustine."[36]

At this point it may be useful to briefly consider both Europe's specific role in regard to the Constantinian story and some benefits of this long lasting relationship. In particular, the issue of Europe's rapidly diminishing Christian identity is highly relevant in the present situation. The current quest for that continent's "soul" touches on European interdependence with the Christendom narrative. It can be argued that Christianity had an even greater formative influence on Europe than its ancient heritage.[37] According to Koch and Smith, it was only in the late seventeenth century that "'Europe" replaced 'Christendom' or the 'Christian Commonwealth' as the prevalent term."[38] Certainly, the formation of a Christian-oriented cultural area and a Christian identity on the European continent was one of the greatest achievements of Constantianism. The loss of that identity and the resulting spiritual and moral vacuum has incalculable consequences for the future European development. Nussbaum aptly observed the irony that "just as Christians agree to bury the concept of Christendom, radical Muslims emerge on a mission to expand 'shariadom.'"[39] An increasingly post-Christian Europe can hardly put forward alternatives to the growing influence of Islam, nor to the New Atheism or what John Paul II termed the "culture of death."[40] In retrospect, a further important benefit of the Constantinian story can be identified. Despite its long-lasting repression of dissenters, Christendom's culture reluctantly, though repeatedly, had to provide the starting point for several Christian renewal movements which more or less anticipated the end of the Constantinian era.

---

[35] Bryan Stone, Evangelism after Christendom: The theology and practice of Christian witness (Grand Rapids, MI: Brazos Press, 2007), 131.

[36] Ibid., 116.

[37] Günther Lottes, 'Formationsprinzipien der europäischen Geschichte', in Dieter Holtmann and Peter Riemer (eds), Europa, Einheit und Vielfalt: eine interdisziplinäre Betrachtung (Münster: LIT Verlag, 2001), 129-152, here 134.

[38] Richard Koch and Christ Smith, Suicide of the West (London and New York: Continuum, 2006), 15.

[39] Stan Nussbaum, A reader's guide to transforming mission (Maryknoll, NY: Orbis, 2005), 153.

[40] Eric Kaufman, Shall the religious inherit the earth? Demography and politics in the twenty-first century (London: Profile Books, 2010), 181-182. Vladimir Palko, Die Löwen kommen: Warum Europa und Amerika auf eine neue Tyrannei zusteuern (Kißlegg: Fe-Medienverlag, 2015), 479-502. Donald De Marco and Benjamin Wicker, Architects of the culture of death (San Francisco: Ignatius Press, 2004), 18.

However, instead of romantic nostalgia for "the brilliant past …when Europe was a Christian country"[41] there needs to be a critical assessment of the quality and depth of its spiritual life and practices. In the words of Hunsberger, it "was precisely the problem with Christendom in the end, that finally the society had the shell of the Christian faith's perspective and ethos while no longer holding to its essential faith."[42] This reflects the typical dilemma of Christendom. On the one hand, it offered nationwide basic networks of pastoral care. And on the other hand, this religious infrastructure mainly produced nominal Christianity.[43] Thus, it appears that by establishing cultural Christianity, Constantinianism demonstrated its major contributions and weaknesses at the same time. The very concept of discipleship became obsolete in a Christianised society, where the "world" ceased to be an antonym to the Church.[44] "The close connection between church and discipleship remained as long as Christians were a persecuted minority in a predominantly pagan society."[45] However, as a Catholic thinker states, "a new crisis for the Church arose after the conversion of Constantine, when Christianity became the established religion of the empire."[46] In addition to the "interior discipleship" of all Christians, discipleship became associated with religious orders and the concept of priesthood.[47] The priesthood of all believers was replaced by a vicarious priesthood of sacred ministers. The simple Christians lost their spiritual birthrights and became dependent on the hierarchy of priests. During Constantine's time church membership was constituted simply by infant baptism and subsequent catechism lessons. Now the church is a national church and some years later it will be the mandatory compulsory church, to which everybody *must* belong. As Brunner further observes, now it is not only "*extra ecclesiam nulla salus*":

---

41 Novalis, *Abendländische Vision* (Heidelberg: Kemper, 1947), 18.

42 George R. Hunsberger, *The story that chooses us: A tapestry of missional vision* (Grand Rapids, MI: Eerdmans, 2015), 84.

43 Cf. Edward Rommen, N*amenschristentum: Theologisch-soziologische Erwägungen* (Bad Liebenzell: VLM, 1985), 62-81. See also Anthony R. Cross, *Recovering the evangelical sacrament: Baptisma Semper Reformandum* (Eugene, OR: Pickwick, 2013), 86.

44 Heribert Mühlen, *Entsakralisierung: Ein epochales Schlagwort in seiner Bedeutung für die Zukunft der christlichen Kirchen* (Paderborn: Schöningh, 1971), 262.

45 Avery Dulles, S.J., *Models of the Church: A critical assessment of the church in all its aspects,* 2nd ed. (Dublin: Gill and Macmillan, 1988), 212-213.

46 Ibid., 213.

47 Ibid. Cf. Carter, *Rethinking Christ and Culture*, 211. Cf. Bonhoeffer's warning about cheap grace: "Cheap grace is grace without discipleship, grace without the cross, grace without Jesus Christ, living and incarnate," whereas "costly grace is *costly* because it calls us to follow, and it is *grace* because it calls us to follow *Jesus Christ*." Dietrich Bonhoeffer, *The Cost of discipleship* (London: SCM, 1956), 38-39. Cf. also Emil Brunner, *Offenbarung und Vernunft: Die Lehre von der christlichen Glaubenserkenntnis* (Wuppertal: R. Brockhaus, 2007), 183.

> Outside this church there is no possibility of existence – within the Roman Empire. This state of affairs lasted practically to the French Revolution, even in the Churches of the Reformation, which took up the same ground as the national Church of Constantine and the compulsory Church of Theodosius.[48]

Similarly, Bosch has stated that, "The first heretic was executed as early as AD 385" and highlighted the dramatic change that had taken place: "Where prior to Constantine, it involved a risk to be a member of the Church, it now became dangerous not to be a member." Even the large Reformation Churches continued more or less the tradition of the Theodosian compulsory church and discredited nonconformist churches as "sects."[49] The contrast between Christendom's forced kind of "Christianity" and the original Christianity could hardly be greater. While the liberating good news transcends this world and its transitory powers, the gospel had been misused in and for a monopolistic and totalitarian institution for over a thousand years. Now there was no choice: "It was now clear and certain for everyone to see: the Church is this holy institution to which it is almost impossible not to belong. Anyone who opposed this development either became a schismatic or a heretic."[50] This was not only relevant for opposing pagans but also for Christians in non-conformist movements. This historical fact suggests that Christians from nonconformist backgrounds can reach out to non-Christians less prejudiced – at least there is some common ground.

Ironically, Augustine, whose texts became instrumental for both the Reformation and the Counter-Reformation,[51] and who is regarded as "the greatest theologian of ancient times, contributed not a little to the development of the compulsory church" – by his anti-Donatist writings which culminated in the famous-notorious "compel them to come in!" (*cogite intrare!*).[52] The Greek term for "compel"[53]

---

[48] Brunner, *Dogmatics III*, 70-71. On "extra ecclesiam nulla salus" and "extra Christum nulla salus," see Walter Klaiber, *Ruf und Antwort: Biblische Grundlagen einer Theologie der Evangelisation* (Stuttgart: Christliches Verlagshaus/Neukirchen-Vluyn: Neukirchener Verlag, 1990), 142-143. Bosch, *Witness to the world*, 103.

[49] Schwarz, *Die Dritte Reformation*, 194.

[50] Brunner, *Dogmatics III*, 71.

[51] Henry Chadwick, *Augustine* (Oxford and New York: Oxford University Press, 1986), 2.

[52] Brunner, Dogmatics III, 71. Cf. Bosch, *Witness to the World*, 117, for Las Casas' different interpretation as "Persuade them to enter." For the parable of the weeds, which Augustine also used for his anti-separatist teaching, see Frederick Dale Brunner, *Matthew, a commentary*, vol. 2 (Dallas et al: Word, 1990), 501, and *Joachim Jeremias Die Gleichnisse Jesu* (Berlin: Evangelische Verlagsanstalt, 1956), 160.

[53] Fritz Rienecker and Cleon Rogers, *A linguistic key to the New Testament* (Grand Rapids, MI: Zondervan 1980), 185: "The compelling was by persuasion (Plummer)." Walter Bauer, *Griechisch-deutsches Wörterbuch zu den Schriften des Neuen Testaments und der frühchristlichen Literatur* (Berlin/New York: de Gruyter, 1988), 101, gives a milder meaning for Luke 14:23, namely (strongly) urge, invite

(KJV, NIV, RSV) or "urge" (CEB, NET, NLT) *anagkason* is used in Luke 14:23 "of course, not in the sense of external compulsion, but as in Matthew 14:22, Mark 6:45, and also in classical Greek, of moral and logical constraint (Zahn, in loc.)." Geldenhuys concludes: "The single servant should not use physical violence, and those who refused were not compelled to go by outward force."[54]

Augustine is called the ideologue of the Constantinian shift.[55] Murray argues that "Constantine laid the foundations of Christendom," while "its main architect was Augustine."[56] In this role, Augustine embodies some of the contradictions of this system: On one hand, he "strongly advocated the cult of the martyr-saints."[57] On the other hand, as Frend noted, "he accepted coercion by the state among the means at the church's disposal to enforce unity." As a result, his "forced interpretation of Luke 14.23 . . . was to have grave effects on the history of religious persecution in the Middle Ages and in Reformation times." Augustine's view of the "uniqueness and unity of the Catholic Church, with resultant attitudes towards dissenters, played a fundamental part in his theology and its legacy to the West."[58]

It would be beyond the scope of this paper to detail Christendom's mission to followers of other religions. In summary, it can be said that there was no room for religious liberty for the individual from 380, when Emperor Theodosius established Christianity as the prescribed state religion of the Roman Empire, until the final dissolution of the "*sacrum imperium*" in the wake of the bourgeois revolutions about 1 500 years later. According to Catholic theologian Hilpert, the close interlinking of religious and secular rule led to the suppression of pagan religions and Jews, the persecution of "Heretics," and to violent actions against non-Christian peoples (forced baptisms, crusades, colonisation).[59] However, it is also necessary to correct certain biased presentations and the resulting popular prejudices. The new, revisionist Crusades historiography is a relevant example of such corrections.[60]

(urgently).

[54] Norval Geldenhuys, *The Gospel of Luke* (Grand Rapids, MI: Eerdmans, 1993), 396. See also Theodor Zahn, *Das Evangelium des Lucas* (Wuppertal: R. Brockhaus, 1988), 549.

[55] Kurt Flasch, Augustin: Einführung in sein Denken (Stuttgart: Reclam, 1980), 171.

[56] Murray, Post-Christendom, 75. Cf. Harry Lee Poe, Christian witness in a postmodern world (Nashville, TN: Abingdon, 2001), 77: "Augustine invented Christendom in the early fifth century when he wrote The City of God."

[57] Josef Ton, Suffering, martyrdom and rewards in heaven (Wheaton, IL: The Romanian Missionary Society, 2007), 368.

[58] W.H.C. Frend, "Augustinianism," in Alan Richardson and John Bowden (eds), A new dictionary of Christian theology (London: SCM Press, 2002), 55-58, here 56. For Thomas Aquinas's theological reasons for persecutions of heretics see Ulrich H. J. Körnter, 'Wahrheit und Toleranz', in Theologische Beiträge 43 (2012), 187-189.

[59] Konrad Hilpert, "Religionsfreiheit," in *Lexikon für Theologie und Kirche*, 3rd ed, vol 8, 1048-1051, here 1049.

[60] For a collection of popular ideas about the crusades see Rodney Stark, *God's battalions: The case for*

3. Consequences for non-conformist churches and Jews

The Donatists defined the relationship between use of force and the church exactly the opposite way: The true Church is the one that suffers persecution, not the one that persecutes! And their leader Donatus (313-355) asked the fundamental question: What has the emperor to do with the Church? (*Quid est imperatori cum ecclesia?*).[61] Interestingly, other non-conformist movements like the Waldensians argued with the same compelling logic.[62] But that is not all: Even Augustine himself was one of the theologians who declared suffering a mark of the Church: "From Abel until the end of time the pilgrimage of the church proceeds between the persecution of the world and the consolations of God."[63] But in the same context the "heretics" and their heresies are seen as persecution from within and "the church of Christ," for example, the only legal church in the Roman Empire, is now authorized to inflict a "just persecution on the wicked." In Augustine's view,

> Donatists are not the persecuted, but rather the persecutors. They tear apart the body of Christ when they assault the unity of the church. There is an unjust persecution which the wicked inflict on the church of Christ and a just persecution which the church of Christ inflicts on the wicked (*ep.* 185.2.11). The deaths that Donatists suffered at the hands of authorities are just punishments (*c. ep. Parm.* 1.8.13). Catholics actually desired the spiritual salvation of the Donatists. Motivated by love, Catholics hope to correct Donatists and bring them back to truth (*ep.* 185.7). If Catholics must punish the Donatists, this does not constitute martyrdom but only a corrective action.[64]

Here the ideology of the outward "unity of the church" had become an all-devouring *Moloch*.[65] It even justified the persecution of other Christian groups. Such a development can hardly be rationalised with a different mentality and cultural context in Augustine's time – it is a tragic denial of the teaching of Jesus on nonviolence (e.g. Luke 9:54-55) that also resisted the attempt at privileged monopolisation (Mark

the Crusades (New York: Harper Collins, 2009).

61 Flasch, *Augustin*, 159, and ad Donat. post coll. 31, 53 PL 43, 684.

62 Amadeo Molnar, Die Waldenser: *Geschichte und europäisches Ausmaß einer Ketzerbewegung* (Berlin: Union, 1973), 374-375.

63 Augustinus, *Die Gottesbürgerschaft: De Civitate Dei XVIII* (Frankfurt a. M. and Hamburg: Fischer, 1961), 243-245. Cf. "The Bad Urach statement" in Christof Sauer and Richard Howell (eds), *Suffering, persecution and martyrdom: Theological reflections* (Johannesburg: AcadSA and Bonn: VKW 2010), 43.

64 Carole Straw, "Martyrdom," in Allan D. Fitzgerald, O.S.A., et al. (eds), *Augustine through the ages: An encyclopedia* (Grand Rapids, MI and Cambridge, U.K.: Eerdmans), 538-542, here 539. Cf. Chadwick, *Augustine*, 75-86.

65 Cf. Roger-Pol Droit, *Das Abendland: Wie wir uns und die Welt sehen* (Darmstadt: Primus, 2010), 84.

9:38-41).[66] In his reasoning of the church as a mixed body (*corpus permixtum*) Augustine pointed out that only God will separate sinners and saints in the final judgment.[67] But in the case of rigorist churches, Catholics would not wait but "punished" them. This appears to be a reversal of the apostle's command: "Are you not to judge those inside?" (1 Cor 5:12). As Searle Bates observed, "The influence of St. Augustine, tremendous during the Middle Ages, likewise in Luther's attitudes and in various strands of modern thought, was thrown toward compulsion."[68]

The Jews were also affected by the Constantinian shift.[69] In Kraus's view the established church no longer wanted to be on the move and wait for the kingdom of God.[70] Instead she celebrated her cultic Christ, whom she had wrested from the history of the coming kingdom of God. The church transformed history and the eschatological way into a circle whose centre had to be the ritually celebrated and dogmatically stabilised Christ. From this circle the Jews were banished – in the "Christian Empire" since Constantine and by the Law Code of Justinian. The miracle of redemption was kept within the "only saving church" and triumphantly pointed out against Jews and Gentiles. According to Kraus, the main questions of the Synagogue to the church were: Is the world really redeemed? In what sense is it redeemed? Where are the signs of redemption to be seen? And even the silent existence of the Jews is calling into question the static and self-assured existence of Christians.[71] This is not the picture of an attractive and inviting movement of good news.[72] It rather gives the impression that the Christendom church had become a usurper – like her patron Constantine.[73] In the words of Murray, "The logic of the Christendom shift led inexorably to totalitarian control and Inquisition."[74] The more monopolistic churches resorted to violence and manipulation, the more they

---

[66] Wilfried Eckey, *Das Markusevangelium: Orientierung am Weg Jesu* (Neukirchen-Vluyn: Neukirchener, 1998), 253.

[67] See McGrath, *Christian theology*, 409: "Contrary to the Augustinian view, proponents of the believers' church reject any definition of the church as a mixed body of believers and unbelievers." Cf. "Believers' church," in Stanley J. Grenz, David Guretzki and Cherith Fee Nordling (eds), *Pocket dictionary of theological terms* (Downers Grove, IL: IVP, 1999), 19.

[68] M. Searle Bates, *Religious liberty: An enquiry* (New York: International Missionary Council, 1946), 138-139.

[69] Cf. Carter's formulation "Hating God's people in the name of God: Christian Anti-Judaism," *in Rethinking Christ and Culture,* 86.

[70] Hans-Joachim Kraus, *Systematische Theologie im Kontext biblischer Geschichte und Eschatologie* (Neukirchen-Vluyn: Neukirchener, 1983), 104. Cf. Stone, Evangelism after Christendom, 131.

[71] Ibid., 104.

[72] Cf. Raymond G. Helwick, S.J., *The crisis of confidence in the Catholic church* (London and New York: Bloomsbury T&T Clark, 2014), xxii-xxiii.

[73] Cf. Manfred Clauss, "Konstantin," in *RGG*, 4th ed., vol.4 (Tübingen: Mohr Siebeck, 2008), 1618-1619. See also Niebuhr, *Staaten*, 105.

[74] Murray, *Post-Christendom*, 112.

undermined the persuasiveness of their message and eroded Christianity's reputation far into the future.

The end of Christendom is dated differently. Several thinkers maintain that we are in a long transition period before this reality will finally collapse.[75] Yet other authors like Hunter suggest that it lasted only "until the Renaissance and Reformation periods of the fourteenth and fifteenth centuries," whereas the "secularization process began in the fifteenth and sixteenth centuries, stampeded by the Industrial Revolution and the rise of the modern city which dislocated peoples from their traditions."[76] In any case, as Richardson noted, the "disintegration of Christendom began at the close of the Middle Ages with the rise of nationalism, the Reformation and the inevitable secularization of society which followed the Renaissance."[77] Thus, the current transitional crisis is the culmination of a process that lasted at least 500 years. Kraemer mentions that, "The steadily growing slow process of secularization in the cultural, political and social spheres" has challenged the status quo and "has meant the gradual shattering of this *Corpus Christianum*."[78] But this dissolution of century-old ties was not a linear process. Newbigin argues that the "breakdown of Christendom" took place slowly at first, "but later more and more rapid."[79] At the end of this evolution stands the transition from the mediaeval ideal of Christendom to Post-Christendom in a culture that had seen itself as Christian for many centuries. It is obvious that the driving forces of this process were and are opposed to the enforced uniformity, the pressure to conformity, and the inauthenticity of a forced confession that are associated with the history of Christendom. That indicates that there is no way back. Instead, there is a need to thoroughly analyse the new Post-Christendom situation with its dynamic changes, and find adequate responses to it.

4. Conclusion

The religious-political construct of Christendom is certainly a complex and multifaceted phenomenon and its assessment depends on the respective eschatological and ecclesiological view: "How people view Constantine and the subsequent political recognition of Christianity, whether positively or negatively," is, according

[75] Ibid., 3.

[76] George G. Hunter III, *The contagious congregation: Frontiers in evangelism and church growth* (Nashville, TN: Abingdon, 1979), 85-86; See also Poe, *Christian witness*, 21.

[77] Alan Richardson, "Christendom," in Alan Richardson and John Bowden (eds), *A new dictionary of Christian theology* (London: SCM Press, 2002), NDCT, 94; On the Reformation's contribution see George W. Hunter III, *How to reach secular people* (Nashville, TN: Abingdon Press, 1992), 27.

[78] Hendrik Kraemer, *The Christian message in a Non-Christian world* (New York / London: Harper & Brothers, 1938), 27.

[79] Leslie Newbigin, *The Household of God* (Carlisle: Paternoster, 1998), 1; Cf. Hunter III, *Contagious Congregation*, 85-86.

to Snyder, "a key indicator of their models of church and kingdom."[80] Despite the contemplated violent parts of its history, the Constantinian alliance contributed to an impressive civilisation[81] that contained and preserved many Judeo-Christian values to the present day, although these values are eroding rapidly. And it is to be regretted that the abuse of power and power-games also happen in former non-conformist churches and para-church organisations. However, in the New Testament, such behaviour is unambiguously denounced as destructive and sinful (e.g. 3 John 9-11). Yet in the structures of Christendom it seems to have been system-immanent for many centuries. The misuse of power and persecution in the history of the church is a contradiction to the liberating gospel of Christ, whose kingdom is both spiritual and nonviolent (John 18:36).[82] This obscuration of the good news is certainly one of the biggest obstacles to the faith of many contemporaries. An examination of the Christendom era clearly contributes to the study of the conditions of religious freedom and persecution. The Constantinian shift obscured the nature and mission of the church, had serious soteriological implications, and its compulsion to religious uniformity resulted inevitably in the loss of religious liberty for all religious dissenters. Certainly the Post-Christendom crisis goes beyond mere structural or denominational issues. In a recent contribution, Anglican bishop John Finney concludes that "Christendom is slipping away – bit by bit it is being stripped from us . . . We are entering a new world . . . We have to go back before the age of Christendom . . . and take the gospel to people who know nothing about it."[83] It will be a new challenge for this and the coming generations of Christians to navigate through unknown territory without using the outdated maps of Constantinianism. On reflection, one is forced to conclude that the experiences of former non-conformist movements and today's persecuted Christian communities may rather provide orientation for the future.

References

Augustinus. 1961. *Die Gottesbürgerschaft: De Civitate Dei XVIII.* Frankfurt a. M. and Hamburg: Fischer.

Baker, Robert A 1994, *A summary of Christian history* (ed. John M. Landers). Nashville, TN: Broadman and Holman.

[80] Howard A. Snyder, *Models of the Kingdom* (Nashville, TN: Abingdon Press, 1992), 164.

[81] Yet religious freedom is an achievement of non-conformist churches. Cf. Thomas Schirrmacher, "Christianity and Democracy," in *International Journal of Religious Freedom* 2/2 (2009), 73-85, here 75. Thomas Weißenborn, *Religionsfreiheit: Christliche Wahrheit und menschliche Würde in Konflikt?* (Marburg: Francke, 2003), 9.

[82] Cf. Josef Ratzinger Benedikt XVI, *Jesus von Nazareth,* vol. 2 (Freiburg: Herder, 2011), 214.

[83] John Finney, "Leadership in mission: The stripping of the Church," in *Theologische Beiträge* 45 (2014), 267-283, here 282.

Barth, Karl 1949. *Dogmatics in Outline.* London: SCM.
Bates, M. Searle 1946. *Religious liberty: An enquiry.* New York: International Missionary Council.
Bauer, Walter 1988. *Griechisch-deutsches Wörterbuch zu den Schriften des Neuen Testaments und der frühchristlichen Literatur.* Berlin/New York: de Gruyter.
Bonhoeffer, Dietrich 1956. *The Cost of discipleship.* London: SCM.
Bosch, David J 1980. *Witness to the world.* London: Marshall, Morgan & Scott.
Bruce, F.F. 1982. *1 and 2 Thessalonians.* WBC: Taco, TX: Word.
Brunner, Emil 2002. *Dogmatics III: The Christian doctrine of the church, faith and the consummation.* Cambridge: James Clarke [1962].
Brunner, Emil 1960. *Dogmatik III.* Zürich: Zwingli Verlag.
Brunner, Frederick Dale 1990. *Matthew, a commentary,* vol. 2. Dallas et al: Word.
Carter, Craig A 2006. *Rethinking Christ and culture: A post-Christendom perspective* Grand Rapids, MI: Brazos Press.
Chadwick, Henry 1986. *Augustine.* Oxford and New York: Oxford University Press.
Cross, Anthony R 2013. *Recovering the evangelical sacrament: Baptisma Semper Reformandum.* Eugene, OR: Pickwick.
Diprose, Ronald E 2000. *Israel in the development of Christian thought.* Rome: Istituto Biblico Evangelico Italiano.
Dulles, S.J. Avery 1988, *Models of the Church: A critical assessment of the church in all its aspects.* 2nd ed. Dublin: Gill and Macmillan.
Eckey, Wilfried 1998. *Das Markusevangelium: Orientierung am Weg Jesu.* Neukirchen-Vluyn: Neukirchener.
Fee, Gordon D. 1987. *The first epistle to the Corinthians.* NICNT: Grand Rapids, MI: Eerdmans.
Finney, John 2014. "Leadership in mission: The stripping of the Church," in *Theologische Beiträge* 45, 267-283.
Flasch, Kurt 1980. A*ugustin: Einführung in sein Denken.* Stuttgart: Reclam.
Frend, W.H.C. 2002. "Augustinianism," in Alan Richardson and John Bowden (eds), *A new dictionary of Christian theology.* London: SCM Press, 55-58.
Geldenhuys, Norval 1993. *The Gospel of Luke.* Grand Rapids, MI: Eerdmans.
Hauss, Friedrich 1991. *Väter der Christenheit.* Wuppertal and Zürich: R. Brockhaus.
Hilpert, Konrad 2009. "Religionsfreiheit," in *Lexikon für Theologie und Kirche*, 3rd ed, vol 8, 1048-1051.
Hinson, E. Glenn 1996. *The Early Church: Origins to the dawn of the Middle Ages.* Nashville, TN: Abingdon.
Hölzl, Maximilian J. 2014. 'Peters, George W.,' in *Biographisch-Bibliographisches Kirchenlexikon.* Traugott Bautz (ed), vol. 35, 1014-1035.
Howell, Richard 2009. "Christian suffering and martyrdom: An opportunity," in *International Journal of Religious Freedom* 2/2, 13-27.
Hunsberger, George R. 2015. *The story that chooses us: A tapestry of missional vision.* Grand Rapids, MI: Eerdmans.
Hunter III, George G. 1979. *The contagious congregation: Frontiers in evangelism and church growth.* Nashville, TN: Abingdon.

Kaufman, Eric 2010. *Shall the religious inherit the earth? Demography and politics in the twenty-first century.* London: Profile Books.

Koch, Richard & Christ Smith 2006. *Suicide of the West.* London and New York: Continuum.

Jeremias, Joachim 1956. *Die Gleichnisse Jesu.* Berlin: Evangelische Verlagsanstalt.

Johnson, Paul 1976. *A history of Christianity.* London: Weidenfeld and Nicolson.

Klaiber, Walter 1990. *Ruf und Antwort: Biblische Grundlagen einer Theologie der Evangelisation.* Stuttgart: Christliches Verlagshaus/Neukirchen-Vluyn: Neukirchener.

Kraemer, Hendrik 1938. *The Christian message in a Non-Christian world.* New York / London: Harper.

Kraus, Hans-Joachim 1983. *Systematische Theologie im Kontext biblischer Geschichte und Eschatologie.* Neukirchen-Vluyn: Neukirchener.

Ladd, George Eldon 1975. *A theology of the New Testament.* Guildfort and London: Lutterworth.

Lottes, Günther 2001. "Formationsprinzipien der europäischen Geschichte," in Dieter Holtmann and Peter Riemer (eds), *Europa, Einheit und Vielfalt: eine interdisziplinäre Betrachtung.* Münster: LIT, 129-152.

McBrien, Richard P 2002 "Church," in *A new dictionary of Christian theology.* Alan Richardson and John Bowden (eds). London: SCM.

McGrath, Alister 1994. *Christian theology: An introduction.* Oxford, UK/Cambridge, USA: Blackwell.

Molnar, Amadeo 1973. *Die Waldenser: Geschichte und europäisches Ausmaß einer Ketzerbewegung.* Berlin: Union.

Murray, Stuart 2004. *Post-Christendom.* Carlisle: Paternoster.

Mühlen, Heribert 1971. *Entsakralisierung: Ein epochales Schlagwort in seiner Bedeutung für die Zukunft der christlichen Kirchen.* Paderborn: Schöningh.

Newbigin, Leslie 1998. *The household of God.* Carlisle: Paternoster.

Novalis 1947. *Abendländische Vision.* Heidelberg: Kemper.

Nussbaum, Stan 2005. *A reader's guide to transforming mission.* Maryknoll, NY: Orbis.

Peters, George W 1972. *A biblical theology of missions.* Chicago: Moody Press.

Poe, Harry Lee 2001. *Christian witness in a postmodern world.* Nashville, TN: Abingdon.

Richardson, Alan 2002. "Christendom," in Alan Richardson and John Bowden (eds), *A new dictionary of Christian theology.* London: SCM.

Rienecker, Fritz & Cleon Rogers, *A linguistic key to the New Testament.* Grand Rapids, MI: Zondervan 1980.

Rommen, Edward 1985. *Namenschristentum: Theologisch-soziologische Erwägungen.* Bad Liebenzell: VLM.

Roth, John D 2013 (ed), *Constantine revisited: Leithart, Yoder, and the Constantinian debate.* Eugene, OR: Pickwick.

Schirrmacher, Thomas 2009. "Christianity and Democracy," in *International Journal of Religious Freedom* 2/2 (2009), 73-85.

Schlink, Edmund 1954. "Christus - die Hoffnung für die Welt," in *Evanston Dokumente: Berichte und Reden auf der Weltkirchenkonferenz in Evanston.* Foko Lüpsen (ed), Witten: Luther Verlag, 135-144.

Schnabel, Eckhard J 2002. *Urchristliche Mission.* Wuppertal: R. Brockhaus.

Schwarz, Christian A 1993. *Die Dritte Reformation: Paradigmenwechsel in der Kirche.* Emmelsbühl: C & P.

Shenk, Wilbert R 2005. "New wineskins for new wine," in *International Bulletin of Missionary Research*, 29/2, 73-79.

Skibbe, Eugene M 2009. *Edmund Schlink: Bekenner im Kirchenkampf, Lehrer der Kirche, Vordenker der Ökumene.* Göttingen: Vandenhoeck & Ruprecht.

Smalley, Stephen S. 1984. *1, 2, 3 John.* WBC: Taco, TX: Word.

Snyder, Howard A. 1992. *Models of the Kingdom.* Nashville, TN: Abingdon.

Stark, Rodney 1997. *The rise of Christianity: How the obscure, marginal Jesus movement became the dominant religious force in the Western world in a few centuries.* San Francisco: Harper.

Stark, Rodney 2009. *God's battalions: The case for the Crusades.* New York: Harper Collins.

Stone, Bryan 2007. *Evangelism after Christendom: The theology and practice of Christian witness.* Grand Rapids, MI: Brazos.

Straw, Carole 1999. "Martyrdom," in Allan D. Fitzgerald, O.S.A., et al. (eds), *Augustine through the ages: An encyclopedia.* Grand Rapids, MI and Cambridge, U.K.: Eerdmans, 538-542.

Stuhlmacher, Peter 1992. *Biblische Theologie des Neuen Testaments, vol. 1: Grundlegung. Von Jesus zu Paulus.* Göttingen: Vandenhoeck & Ruprecht.

"The Bad Urach statement" 2010, in Christof Sauer and Richard Howell (eds), *Suffering, persecution and martyrdom: Theological reflections.* Johannesburg: AcadSA and Bonn: VKW.

Ton, Josef 2007. *Suffering, martyrdom and rewards in heaven.* Wheaton, IL: The Romanian Missionary Society.

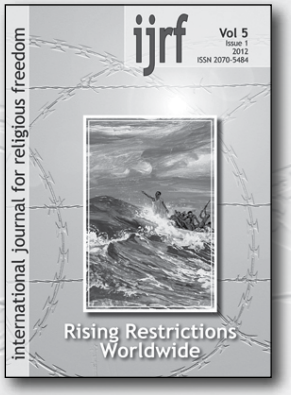
Weißenborn, Thomas 2003. *Religionsfreiheit: Christliche Wahrheit und menschliche Würde in Konflikt?* Marburg: Francke.

Wengst, Klaus 1984. *Schriften des Urchristentums II: Didache (Apostellehre), Barnabasbrief, Zweiter Clemensbrief, Schrift an Diognet.* Darmstadt: Wissenschaftliche Buchgesellschaft.

Westin, Gunnar 1958. *Geschichte des Freikirchentums,* 2nd ed. Kassel: Oncken, 1958.

Wright, David F 2003. "The testimony of blood: The charisma of martyrdom," in *Bibliotheca Sacra,* 160 (October-December 2003), 387-397.

Zahn, Theodor 1988. *Das Evangelium des Lucas.* Wuppertal: R. Brockhaus.



International Journal for Religious Freedom (IJRF)

Journal of the International Institute for Religious Freedom
ISSN 2070-5484

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

The editors welcome the submission of any contribution to the journal. Manuscripts submitted for publication are assessed by a panel of referees and the decision to publish is dependent on their reports.

Editorial Committee

Free electronic subscription (time delayed):

- To receive new issues of IJRF electronically on release (1 MB), send an email to: subscribe-ijrf-fulltext-subscribe@bucer.eu
- To receive an email notice only about a new issue of IJRF available online, send an email to: subscribe-ijrf-notice-subscribe@bucer.eu

Paid subscriptions 2013
Annual subscription fee for 2 issues:
South African Rand 280
(€25/US$35)
VAT and postage included

IJRF · P.O. Box 1336 · Sun Valley 7985 · Rep South Africa
Tel +27-21 783 0823 · Fax +27-86 551 6432 · editor@iirf.eu

w w w . i i r f . e u

Models of state policy in regulating minority problems

A Bulgarian approach

Valery Stoyanov[1]

Abstract

In the policy of national states, there are four models for addressing ethnic problems: (1) "liberation" of the minority through its physical destruction or eviction; (2) "dissociation" or segregation; (3) "incorporation" or integration; and (4) provision of full rights and freedoms, which, in turn, could facilitate disintegration. These four models can be seen in minority policy in Bulgaria. To one degree or another they have been applied to all kinds and groups of minorities, especially to those who were perceived as a possible threat to the national security. And because in the Balkans the nations are perceived as historically determined ethno-cultural constructions, the fear of the "other" grows with the increasing rate of its difference. That is why the state policy has always been focused on those ethno-confessional groups that stay most remote from the idea of the Bulgarian nation. This positioning shows that the contradictions on the axis "majority – minority" are realized mainly in the civilizational field – as a result of one apprehended as a different culture or way of life (Muslim vs. Christian, settled vs. nomadic, etc.). Hence arises the effort of the state to overcome them or, at least, to "soften" them. Of course, in a universal sense, every person is valuable, regardless of age, gender, race and ethnicity, native language, or confessed religion. Before God we are all equal – *pieces of energy in a material shell.* But when you think with the categories of "nation" and "state," of "us" and "them," of "our" and "other" (i.e. "not our, alien"), these differences play a decisive role. Thus there is the striving for leveling them, and if it is impossible, for rejecting or deleting them, including by "removing" their bearers. This article makes an attempt to trace how these four models are reflected in the state policy of Bulgaria towards the national minorities and what role the religious factor plays.

Keywords Minority policy, models, identity, history, Balkans, Bulgaria, Moslems, Turks, Pomaks, Jews, Roma.

[1] Prof. Dr. Valery Stoyanov, Ph.D., D.Sc. (*1951) is a head of the Auxiliary Sciences of History and Informatics Department of the Institute for Historical Studies at the Bulgarian Academy of Sciences, deputy-director of the Institute in the years 1993-2012. His scholarly interests are in the field of the border studies of history, historical ethnology and anthropology, East and South-Eastern Europe. This paper is an English version of a report presented on 21 May 2014 at the conference "The Balkans and the Rights of the Minorities" dedicated to the 20th anniversary of the Department of History at the New Bulgarian University, Sofia. Article received: 13 Aug. 2014; Accepted: 7 Oct. 2014, Contact: Prof. D.Sc, PhD Valery Stojanow, Institute for Historical Studies, Bulgarian Academy of Sciences, 52 Shipchenski prohod, Bl. 17, 1113 Sofia, Bulgaria, Tel.: (+359 2) 8708 513, Fax: (+359 2) 8702 191, Email: valeryst@ihist.bas.bg, valeryst11@yahoo.com, www.valeristica.ihist.bas.bg.

1. The four patterns

As the Department of History at the still young New Bulgarian University was founded 20 years ago, I had just finished working on my book about the Turkish minority, which I – with naiveté – submitted for printing in the Publishing House of the Bulgarian Academy of Sciences. After a three-year "maturing" the manuscript was returned to me, to be published elsewhere with the support of the International Centre for Minority Studies and Intercultural Relations (IMIR) and the "Open Society" Foundation (Stojanov 1998). So the monograph – as the first of its kind – became accessible to a wide audience, while the Publishing House of the BAS continued to produce mainly "patriotic" historiographical works. I have not used this book for my academic growth, but till the Easter holidays in 2014 it has gathered five reviews and at least 198 references in 64 scientific publications, of which 32 are abroad. And if we also add to them the quotations of five more articles on the same issue that came out of the material of this work (Stojanov 1993, Stojanow 1994, Stoyanov 1995, Stojanow 1997, Stoyanov 1998a), we are talking about 267 references in 91 publications, of which 49 are out of Bulgaria. I mention all this not to stroke my ego – I think I have overcome that form of human vanity – but in order to show (1) how short-sighted one's publisher policy may be when it takes into account only the situation of the day, and (2) the relevance of the topic, despite the multitude of works published on it in the past decades.

Two terminological groups of concepts were introduced with this monograph, one of them about the *"imperial"* and *"national"* model of development of the ethnic policy – I was glad to see later that some representatives of academia adopted these (Stojanov 1998, 14), and the other – about the phases of the repeatability during the disintegration of the multinational States, following the four patterns in the solution of ethnic problems: (1) *"liberation"* of the minority through its physical destruction or eviction; (2) *"dissociation"* or segregation; (3) *"incorporation"* or integration; and (4) providing the *full rights and freedoms*, which, in turn, could facilitate disintegration (Stojanov 1998, 18). In the following lines I would like to trace briefly how these "patterns" are reflected in the state policy of Bulgaria on national minorities and what role the religious factor played in them.

2. The fear of the "others" in national minority policy

The four models appear through an impartial study of minority policy in Bulgaria during its different stages of development after the recovery of its statehood. In one degree or another, separately or together, they have been applied to all kinds and groups of minorities, but most of all to those who at the moment were perceived as a possible threat to national security. And because this is about the protection of

the nation, and it is perceived in the Balkans as an historically determined ethno-culture (but not political) construction, the fear of the "others" grows with the increasing rate of their difference. And what is stranger to the Orthodox Bulgarian – the core of the national body – than the other-faith Muslim communities, considered as later new-comers in the Bulgarian lands and as relics of the past imperial system? It would be easier for him to accept his Catholic and Protestant countrymen than the Bulgarian Muslims (the *Pomaks*),[2] the Greeks and the descendants of the former times *"Patriarshists"*[3] merged in them, the Armenians, the Wallachians and even the Jews (although anti-Semitism has increased over time) than the Muslim Roma and the Turks, supported by one of the most rapidly developing countries in the Islamic world, and heirs of a great Empire. The negative attitude to modern Syrian refugees provides new evidence of such a mentality. That is why the state's minority policy has always been focused on those ethno-confessional groups that stay *most remote* from the historical culture of Bulgaria.

This positioning shows that the contradictions and oppositions on the axis "majority – minority" derived from them are realized mainly in the *civilizational* field – as a result of one perceived as a different community culture or way of life (Muslim vs. Christian, settled against nomadic, etc.). Hence arises the effort of the state to overcome them or, at least, to "soften" them. Of course, in a universal sense, every person is valuable, regardless of age, gender, race and ethnicity, native language, or confessed religion. Before God we are all equal – *pieces of energy in a material shell*. But when you think with the categories of "nation" and "state," of "us" and

[2] The designation "Pomaks" (singular "Pomak") is a conventional term, adopted in the scientific literature as a name for Muslims speaking the Bulgarian (or South Slavic) language. The Pomaks live mainly in the region of the Rhodope mountains (in southern Bulgaria and Northern Greece), but under different names like Akhriani, Torbeshi, Gorani, etc. they are also found in other parts of the Balkans (for more details see Rajčevski 1998, 9-10, 95-180, 180-187). In Turkey, where the Pomaks settled as a result of migrations during the Balkan wars and later, they are considered as "Rhodope Turks" or "Pomak Turks" – descendants of early Turkic settlers who supposedly "forgot" their native language. In Bulgaria and Macedonia they are considered as Islamized Bulgarians or Macedonians respectively; in Greece – as Slavicized and subsequently Islamized descendants of an ancient Thracian tribe, closely related to the Greeks, but who have nothing to do with the Bulgarians and the Turks. Since the 1990s, under the influence of the Arabic (Salafi) missionaries the thesis is spreading that the Pomaks are descendants of Arabs (fighters for the faith, prisoners of war or even messengers of the Prophet Himself), who settled in the Balkans before the Ottoman Turks. These and other speculative "plays" with the theme of the origin of the Bulgarian Muslims (the Pomaks) cause them to appear to be of multiple origins, which is often politicized.

[3] The "Patriarchists" as the East-orthodox Bulgarians were called, after creating with the Sultan's decree from February 28, 1870 the Bulgarian Exarchate (the independent Bulgarian Church), declared by the Patriarch in Istanbul as "schismatic" (so until 1953), remain faithful to Constantinople's Patriarchy. Later they began to be considered as a part of the Greek nation and earned the nickname grăkomani (Mac., Serb. grkomani, Alb,.. grecomani, i.e. "pretended to be a Greek, greedy to be considered Greek"), respectively "Slavic speaking Greeks" (Σλαβόφωνοι Έλληνες).

"them," of "our" and "other" (i.e. "the alien"), these differences play a decisive role. Thus there is the striving to level them, and if that is not possible, to destroy them, possibly by "removing" their bearers.

3. Expulsion or emigration – Jews and Turks

The *removal* of part of the uncomfortable minority has various manifestations. In Bulgaria the extreme form, physical extermination, was not reached. Despite the burden of the deportation of 11,343 (or, from other data, 11,480) Jews from the occupied "New Lands" during World War 2,[4] the state, as an ally of the Third Reich, managed to preserve the life of its own 48,600 Jews, who were spared the tortures of the Final Solution (*die Endlösung*). Their civil rights were severely limited, their property was partly confiscated, they were not allowed to practice certain professions, and many Jews were interned in labor camps, but most importantly, they survived. After the war their number even grew. In 1945, 49,172 Jews were recorded; they were not only connected with the immigrants from neighboring Balkan countries, but probably also with those citizens of Jewish origin once converted to Christianity with changed names that now declared again their Judaism. In 1951, only 7,676 Jews remained, of which more than half (4,529) were in Sofia. The rest were moved to Israel as a result of the common efforts of local and international Jewish organizations, and with the support of the Bulgarian state. The reduction of this minority continued throughout the whole totalitarian period. In 1992, there were only 3,461 Jews (Büchsenschütz 2000, 29-30, 222; Vasileva 1992, 147),[5] 90% of whom were employed, working in various institutions and productions, and the percentage of officials and intellectuals had reached 66.4% (Vasileva 1992, 147). Many of them were merged to such an extent with the majority that they had changed their family and personal names to Bulgarian ones. Thus they became "accomplices and victims of dismissal of their own collective identity" (Barukh 1998, 237). But their successful integration and assimilation in Bulgarian society would turn them into a positive example and a model for other ethnic groups (Büchsenschütz 2000, 31).[6]

[4] So were named the territories in today's Macedonia, Northern Greece (Aegean Macedonia, Western Thrace) and part of Eastern Serbia (the so-called Pomoravije), in which, before the collapse of the Ottoman Empire, a compact Bulgarian population lived among other ethnic groups. This gives rise to the aspirations of the Bulgarian state during WW1 and WW2 to acquire them.

[5] Vasileva specified different data: 7 676 Jews at the end of 1951, 7 220 at the end of 1952, 6 853 for 1953, 6 717 for 1954, 6 534 for 1955 and 6 431 for 1956 (according to the mentioned document from the Central State Archive [CSA], fund 622, archival unit 122, sheet 21).

[6] The author uses for them the term "exemplary minority" introduced by Troebst 1994, although he defines it himself for the period after the mid-1950s onwards, as an already imperceptible "deceasing" minority.

The Jewish "migration to the motherland," permitted by the state, gave hope to some Bulgarian Turks to also expect such a resolution for the "Turkish problem." As emigration started at the end of the 1940s, there were two opposed forces that affected the mood of the Turkish population and its decision to seek asylum in the neighboring "*ana vatan.*"[7] Of course, the main factor was the new Communist power, whose initiatives affected to the greatest degree the Muslim population with the laicizing of education, collectivization of private agricultural property, and introduction of a lifestyle that shook the traditional way of life and behavior patterns of the closed Muslim community. At the same time, the propaganda of Ankara was intensified, spreading rumors, for example, that in Turkey one potato weighed 8 kg and that the people who went there would be given new houses and US dollars, while the children of those who remained would be sent to Russia.[8] This process coincided in time with the intention of the Central Committee of the Bulgarian Workers' Party (Communists) to liberate the land from parts of the ideologically unreliable Turkish minority. The words of Prime Minister George Dimitrov at the closed Plenum of the Central Committee of January 4th 1948 that the population on the southern border is an "ulcer for our country" and should be removed elsewhere[9] are often cited. This occurred even before the decision for that population's mass eviction. The deterioration of Bulgarian-Yugoslav relations, however, and the increased pressure from Moscow after the death of Dimitrov contributed to an orientation towards liberation from the more alert elements of the minority by their dispatch to the neighboring Turkey. Between 1948 and 1951, more than 155,000 Bulgarian Turks left the country (Stojanov 1998, 109-115, 237). This was not the first time. Before the conclusion of the Ankara Convention (1925), some 450,000 Bulgarian Turks moved to the South (Stojanov 1998, 237; Totev 1968, 25). About 100,000 were emigrants in the period 1934-1944 (Stojanov 1998, 237; Şimşir 1986). Later, 52,392 new people made use of the "Agreement on the reunification of families" in the years 1968-1972 (Stojanov 1998, 140-141), to get to the Big Trip in 1989 that drove another 214,902 emigrants outside the borders.[10] The raising

[7] Turkish – "Mother Homeland". This term is used to refer to modern Turkey, as a kind of "homeland" for all Turkic speaking citizens of the neighboring Balkan countries which are part of the Ottoman heritage – the descendants of the Turkish Muslim population living in the region before the collapse of the Ottoman Empire.

[8] See the Central Party Archive [CPA], fund 1, list 6, archival unit 637, sheets 17-27.

[9] CPA, f. 1, l. 5, a. u. 19, sh. 17.

[10] With the "Big Trip" ("Great Trek" or "Great Excursion") is designated the forced eviction in the summer of 1989 of about 320 000 Bulgarian Turks, who made use of the changes in the Bulgarian legislation which occurred in unison with the agreements at the Vienna meeting of the participating States of the CSCE and, in particular, the removal of any restrictions on private travel abroad. Formally, they left as "tourists" to Turkey (so "the trip"), but they were driven to this decision both by the actions of the Bulgarian authorities and by the activity of the illegal Turkish organizations, most leaders of which later

of the Iron Curtain and the deterioration of life in Bulgaria in the following years drove some 140,000 more Bulgarian Turks to emigrate until 1993. They are a small part of the more than a million humans with potential who left the country in the last quarter-century. The state policy in all its possible spheres, like economy, health care, science and education, including in the cultural and minority areas, has also contributed to this, purposefully or not. They have provided a convenient way for getting rid of the inconvenient and more alert elements that otherwise would have sought their rights after the post-Communist elite seized power.

4. Inclusion vs. exclusion – the Roma case

Segregation as a model of minority policy in Bulgaria is not officially practiced. It occurs anyhow – in some Muslim communities, and particularly among the Gypsies (Roma), groups of which separate themselves from the rest of the world in ghettos, from whence it is difficult to get out. But this is a product of their own development and culture, with which the state cannot cope. Gypsies were always a marginalized heterogeneous community, practicing handicrafts typical of the preindustrial era that also specify the designations of some particular subgroups, e.g. *ursari* (bearwards), *lovari* (dealing with horses), *calderari* (or *kaldarashi*, tinkers), and so on. The socio-political changes after the coup of September 9th 1944[11] had a positive impact on the Gypsies' development – the restrictions on the sojourning of Roma in parts of the inner cities and on their use of public transport were abolished. Their belonging to the lower social strata turned them into a natural supporter of the new "people's power." And in return measures were taken to "improve the way of life and culture" of the Roma population, providing limited cultural autonomy, which included the creation of cultural organizations, opening of special schools, the issue of newspapers, etc. (Büchsenschütz 2000, 39-64; Marušiakova, Popov 1993, 88; Tomova 1998, 72-80). Special attention was paid to the education of the Roma, of whom in 1946 81% were illiterate (Tomova 1995, 58). In 1947 in the Sofia quarter "The Faculty" had opened the first school for Roma children, followed by similar institutions in Stolipinovo, a district of the Bulgarian city of Plovdiv, and in other areas with a dense Roma population. Over time, these institutions increased their emphasis on career education (the pupils acquired qualifications as tailors, locksmiths, etc.), and one provided students with free meals. There were also boarding schools for children from wandering families, who, through separation from their traditional environment, could adapt to a more modern way of life. In 1962, about

turned out to be closely associated with the services of the former State security. About 42% of the "tourists" came back until September 10th 1990; in Turkey 214 902 other people settled down.

[11] With it begins the positioning of Bulgaria in the Soviet sphere of political, economic, ideological and cultural influence.

3,000 Roma children were placed in such institutions; by 1967, the number had tripled. However, the efforts of the authorities to force the Roma to also accept education in their value system were not crowned with success. Over time the number of illiterate Roma decreased significantly, reaching just over 11% by the end of the totalitarian period. This allowed them to get some qualifications and be successful in the labor market. And the few Roma with higher education, who went beyond the average level of the community, successfully entered the Bulgarian socialist nation. Because of the nature of the Communist regime, this integration policy was implemented through pressure. Therefore, subsequently, some facts of the totalitarian education system were pointed out by right-protected NGOs almost as examples of intentional segregation of the Roma population by the Communist regime. Most of the measures after 1989, however, introducing elements of the foreign experience, did not succeed in improving the condition of the Roma, which at the end of 1992 were officially 313,396 people (3.69% of the population). Gypsies at the end of the 20th century were among those who suffered most from the transformation processes, especially after the closure of the state-owned enterprises (including handicraft and agricultural cooperatives) in which they earned their living. As poorly qualified and marginalized social groups, they were easily criminalized and had to rely on state support through financial aid for the unemployed, or as users of social benefits for the birth and upbringing of children. The large mass of them now live in isolated areas in the settlement conglomeration, which leads to their separation and ghettoization. With few exceptions, only their leaders thrived who, in alliance with Bulgarian politicians, continue to use the Roma masses for their own prosperity.

5. Absorption or integration – the Pomaks

The Bulgarian state with its policy of "*inclusion*" of the minorities is the largest historical experience. The history of the so-called "Revival Process"[12] belongs here, as well as the treatment of Roma in Communist Bulgaria. The necessity of integration measures was realized early enough and already in the first half of the 20th century amplified the weight of the studied "Patriotic disciplines" (Bulgarian language and literature, Bulgarian history and Bulgarian geography), included in the minority schools. But then this was the practice in every national state, including the Balkans. Another institution that contributed to the Patriotic education, and hence the integration, was the barrack. It is not surprising that the young generation of

[12] The term, designating the attempts to "integrate" the Turkish population by violent changes of its names and elements of its culture, customs, clothing, etcetera, refers mainly to the period 1984-1989. More broadly, however, it includes all previous attempts on the integration of the Bulgarian Muslims (Pomaks) and the Roma Muslims into the dominant part of the nation by changing their cultural models.

Pomaks at the heart of the so-called "Bulgarian-Muslim Motherland movement"[13] passed through the "school" of the Bulgarian barracks. The history of the "Friendship Motherland" reveals the main flaw in Bulgarian minority policy: impatience, the demand for a solution to such a complex problem of several years, and this in a field, where decades of effort with patient and consistent work are necessary.

The delicacy of the issue is further complicated by the fact that the main element in the "diversity" of the Pomaks is their religion – they profess Islam, while the dominant majority of Bulgarians are Christians (Orthodox, Catholics, Protestants). This is what makes Bulgarian Muslims (the Pomaks) more foreign to the authorities. In the revived Bulgarian state, they were initially treated with Turks as one confessional community with cultural-autonomous status. The problems began with the outbreak of the Balkan wars for the final eviction of the Ottoman Empire from Europe and for the division of its inheritance. Bulgaria acquired new territories, with which the number of Pomaks in the Rhodope mountains reached 109,984 people (Rajčevski 1998, 127). In 1912, the first attempt to change their identity was launched, known in history under the name "krăstilkata" (the Christening). It took place under strong organized pressure, in which the Bulgarian Orthodox Church led the "fight of the Cross against the Crescent" (Eldărov 2001, 612, 624). Groups of villagers took Christian names. Often a kind of ritual was used, which included not only the spraying of the converted with holy water, but also forcing them to bite a piece of pork, as a symbolic rejection of Islam (Drugite 1995, 146). The mosques were turned into churches, and there was physical violence. Thus until September 1913, 150,000-200,000 Muslims were baptized. After the defeat of Bulgaria in conflict with its former allies, the names and the religious freedoms of the Bulgarian Muslims were restored. During World War 1, Bulgaria and Turkey were allies on the side of the Central powers, and in the Bulgarian army Turks and Pomaks were also mobilized. The problems with them began only when, with the reforms of Ataturk and their echo in Bulgaria, the Muslims became an object of

[13] The cultural educational organization "Friendship Motherland" was established in 1937 in the town of Smolyan (in the Central part of the Rhodope Mountains) with the mission to lead the struggle for the full incorporation of the Pomaks into the Bulgarian nation. It preferred the designation "Bulgarian-Muslims" for them and developed some methods and strategies for revival activity, collected materials for their Bulgarian origin and founded their own sections in different localities. As a result of its activity the Muslim names were "rejected" (1942), there were changes in the domestic sphere and the clothing of the Pomaks, and also the Bulgarian language was introduced for the needs of their religious cult. The commitment of the organization with some state structures, however, gave an occasion to stigmatize it after the war as a nationalist and "fascist" one, and its leaders were sent to camps and prisons. In 2011, the "Friendship Motherland" had been restored to preserve the Bulgarian self-awareness among the Pomaks and to resist attempts for their Turkization and separation. For some details see Stojanov 2011; for a different point of view see Mehmed 2007 as well as the critical analysis of his book, made by Petrov 2008.

influence for the Turkish national idea – using the new organizations created in the country, like *Turan* (Turan), *Türk Ocakları* (Turkish hearths), *Boz Kurt* (Gray wolf) and others. This elicited a strong reaction from the Bulgarian nationalists. Members of the "Home Protection," for example, exerted pressure on the Turkish population, forcing people to speak only in Bulgarian, restricting religious rights and by various provocations (the burning of fezzes, throwing pieces of pork fat in the wells, suspension of pig tails on mosques, etc.) tended in many ways to keep the people under tension, urging them to emigrate. With the military coup in 1934, the activities of all parties were stopped; the "Home Protection" as well as "Turan" were prohibited, but with its support for the "Friendship Motherland" the state showed its preference for methods of forced integration.

After the Second World War, the pendulum swung back. The "Friendship Motherland" was declared "fascist," and the results of its activity were removed. The traditional names of the Bulgarian Muslims were reinstated and the Turks received cultural autonomy in the Soviet pattern. Soon, however, the authorities recognized that this model, successful in multi-ethnic States, carried risks for the mono-national ones, because it increased the centrifugal tendencies. A policy of integration of minorities in the "Bulgarian socialist nation" began to be imposed, including by promoting economic development, which, however, limited their cultural identity. The amorphous mass of the Roma failed most easily under pressure, because the amorphous mass of the Roma, because the abolition of the nomadic lifestyle through "establishment per decree"[14] went along with assurance of livelihood of the newly settled in cooperative farms and enterprises, and the creation of workshops for souvenir articles (wicker chairs, mats, baskets), in accordance with their traditional production. After unsuccessfully attempting to change the names of the Bulgarian Muslims in the 1960s, a decade later, the process of their "inclusion" was registered as completed. Now came the turn of the Turks themselves – first, of families with mixed marriage, and then, of the purely Turkish families. They were forced to change their identities by changing their names, language, clothing, etc. in favor of a supposedly "re-uncovered" Bulgarian identity. This was called "Revival Process" and was officially stigmatized ten years later in order to legitimize the power of the transformed elite in the early 1990s.

The fluctuations of state policy indicated the lack of long term perspective and made mockery of the attempts to find a firm solution to the "minority problem." This explains the failures of each pressure and its subsequent abolition. Going from one to the other extreme and back testifies not only to the refusal to maintain

[14] Through the Council of Ministers Resolution No. 258 dated December 1958 vagrancy and begging were officially banned.

established national priorities, but also to the short-sightedness of the political actors, who in their ambition to taste the fruits of their own initiatives overlooked the perspective. So they became accomplices and "co-powers" of unwanted developments that strengthened the disintegration processes. In the case of the Pomaks it is already there – with creation of multiple identities (Ivanova 2013, Ivanova 2014), enabling the denationalization and "trans-nationalization" of this old Bulgarian population.

6. Back to the "Imperial model"

That is why the liberal model, which would provide full rights and freedoms for the minority communities and greatly benefit their cultural development, is unacceptable for the national state. Least of all is it acceptable in an environment like the Balkan one, where every Bulgarian neighbor is seeking to consolidate its own national unity. This supports the old zones of tension and creates new ones by crossing the mutual influences – ethnic, linguistic, religious and so on. Therefore, in the medium term, the most promising model seems to be a modified policy of integration of minorities while maintaining their cultural individuality and avoiding final assimilation, as the attempted "Revival Process" had already failed previously. The alternative would be the destruction of the national State in the framework of "Balkans of the regions," which would be part of a new "United Europe", different and spreading beyond its natural borders.

But this return to the "Imperial model," set against that of the "nation-state," will not be something different, no matter in what shape it will be presented to the general public.

References

Barukh, E 1998. Evrei [The Jews]. In: *Obštnosti i identičnosti v Bălgarija* [Communities and identities in Bulgaria]. Compiled and edited by Anna Krăsteva. Sofia: Petekson: 221-242.

Büchsenschütz, U 2000. *Malcinstvenata politika v Bălgarija. Politikata na BKP kăm evrei, romi, pomaci i turci, 1944-1989* [The minority policy in Bulgaria. The Policy of the BCP on Jews, Roma, Pomaks and Turks, 1944-1989]. Sofia: IMIR: 248.

Drugite 1995. *Drugite balkanski vojni* [The other Balkan wars]. Sofia.

Eldărov, S 2001. Bălgarskata pravoslavna cărkva i bălgarite mjusjulmani, 1878-1944 [The Bulgarian Orthodox Church and Bulgarian Muslims, 1878-1944]. In: *Istorija na mjusjulmanskata kultura po bălgarskite zemi. Izsledvanija* [History of Muslim culture in Bulgarian lands. Studies]. Sofia: 592-666 (= *Sădbata na mjusjulmanskite obštnosti na Balkanite*, t. 7 [= *The fate of Muslim communities in the Balkans*, vol. 7].

Ivanova, E 2013. Identičnost i identičnosti na pomacite v Bălgarija [Identity and identities of the Pomaks in Bulgaria]. In: *Pomacite: versii za proizhoda i săvremenni*

identičnosti [The Pomaks: Versions of the origin and modern identities]. Sofia: NBU: 11-32.

Ivanova, E 2014. *Isljamizirani Balkani: dinamika na razvitie* [Islamized Balkans: dynamics of development]. Sofia: NBU.

Marušiakova, E and Popov, V 1993. *Ciganite v Bălgarija* [The Gypsies in Bulgaria]. Sofia.

Mehmed, H 2007. *Pomacite i torbešite v Mizija, Trakija i Makedonija* [The Pomaks and the Torbeshi in Moesia, Thrace and Macedonia]. Sofia: 167.

Petrov, P 2008. "Bălgarite mohamedani (pomaci) njamat svoja samostojatelna istorija [The Bulgarian Muhammedanians (Pomaks) have not their own independent history], edited in August – September 2008 in the blog "The Pomaks" (http://pomaks.blogspot.com/search/label/Статии) and reprinted in the site "Pravoslavie" [Ost-Orthodoxie] in the column relating to the Islam (http://www.pravoslavieto.com/inoverie/islam/pomaci_petrov.htm).

Rajčevski, St 1998. *Bălgarite mohamedani* [The Bulgarian Muhammedanians]. Sofia: St. Climent Okhridski University Press.

Şimşir, BN 1986. The Turks of Bulgaria and the immigration question. In: *The Turkish presence in Bulgaria.* Ankara: 39-58.

Stojanov, V 1993. Turskoto naselenie na Bălgarija i oficialnata malcinstvena politika, 1878-1944 [The Turkish population in Bulgaria and the official minority policy, 1878-1944]. In: *Stranici ot bălgarskata istorija. Săbitija, razmisli, ličnosti*. T. 2 [Pages from the Bulgarian History. Events, Considerations, Persons. Vol. 2]. Sofia: *Prosveta*: 192-209.

Stojanow, V 1994. Die türkische Minderheit Bulgariens bis zum Ende des Zweiten Weltkrieges. *Österreichische Osthefte* (Wien), 36, 2, 1994: 279-294.

Stoyanov, V 1994 (1995). The Turks of Bulgaria. In: *Relation of compatibility and incompatibility between Christians and Muslims in Bulgaria*. Sofia: 268-272.

Stojanow, V 1997. Ausgrenzung und Integration: Die bulgarischen Türken nach dem Zweiten Weltkrieg (1944/45 - 1989). *Österreichische Osthefte*, 39, 2, 1997: 193-221.

Stojanov, V 1998. *Turskoto naselenie v Bălgarija meždu poljusite na etničeskata politika* [The Turkish population in Bulgaria between the polarities of the ethnical policy]. Sofia: LIK: 251 pp.

Stoyanov, V 1998a. Genesis and development of the "Turkish Question" in Bulgaria. *Bulgarian Historical Review*, 1-2, 7-29.

Stojanov, V 2011 [2012]. Bălgarite mohamedani ("pomacite") [The Bulgarian Muslims (The Pomaks)]. In: *Istorija na Bălgarija*, t. IX. Istorija na Bălgarija, 1918-1944 g. Djal III. Bălgarskijat nacionalen văpros – obštnosti I organizacii. Gl. IV. Malcinstveni etničeski i religiozni obštnosti v Bălgarija. § 4 [History of Bulgaria, vol. 9. History of Bulgaria, 1918-1944, Part 3. The Bulgarian national question – Societies and organizations. Chapter 4. Ethnical and religious minority societies in Bulgaria, § 4]. Sofia: 555-564.

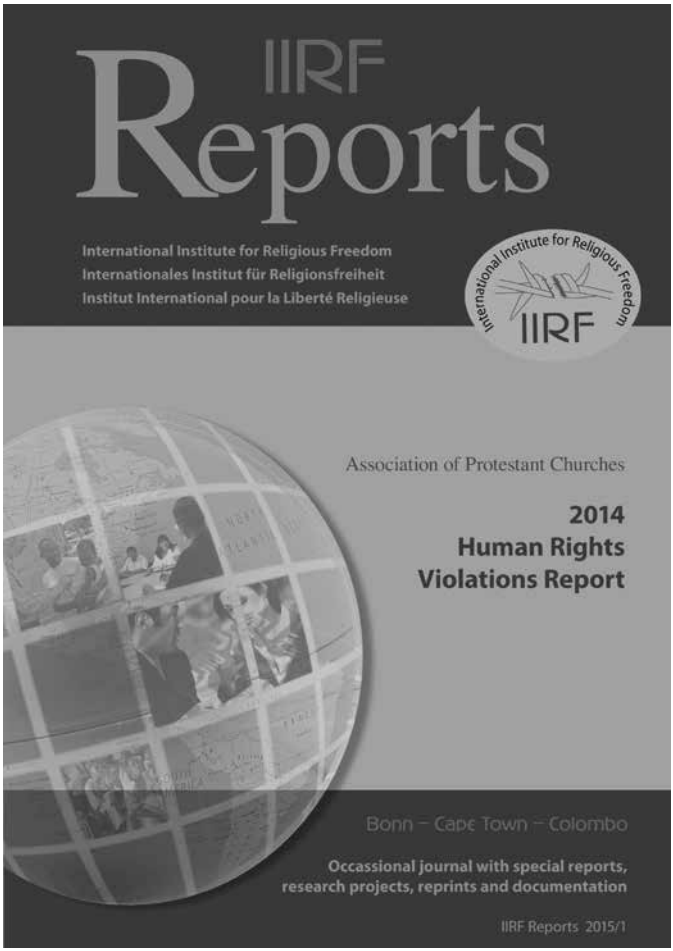
Tomova, I 1995. *The Gypsies in the transition period*. Sofia.

Tomova, M 1998. Romskijat periodičen pečat v Bălgarija ot Osvoboždenieto do naši dni [The Roma periodicals in Bulgaria from the Liberation to the present day]. In: *Periodičnijat pečat na malcinstvata v Bălgarija (1878-1997)* [The periodicals of the national minorities in Bulgaria (1878-1997)]. Sofia: 68-99.

Totev, A Ju. 1968. *Naselenieto na Bălgarija* [The population of Bulgaria]. In: *Godišnik na Sofijskija Universitet, Juridičeski fakultet* [Year-Book of the Sofia University, Law Faculty], 59, p. 25.

Troebst, St. 1994. Antisemitismus im "Land ohne Antisemitismus": Staat, Titularnation und jüdische Minderheit in Bulgarien 1878-1993. In: *Südost-Mitteilungen*, 34 (1994) 3, 187-201.

Vasileva, B 1992. *Evreite v Bălgarija 1944-1952* [The Jews in Bulgaria 1944-1952]. Sofia: St. Climent Okhridski University Press.



The Armenian question in Turkey's domestic and international policy

Thomas Schirrmacher[1]

Abstract

Even if the Armenian question does not have the importance of the Kurdish question for Turkey's domestic policy, it plays a central role for Turkey's self-understanding. What lies at the center is not primarily the everyday discrimination of Armenians which emanates from the population. Rather, it is the combat against those who want to designate the widespread deaths of Armenians in the course of the alleged resettlement of Armenians during World War I as genocide. It has only been since the massive opposition by governments and parliaments of numerous countries that Turkey has initiated research into genocide at all. Together with the discrimination of religious minorities, this has become a stumbling block for entry into the EU.

Keywords Turkey, Armenian, genocide, policy.

1. Introduction[2]

"Who still talks about the extermination of Armenians?"[3] With these words in an address before Wehrmacht (German armed forces) supreme commanders, Adolf Hitler justified what began a few days later as the obliteration of Poland. What appears

[1] Thomas Schirrmacher (* 1960) is an international human rights expert and chair of the International Council of the International Society for Human Rights, spokesman for human rights of the World Evangelical Alliance and director of the International Institute for Religious Freedom (Bonn, Cape Town, Colombo). He is professor of the sociology of religion at the State University of the West in Timisoara in Romania and Distinguished Professor of Global Ethics and International Development at William Carey University in Shillong (Meghalaya, India). Schirrmacher earned four doctorates in Theology (Dr. theol., 1985, Netherlands), in Cultural Anthropology (PhD, 1989, USA), in Ethics (ThD, 1996, USA), and in Sociology of Religions (Dr. phil., 2007, Germany) and received two honorary doctorates in Theology (DD, 1997, USA) and International Development (DD, 2006, India). Article received: 14 Feb. 2014; Accepted: 31 March, 2015. Contact: Friedrichstr. 38, 53111 Bonn, Germany, Fax +49 2289650389, Email: DrThSchirrmacher@me.com.

[2] Translated by Dr Richard McClary from "Die Armenierpolitik in der türkischen Innen- und Außenpolitik". S. 77-88 in: Bernd Rill (ed.). Türkische Innenpolitik. Argumente und Materialien zum Zeitgeschehen 86. Hanns Seidel Stiftung, Munic, 2013. ISBN 978-3-88795-420-8. I not only owe thanks to colleagues in Turkey and Germany for much information in the form of literature and discussions. I also owe thanks to the Patriarchats Vicar Archbishop Aram Ateşyan; to Aram I, Catholicos of Cilicia of the Armenian Apostolic Church, residing in Lebanon; to the ecumenical Patriarch Bartholomew I; and to the Syrian Orthodox Metropolit Yusuf Çetin, the former and the new Mufti of Istanbul as well as Turkish and Armenian discussion partners. The latter individuals do not wish to be named. All web links were checked on 5 July 2013.

[3] Akten zur deutschen auswärtigen Politik. Serie D: 1937 – 1941. Bd. VII. Berlin, 1961, p. 193.

to have actually been forgotten then has today become the object of a worldwide, highly political, and academic controversy.[4]

Prior to and during World War I, ethnic 'cleansings' were planned ahead in Germany, France, Russia, and other European nation states.[5] In the process, what was primarily involved was a situation with population exchanges, i.e. certain areas were to be reserved for certain ethnicities and they would thus be sorted out. However, it was within the crumbling Ottoman Empire where such ideas were implemented for the first time in modernity in a manner, whereby resettlements ended in widespread deaths.[6]

"Between 1915 and 1917, the oldest Christian people group [TS: in Asia Minor] was almost completely annihilated."[7] Just 100 years ago, 25% of the population in Asia Minor and one-half of the inhabitants of Constantinople were Christians. Today, officially 99% of the inhabitants of Turkey are Muslim. The number of Armenians, the largest Christian minority in Turkey at that time as well as today, has shrunk from about 2.1 million to an estimated 60,000, thus representing fewer than 0.1% of all Turkish inhabitants. Approximately 75% of those who openly identify themselves as Armenians in Turkey live in Istanbul.[8]

The 2.1 million Armenians who were living in the Ottoman Empire in 1895, representing 38.9% of the population, comprised the largest population group in the six Armenian provinces of the Empire, ahead of Turks and Kurds.[9] In the 19th century, for instance in 1895/1896, there had already been pogroms against the Armenians with thousands of deaths in each case, and these resulted in the emigration of many Armenians.

"For centuries, Armenians lived as a Christian minority among Muslims in the Ottoman Empire, in Constantinople. Above all, however, they lived in six East Anatolian provinces in what is present-day Turkey. Then, however, in 1908 the revolution of Young Turks shook the country. Generals Talat Pascha, Enver Pascha, and Cemal

---

4 The discussion as to the extent to which the displacement of Armenians can be correlated to the Jewish Holocaust, as a model or a precursor, is in high gear; see the articles in Fritz Bauer Institut, Sybille Steinbache (ed.). Holocaust und Völkermorde: Die Reichweite des Vergleichs. Campus: Frankfurt am Main, 2012. Placing it on an equivalent level can be found in Yücel Güçlü. The Holocaust and the Armenian case in comparative perspective. Univ. Press of America: Lanham, Md., 2012.

5 Michael Schwartz. Ethnische "Säuberungen" in der Moderne. Oldenburg: München, 2013, pp. 32-60.

6 Ibid., pp. 61-114.

7 Karen Krüger. 'Völkermord an den Armeniern,' FAZ, April 10, 2010. http://www.faz.net/aktuell/feuilleton/debatten/integration/voelkermord-an-den-armeniern-das-letzte-was-ich-von-den-kindern-sah-1582205.html.

8 For a discussion of the numbers Cf Tessa Hofmann. "Wer in der Türkei Christ ist, zahlt einen Preis dafür". Märtyrer 2007: Das Jahrbuch zur Christenverfolgung heute. VKW: Bonn, 2007, pp. 156-184, download under http://www.bucer.de/institute/iirf/maertyrer.html.

9 Anne Elizabeth Redgate. The Armenians. Oxford, 2000, p. 271.

Pascha took over power. They promised equal treatment for all minorities, but they had something completely different in mind: a great empire in which only Turks live, united by blood, religion, and ethnicity. The gathering storm of World War I leveled the way for them. Germany, at that time a co-belligerent, looked on silently: 1.5 million people became victims of genocide between 1915 and 1917. Up to the present day, Armenians around the world commemorate April 24, marking the date as the beginning of the genocide."[10]

Whoever writes on this topic actually would have to treat the pre-history of the Christian minority in Turkey, in particular after the dissolution of the millet system in the 19th century[11] and would have to treat all Christians, indeed all minorities in Turkey, and would have to describe the present situation of the Greek Orthodox, Syrian Othodox, and other long-established Christian minorities. Since this is done in other parts of Baum's book and space is limited here, we have to restrict ourselves to the present times and to the Armenian question.

It would be fitting at this point to summarize the current research results on Armenian genocide,[12] to report on the more recent disputes regarding the genocide question,[13] to trace the ups and downs of discrimination against Armenians over the past decades,[14] but also to discuss to what extent the Erdogan government made progress for the Christian minorities and why in spite of this, an actual breakthrough has not been successful.

2. Foreign policy

"Turkey has lodged an official protest against a statement made by Pope Francis about the displacement of Armenians during World War I. The Turkish Embassy to the Holy See confirmed on Monday in Rome that the Ambassador for the Holy See had been summoned. During a meeting with the Armenian Catholic patriarch

[10] Karen Krüger. "Völkermord an den Armeniern," FAZ, April 10, 2010.

[11] For an introduction see Wilhelm Baum. Die Türkei und ihre christlichen Minderheiten. Kitab: Klagenfurt, 2005 und Tessa Hofmann (ed.). Verfolgung, Vertreibung und Vernichtung der Christen im Osmanischen Reich. 1912 – 1922. Münster, 2004.

[12] The best (and most recent) highly nuanced presentation is Schwarz, pp. 30- 126; also comp. Martin Bitschnau (ed.). Armenien: Tabu und Trauma. Band. 1: Die Fakten im Überblick. Apyrenum Press: Wien, 2010 and the collection of documents by Jörg Berlin. Völkermord oder Umsiedlung? Das Schicksal der Armenier im Osmanischen Reich. Darstellung und Dokumente. PapyRossa-Verl.: Köln, 2006; Wolfgang Gust (ed,): Der Völkermord an den Armeniern 1915/16: Dokumente aus dem Politischen Archiv des Deutschen Auswärtigen Amts. zu Klampen: Springe, 2005.

[13] Representative is: Seyhan Bayraktar. "Politik und Erinnerung: Der Diskurs über den Armeniermord zwischen Nationalismus und Europäisierung." Transcript: Bielefeld, 2010.

[14] Unfortunately there is no similarly thorough presentation for the present such as that by Tessa Hofmann. Armenians in Turkey Today. Report for The Forum of Armenian Associations in Europe. October 2002. www.armenian.ch/gsa/Docs/faae02.pdf.

Nerses Bedros XIX. Tarmouni in the Vatikan, Francis had labeled the atrocities committed against Armenians as the 'first genocide of the 20th century.' The Turkish Foreign Ministry issued a statement over the weekend condemning the papal statement. In a statement made public on the internet, the papal statement was condemned as 'absolutely unacceptable.' It is expected that the Pope contribute to world peace and not that he foment hostilities about historical events.[15]

Indeed, it was in 1990 that George Bush, Sr., became the only President of the United States up to that time to speak of the events of 1915 as 'terrible massacres,'[16] but the immediate protest of Turkey stopped all further developments. In 2000, Turkey successfully saw the breakdown of what was a sure initiative by the US Congress against the genocide committed against Armenians by threatening to let the US rights of use of the military base in the Turkish city of Incirlik lapse. Bill Clinton backed down, as Congress had also done in 1984, 1987, and 1990. In 2001, Turkey could not prevent the French National Assembly from declaring with statutory force that the displacement of Armenians was genocide. (In 2012, the National Assembly decided that denying this genocide was punishable. The Constitutional Council then rescinded this as unconstitutional due to the limitation it placed on the freedom of expression.) Turkey temporarily broke diplomatic relations with France every time and introduced economic sanctions.

Even the German Federal Parliament was silent for several decades, making consideration for the fact that it was dealing with a NATO ally. On the 90th anniversary, in an Armenian Resolution dated June 16, 2005, it only decided to place pressure on Turkey via a compromise across party lines. It refrained from using the term 'genocide' but rather spoke of "displacement and massacres committed against Armenians in 1915" and of offenses committed against the Armenian people."[17] In the same year, under pressure from Turkey, Brandenburg refrained from including treatment of the genocide of Armenians in its history curriculum. After an intense discussion in the media, this was reversed in 2006. All other German Federal States fail to treat the topic at all.

It is noteworthy that dealing with Turkey with respect to this segment of national history is playing a critical role in the EU accession process. Acknowledgment of the genocidal character of the displacement of Armenians has become an informal criterion for accession.[18]

---

[15] http://www.kath.net/news/41621; http://de.radiovaticana.va/news/2013/06/10/türkei_protestiert_gegen_armenier-äußerung_des_papstes/ted-700154 (July 5, 2013).

[16] Bayraktar, p. 135. There seem to only be a few families in Anatolia, who have not raised Armenian children.

[17] Details in Bayraktar, pp. 230-232.

[18] Bayraktar, p.15.

The European Parliament already decided in 1987 that the displacement of Armenians was genocide in the sense of the UN Convention on the Prevention and Punishment of the Crime of Genocide adopted in 1948. At that time it also tied consent to this declaration with Turkey's possible European Community accession. The European Union (EU) Parliament confirmed this demand in 2002 and 2005.[19] Only a few EU members, such as France and the Netherlands, have replicated this decision through their national parliaments. The denial that genocide was conducted on Armenians was prohibited in Switzerland but only punishable within the framework of general anti-racist legislation.

[I personally hold this demand on Turkey to be unjust. This is due to the fact that other EU members are not measured by how they deal with their own history. However, how religious freedom, freedom of expression, and freedom of the press are dealt with now should be accession criteria!]

On November 10, 2008, in the Turkish Embassy to the EU in Brussels upon the occasion of the 70th anniversary of the death of the Turkish state founder, the Turkish Defense Minister Vecdi Gönül labeled the "exchange of populations" between Turkey and Greece an important building block for the emergence of modern Turkey and reckoned that Turkey would not be the nation state that it is today if so many Greeks and Armenians were to still live there.[20] Such statements feed the link made between 1915 and the present.

3. Foreign policy and the Armenian diaspora

The enormous activities of Armenian organizations around the world are not to be underestimated. Since the Middle Ages, Armenians have continuously emigrated in large numbers from their home regions into the entire world. Discrimination in the 19th century accelerated the process. Large groups of survivors of the events prior to the founding of the Republic of Turkey found refuge in Russia, France, and the USA. In recent decades there has also been an uninterrupted emigration of young Armenians from Turkey. Additionally, what was once the Soviet Republic of Armenia has existed as an autonomous nation since 1991. Around the globe it has promoted processing the events of 1915/1916 and has kept them in remembrance.

Apart from the 3.1 million Armenians in Armenia, and without wanting to get into an academic debate and committing to a number as an exact estimate, there appear to be over 1.2 million Armenians in Russia, 800,000 in the USA, 300,000 in France and in Georgia, 130,000 in Nagorno Karabakh, 100,000 in the Ukraine, and

[19] Sources in Bayraktar, p. 72.

[20] "Türkei: Minister lobt Vertreibung von Griechen und Armeniern," Die Presse, November 11, 2008, http://diepresse.com/home/politik/aussenpolitik/429389/Tuerkei_Minister-lobt-Vertreibung-von-Griechen-und-Armeniern.

70,000 in Iran, Lebanon, and Argentina, respectively, and 50,000 in Syria, Canada, Greece, Bulgaria, and Uzbekistan, respectively. In Germany it is estimated that the number of inhabitants with Armenian roots is 30,000-50,000.[21]

From 1975-1983, Armenian extremists executed attacks on Turkish facilities and diplomats around the world, killing 79 people. Unfortunately, these reprehensible events were what first set discussion and research in motion, but since that time academic disputes and peaceful commemorative events have stood in the foreground.

4. Domestic policy

What is the significance of Armenian policy for Turkish domestic policy? If one compares the Armenian question with the Kurdish question, it is much less significant. That certainly has to do with the fact that the group involved is smaller, at least based on the number of Armenians who publicly disclose their background. There is also at this point no potential for violence among the victims within the country as there is with Kurds. An Armenian friend wrote me the following: "One can actually not expect that such a small population group is so important. But the topic of '1915' and many practices, which remain up to the present day, show that the topic in domestic policy occupies a rather important position."

The matter actually has less to do with the current Armenian question, i.e. the question of dealing with Armenians nowadays. Indeed, Armenians are discriminated against everywhere in Turkey and are de facto second class citizens. For instance, they do not have equal access to state positions or higher education. However, it does not require any special activities, and it is seldom that the central government becomes active in this regard. As far as domestic policy is concerned, however, the historical question regarding how the pogroms in World War I are dealt with plays a significant role.

This question initially appears to play a significant foreign policy role, and the Armenian question above all becomes tangible for the public when the Turkish government acts against other governments. However, it is also internally that one sees Turkey battling researchers and others who want to designate the events of 1915/1916 as genocide or call for more precise research, even if the pressure has dropped over against earlier times. It is for that reason that a grandson of Cemal Pascha was able to publish a book in Turkey entitled 1915 Genocide.[22]

---

[21] A detailed table with documentation for numerous estimates can be found at https://en.wikipedia.org/wiki/Armenian_diaspora.

[22] Hasan Cemal. 1915: Ermeni Soykirimi (Der Völkermord an den Armeniern). Verlag Everest Yayinlari: Istanbul, 2012; vgl. http://www.dradio.de/dlf/sendungen/andruck/1920047/.

But does not the demeanor of foreign policy occur primarily for domestic policy reasons? There is some indication of this, for there is actually no country making modern Turkey responsible for the genocide which took place then, especially since it happened before the founding of the Republic of Turkey in 1923 and for many people counts as part of the vicissitudes of World War I. Turkey is only criticized for being an impediment to coming to terms with it, limiting freedom of opinion and freedom of the press, and by not wanting to view mass murders as genocide or at least as crimes. Rather, Turkey views the events as self-defense against a group which had allied itself with an enemy in the war. That Turkey allows continual foreign policy contention about its own history must actually above all have domestic policy reasons. *In Turkey a prominent domestic political question is the honor of Turks and of Turkey and, in the opinion of the government and the great majority of the population, shame and disgrace have to be averted.*

Indeed, § 301 of the Turkish Penal Code, which made "denigration of Turkishness" punishable, was changed to a "denigration of the Turkish State" under pressure from the EU after the murder of Hrant Dink. Since that time, an indictment according to § 301 additionally requires an approval from the Minister of Justice (which naturally contradicts the separation of powers). In practice, however, nothing has changed, i.e. there have continued to be journalists, human rights activists, and researchers who have voiced their opposition to the official line held by the government in the Armenian question and who have been confronted with this paragraph.

An additional domestic policy reason has yet to be mentioned. After having said for decades that there was no genocide and also having seen Erdogan's government continue this policy, it would be devastating if the government suddenly changed its thinking, given the fact that this would occur in a shame oriented culture.[23]

Turkey also sees the unexpressed danger that coming to terms with the displacement of Armenians could bring forth additional 'skeletons in the closet.' This is due to the fact that the policy of ethnic cleansing towards Assyrians and Armenians, the oppression of Kurds in the 1910s to the 1930s, and the resettlement policy with Greece in the 1920s have all only been scantily researched. And finally, this is all the more the case since much less source material on these topics is available outside of Turkey than regarding the Armenians and the extant sources in Turkey are not accessible.

The events are naturally closely interrelated with the domestic policy question regarding the situation of religious and ethnic minorities in Turkey, above all with

[23] Cf. Sighard Neckel. Status und Scham. Frankfurt: Campus, 1991; Thomas Schirrmacher, Klaus W. Müller (eds.). Scham- und S*chuldorientier*ung in der Diskussion. VKW: Bonn & VTR: Nürnberg, 2006; Thomas Schirrmacher. Culture of Shame / Culture of Guilt. VKW: Bonn, 2013.

the similarly superimposed fate of other Christian minorities. One needs to realize that it would be an easy matter for Prime Minister Erdogan to implement the many measures and pledges which have been made to minorities and the EU. They would cause neither extensive costs nor demand changes in legislation.

I asked an Armenian friend in Turkey whether the Kurdish issue or the Armenian question was more important for Turkish domestic politics. His answer: "In my opinion, the Kurdish issue is the biggest question in present day Turkey; over the long term, the Armenian question will cause Turkey more headaches. I hope that there is a quick solution. Every year the 24th of April means a lot of stress for us." (235 Armenian intellectuals were arrested without cause on April 24, 1915, which was the beginning of the pogrom.)

5. Domestic policy: The mood among the population

One should not lose sight of the fact that disdain of Armenians and discrimination against them is deeply rooted in Turkish society. For instance, up to the present day, Armenians who want to open a business change their name so that people will consider buying from them at all.

Thus the largest part of the Turkish population is of the conviction that laws regarding the Armenian question in France or in Switzerland exclusively serve to put Turkey in a bad light in front of the world. Since the topic is not treated in Turkish schools and in Turkish literature, students instead receive consistent and nice foundation myths about Turkey, the country's inhabitants naturally also do not know the background.

Unfortunately, there have not been any current day surveys made among Turks about how they think about Armenians. There are also no current surveys that have been made among Armenians in Turkey about when and where they feel discriminated against. However, whenever I have the opportunity to ask Armenian Turks, they have clearly implied that everyday discrimination by the population is much more direct and worse than the legal disadvantages and activities of the central government. The latter situations actually only arise when there are questions of property relating to churches or the possessions of churches, or when it comes to questions of academic conferences or the activities of other governments.

The appearance in the media, in everyday life, and in political parties is that the overwhelming majority of Turks shares the position taken by the government on the Armenian question and does not want a change.[24] The murder of Hrant Dink in 2007 shocked most Turks – as did other murders of Christian leaders thereafter –

[24] Seyhan Baraktar (op. cit.) has analyzed around 1,000 texts from the period 1973 to 2005 and has documented the continuing discrimination of Armenians. Unfortunately, a similarly basic analysis is not available for the present.

but in all of that no fundamental questioning of the discrimination of Christians can be seen. It just should not happen in the form of open violence or murder.

One should also not forget: In addition to Erdogan's Justice and Development Party (AKP), there is a second great power in Turkey, the representatives of Kemalism in the army and in the largest opposition party, the Republican People's Party (CHP). In the Armenian question (and in dealing with religious minorities at all), both enemy camps are in agreement. Indeed, Kemalists are for the most part even more radical. Christians can generally remember that the situation under the Erdogan administration is better for them than previously under the Kemalists. There is also no notable political entity in Turkey – apart from a number of Kurdish politicians – which would campaign to essentially improve the situation for Christians and religious minorities.

6. Improvements under Erdogan

I asked an Armenian friend from Turkey the following question: "How often does a normal citizen in Turkey come into contact with the view of the Armenian question held by the Erdogan government, e.g. in school, in the media, in everyday life? He answered my question as follows: "Naturally one comes into contact with it. We have become very accustomed to it, to the point that we don't even notice it. A number of improvements in the recent past have, however, led to a situation where we have had an opportunity to catch our breath. To give a simple example: When I was small, we were scared to speak Armenian on the street. We were taught in school that we were Turks. In military service, on the other hand, we were labeled Armenians and were equated with those who have a criminal record. That is no longer the case nowadays."

The improvements under the Erdogan government are not only noticeable in everyday life. Rather, they are also noticeable institutionally: "Up to the beginning of the AKP government's term of office, there was assimilation and there was a pressure of serious proportions. Nowadays, the situation is better. Today there are even separate departments for Armenians and other minorities in the security forces and in the Foreign Ministry."

Can one differentiate between what is considered the discrimination of religious minorities and what falls under racist discrimination of ethnic minorities? In the Armenian question, it would be difficult to separate both aspects. However, up until the Erdogan government, the racist share might well have played a larger role. Since Erdogan, Islam has played a larger role in Turkish identity, and with that said, a more noticeable distinguishing feature against Armenians as Christians. My friend writes: "Admittedly, up to the AKP administration, it had precious little to do with Christianity. At its root, it had more to do with racism. Certainly, being Turkish and

associated with Islam as well as being Armenian and associated with Christianity are such closely tied links that it is difficult to precisely isolate what is racism and determine where religious fanaticism begins."

7. The Turkish view

With genocide, the Turkish government and Turkey's official historiography combine something comparable with National Socialism, presupposing a racist-ideological motivation and a group of victims which are in no way themselves involved in warlike disputes. Since Armenians, however, were seen as a religious group who as Christians had allied themselves with Christian enemies, and since Armenians who had converted to Islam in the 19th century had not been persecuted, the idea that one was dealing with genocide as a result of racism has been rejected.

In the process, it has been overlooked that the UN's 1948 definition of genocide presupposes neither a certain ideology nor a certain type of 'people.' Rather, the definition only contains the goal of planning to kill members of a certain group or to deliver them up to possible death.[25] Article 2 reads as follows: "In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (A) Killing members of the group; (B) Causing serious bodily or mental harm to members of the group; (C) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (D) Imposing measures intended to prevent births within the group; (E) Forcibly transferring children of the group to another group."

A) to C) are well documented. Regarding E), Tessa Homann has well documented that in the course of the displacement, 150,000 to 200,000 small children who were Armenian were either given away or taken away and later not returned.[26] These children later married and thus became the parents and grandparents of people who are today Turks. Up to the present day, this has been a delicate domestic political issue.

The charge or observation is often made that Armenians are among the ancestors of leading Turkish politicians. This has occurred in the cases of Turgut Özal, Mesut Yilmaz, Abdullah Gül, Devlet Bahceli, and Alpaslan Türkes. It is sup-

[25] It cannot be discussed here that the UN's 1948 definition is too narrow from today's point of view since, for instance, it leaves out social groups, it goes too far since it does not prescribe that there must be a large number of victims and that, generally, tracking genocide and research into genocide have together made many advancements.

[26] Tessa Hofmann. "Armeniens verborgene Kinder: Die so genannten Krypto-Armenier in der Republik Türkei." Lecture, May 15, 2010. http://www.aga-online.org/news/attachments/TessaHofmann_Vortrag_15052011_Dersim_Armenier.pdf und weitere ihrer Veröffentlichungen.

posed that even the founder of the state, Mustafa Kemal Atatürk, had Armenian ancestors.[27] However, it is impossible to investigate this situation on the basis of documented material in Turkey.

For example, in 2004 Turkey was shocked by the news on the front page of the February 21, 2004 edition of Hürriyet when it reported that the adopted daughter of the founder of the state, Kemal Atatürk, and the first female pilot in Turkey – and with that said almost a national symbol – had been an Armenian child who had survived displacement. The information had been made public prior thereto by the journalist Hrant Dink on the basis of interviews with relatives of the adopted daughter. The Turkish General Staff did not even make any effort to contradict the facts. Rather, the Turkish General Staff labeled it an injury to the national sentiments and values of Turkey to even contemplate this.[28]

Up to the present day, Turkey justifies the policy of displacement of Armenians pursued by the Young Turks – more specifically the Ittihad ve Terakki (Union and Progress) Party – as an act of self-defense made necessary by the war. Works by renowned Turkish history professors, who view the guilt as lying upon the Armenians themselves, have been translated into German.[29] "At most, what has been admitted is that in connection with their deportation to Mesopotamia, only small numbers of Armenians eventually arrived and survived this ordeal. Several hundred thousand (300,000 or more) Armenians met their death with the suppression of an Armenian uprising. Overall, far more Muslims (Turks, Kurds, and others) were killed by the allied Russians and Armenians than Armenians by Turks and Kurds."[30] "In the 1980s, a form of sponsored academic life established itself which reinforced the thesis of the deportation of Armenians on account of the war. Since foreign parliaments have begun spending time on the topic, Turkish historians have utilized a new manoeuvre: It is not the Muslim population which massacred Armenians. Rather, it is the other way around. Estimates speak of three million. Whoever is not willing to believe that is intimidated, maligned, and criminally prosecuted. The Nobel Prize winner in Literature Orhan Pamuk has dared to speak of 'genocide' and was for that reason charged with 'denigration of Turkishness.' Turkish publishers who print books contradicting national historiography are slapped with such high monetary fines that they are driven to bankruptcy.[31]

---

[27] http://haypressnews.wordpress.com/2012/08/29/war-ataturk-armenier/.

[28] Details in Bayraktar, p. 269.

[29] E.g., Kemal Çiçek. Die Zwangsumsiedlung der Armenier 1915 bis 1917. Manzara Verlag: Pfungstadt, 2011; Kemal Çiçek, Ömer Turan, Ramazan Çalık, Yusuf Halaçoğlu. Die Armenier : Exil und Umsiedlung. Manzara Verlag: Pfungstadt, 2012.

[30] Egbert Jahn. "Erinnerung an Völkermord als politische Waffe in der Gegenwart." Frankfurter Montagsvorlesungen NF 04. June 4, 2012, http://www.fb03.uni-frankfurt.de/46582983/ZSFraMoV04-NET-Voelkermord-14.pdf, p. 4.

[31] Krüger.

8. Advice for Turkey

Turkey's behavior is primarily conspicuous because public apologies for the crimes of earlier generations are in vogue. Bill Clinton apologized for slave trading and the United States' failure to act during the genocide in Rwanda, Queen Elizabeth apologized for the oppression of the Maoris in New Zealand, Pope John Paul II apologized for various failings of the Catholic Church, for instance the conquest of South America and the condemnation of Galileo Galilei. The Australian government apologized in 2008 to the Aborigines, the French Government apologized in 2008 for the Dreyfus Affair, and the Canadian government has apologized to Indians whose children were forcibly adopted.[32]

Turkey's behavior is all the more astonishing given that, on the one hand, the Republic of Turkey's founding narrative for 1923 demonstrates a determined break from the Ottoman Empire and, on the other hand, Erdogan's Islamic oriented government has firmly broken away from the Young Turks' Kemalist-secular orientation as well as from previous history and the first decades of the Republic of Turkey.

Turkey's behavior with respect to genocide has brought about its own way of academically dealing with genocide. This is to use 'denial' as the final act of genocide, and in the meantime this is pursued as its own independent field of research. As a result, in the meantime the denial of genocide in Turkey has been almost as well researched as genocide itself.[33] In this sense, Turkey has done genocide research a favor, but that also means the following: A somewhat less noisy behavior on the part of Turkey would have arguably prevented the Turks' genocide of Armenians from being the first case of genocide in modernity discussed in academia … and from having such a central role in genocide research.

It is important to highlight the following: If the depiction of the displacement of Armenians had not been blocked by Turkey as it has been, it would be much easier to objectively present all aspects, also all aspects which would partly exonerate Turkey. Also, the question of whether there was a planned and coordinated genocide or only widespread death among civilians that has to be accepted in the chaos of war[34] would be able to be better discussed without the 'drama' of domestic and international politics.[35]

Indeed, it is justified to carefully examine the numbers in circulation in a critical academic manner, as is done for instance by Jahn: "The small people group, the

[32] See Christopher Daase. "Entschuldigung und Versöhnung in der internationalen Politik." *Politik und Zeitgeschichte* 63 (2013): 25/26 (June 17): 43-49.

[33] See literature in Bayraktar, pp. 42, 53-54.

[34] There is a good list of the most important representatives of different positions in Boris Barth. Genozid. München, 2006, pp. 62-78 and Bayraktar, p. 35-36.

[35] For instance clearly so in Jahn, p. 16.

Armenians, with around 4.5 million people, accounted for more than a seventh of the death toll of World War I. However, one has to differentiate between four groups of fatalities: 1. Soldiers and other armed combatants who died in war between nations or in Armenian insurgencies, 2. Civilians and prisoners of war who were killed near the front line in tight temporal or locational connection to the acts of war (commonplace war crimes), 3. Villagers and those deported who died owing to state disarray, such as many Turks and even Ottoman soldiers, … 4. Civilians and political detainees who were systematically shot, beaten to death, drowned, and burned by government office holders, or who were delivered into the hands of private murderous groups or delivered up to death by thirst, hunger, and disease … all on account of official orders. Only in the case of the fourth group it is appropriate to speak of victims of genocide. According to various estimates, their number could be around 650,000, plus or minus 200,000 to 300,000."[36]

In spite of this differentiation, he comes to the following conclusion: "Whichever of the numbers is empirically the most sound, the fact of a comprehensive genocide committed against hundreds of thousands of Armenians, largely organized by state authorities in the shadow of the World War and in the face of the impending breakdown of the Ottoman Empire, cannot be seriously doubted."[37]

Indeed, one has to take into account the context of war, the turmoil of World War I, and the confusion of the events along the front lines in the East. One should mention all victims and victim groups, including Muslims, and openly describe why they died. Indeed, one has to see all uprisings and civil wars involving Christian minorities as background which led to an independent nation state of Armenia within the Ottoman Empire. In 1920, militarily a nation state emerged when the Entente left Armenia in the lurch and it fled into the arms of the Russians. Indeed, the Russian Czar labeled the Armenians his allies, and Armenians served in the Russian army.[38] Admittedly, all of this does not explain why Armenians not only in the areas around the front lines but throughout Turkey were displaced. It also does not explain why they were not deported into areas where Armenians could have then accounted for the majority; rather, they were allowed to starve to death. For all that, it would put Turkey in line with other often likewise unscrupulous participants in the war.

Turkey has refused the religious communities of the Armenian Patriarch as well as of the ecumenical Patriarch Bartholomew I, the Catholic Church, and the chief rabbi in Istanbul existence as legal entities. If religious freedom were to be guaranteed in Turkey, many countries in the EU would surely be quickly prepared to allow the 'Armenian question' to be history and not to hold it against modern Turkey. Against

[36] Jahn, p. 12.
[37] Ibid., p. 16.
[38] This is only a selection. More is found in Schwartz.

the background of Christian and other religious minorities' still not being allowed to exist legally and the state's allowing or initiating the expropriation of a large part of the ancient Mor Gabriel Syrian Orthodox cloister, suspicion is repeatedly nurtured that Turkey has learned nothing about this question over the past one hundred years.

To actually allow Christian minorities in Turkey the rights they have legally long possessed would greatly exonerate Turkey in the historical Armenian question and in many quarters would take Turkey out of the line of fire with respect to this question.

9. Appendix: Crypto-Armenians

In Turkey there seem to be many citizens who are actually of Armenian descent but who keep this concealed outside of the family. The result is that they are considered to be 'normal' Turks. I have myself spoken with Turks whose mother or grandmother have admitted on their deathbeds that the family is Armenian. That often unleashes an interest on the part of the younger generation to find out more about their own history as well as Armenian Christianity. How many such 'crypto-Armenians' are there? How many of them know that they are Armenian? The estimates vary considerably. One Armenian friend from Turkey wrote me the following: "There are even those who say that it amounts to a few million. It is said that more than half of the people in Tunceli, 30% of the people in the district of Kahta in the province of Adiyaman are Armenians. However, there is a difference between an assertion and proofs. I suppose that the number is far above one million. We very often encounter statements like the following: 'My grandmother was also an Armenian.'"

In 1980 the then Armenian Patriarch of Constantinople, Shnork Kaloustian, formulated four major groups of Armenians living in Turkey. It is a division which in the meantime has become standard practice:[39]

Individuals who have formally maintained their identity as Armenians. Most of these Armenians live in Istanbul.

Islamified Armenians or Turkisized Armenians who have completely assimilated (often generations ago) into mainstream Turkish society.

Kurdizised Armenians who were Islamified three or more centuries ago and who mostly live as Kurdish tribes but have not truly been integrated into Kurdish society.

Crypto-Armenians (Turkish: 'Kripto Ermeniler') are Armenians who are primarily in Anatolia; outwardly, they have converted to Islam but have retained their Armenian identity. Quite a number convert back to Christianity and attach themselves to the first group if they move to Istanbul.

[39] Cf Karen Khanlaryan. "The Armenian ethnoreligious elements in the Western Armenia." Noravank Foundation, September 29, 2005. http://www.noravank.am/eng/issues/detail.php?ELEMENT_ID=3724, as well as also subject to all Wikipedia articles: https://de.wikipedia.org/wiki/Kryptoarmenier, similarly the English version: http://en.wikipedia.org/wiki/Crypto-Armenians.

Survey on language use regarding 'Discrimination, Persecution, Martyrdom'

International Institute for Religious Freedom

Abstract

Discrimination, persecution and martyrdom are a widespread reality. This documentation introduces a survey on how terminology is used and understood by various Christian groups. The readers are invited to complete the questionnaire electronically at www.iirf.eu. Why is the language used to describe these phenomena a problem? How does it affect ecumenical relations? See the commentary in the appendix for further explanations.

Keywords language, terminology, discrimination, persecution, martyrdom.

This questionnaire serves as part of the preparations for an international interchurch consultation of the Global Christian Forum on 'Discrimination, Persecution, Martyrdom: Following Christ Together' and is to result in a glossary and further reflections on language use. Your response will help to discern what language and terminology different Christian churches and groups find helpful in which context, regarding discrimination, persecution and martyrdom.

Elements of the survey

This survey form consists of three parts

1. It requests your assessment of commonly used terms;
2. It provides a grid to collate further terms and your assessment of these terms;
3. It requests that you send us policies and guidelines on language use re. discrimination, persecution and martyrdom. Alternatively send statements that your church/organization might have issued on the topic, so we can analyse them for the terminology used.

If you are short of time, and can only contribute on one of the three parts, we would still value your contribution!

Part 1: Structured survey

This survey contains a sample of the most commonly used terms. These most common terms were supplied through brainstorming by members of the planning team. The following questions need to be responded to in the various columns:

1. What is your opinion on the following common terms?

2. What are the equivalent terms in your language?
3. How do you understand this term?
4. Are these terms very helpful, less helpful, unhelpful?
5. In which context is the term being used?
6. What is a typical sample phrase containing that term?
7. Why do you consider this term as you do? / Differentiations: You might want to qualify your assessment regarding derivatives of this term.
8. This column contains the opinion of the surveyor which is meant to stimulate your own response in disagreement, agreement or modification.

Please provide us with basic information, so we can properly interpret your responses and contact you if we have questions.

Name	
Position	
Church and denominational family or Organization	
Country (or larger region)	
Date	
Contact details	
Do we need to keep your name confidential?	
What is your mother tongue? (refered to in column 2 of the survey)	

(Part 1) Survey on twelve very common terms (with examples of responses already inserted)

Instructions: Fill in your evaluation by completing the blank boxes or overwriting the comments or by confirming them, e.g. by adding YES, or your comment.

Term in English	**Equivalent in your language**	**How do you understand this term?**	**Sample phrase**	**Helpfulness** _ very helpful _ less helpful _ unhelpful	**Context** _ Inner-Christian _ Politics _ Academia _ Other:	**Enter your comments here** (Why do you consider the term as you do? – Does your opinon vary on derivatives of this term?)	**Surveyors' comment/ differentiations** (to which you are invited to react)
1. discrimination			Christians might suffer the same discrimination as other citizens.		x Politics x Academia		
2. persecution			Christians are facing different degrees of persecution at different times and in different places.				The term "Christian persecution" is unhelpful, because it does not clarify who persecutes whom
3. the persecuted church			Christians in the West can learn a lot from the persecuted church.	Less helpful			This term tends to promote a dichotomy between "the persecuted church" elsewhere and "the free church" "here", undermining the idea of the unity of the body of Christ
4. church in need			The organization "Aid for the Church in need" appeals: Please support the church in need.				

Term in English	**Equivalent in your language**	**How do you understand this term?**	**Sample phrase**	**Helpfulness** _ very helpful _ less helpful _ unhelpful	**Context** _ Inner-Christian _ Politics _ Academia _ Other:	**Enter your comments here** (Why do you consider the term as you do? – Does your opinon vary on derivatives of this term?)	**Surveyors' comment/ differentiations** (to which you are invited to react)
5. martyrdom			Church leaders are more likely to face martyrdom than other Christians.		x Politics x Academia		Do not use for the suffering someone goes through, but for losing one's life in relation to faith. Best to specify as "Christian martyrdom" due to very different Islamic concept of martyrdom.
6. martyr			The Early Church differentiated martyrs and confessors.				Only for people who actually lost their lives in relation to their faith. Best specify as "Christian martyr"
7. church of the martyrs / martyr church			The organization "Voice of the Martyrs" seeks to assist the martyr church.	Inner Christian			Term tends to blur the distinction between persecution and martyrdom, and to widen the term martyrdom beyond death for faith to any type of persecution
8. oppression			Christians can face oppression from the government or from civil society.				

Term in English	Equivalent in your language	How do you understand this term?	Sample phrase	Helpfulness _ very helpful _ less helpful _ unhelpful	Context _ Inner-Christian _ Politics _ Academia _ Other:	Enter your comments here (Why do you consider the term as you do? – Does your opinon vary on derivatives of this term?)	Surveyors' comment/ differentiations (to which you are invited to react)
9. Religious intolerance			Religious intolerance tends to lead to acts of aggression.				
10. Christiano–phobia			Christianophobia, as the fear of anything Christian, is leading to discrimination of Christians.				
11. Christian-Muslim clashes			Last week 30 people died in Christian-Muslim clashes in Nigeria.	Most often unhelpful	Press/ politics		It covers up that often the aggression is unilateral
12. suffering			Christians face a lot of suffering in this country.	Less helpful			Ambiguous if not specified as "suffering for Christ, etc."

Part 2: Survey on your own additional commonly used or avoided terms regarding discrimination, persecution, and martyrdom

This form is similar in structure to the one above.

You are requested to supply your own additional terminology (not mentioned above) in your own language with a translation into English. Start with terms you consider helpful, continue with those that you find less helpful, and close with those you reject as unhelpful.

Term in your language	**Equivalent in English**	**How do you understand this term?**	**Sample phrase**	**Helpfulness** _ very helpful _ less helpful _ unhelpful	**Context** _ Inner-Christian _ Politics _ Academia _ Other:	**Enter your comments here** (Why do you consider the term as you do? – Does your opinon vary on derivatives of this term?)	**Surveyors' comment/ differentiations** (leave blank)

Part 3: Policies/ Guidelines / Sample texts

1. Policies/ guidelines

Does your church/agency have policies or guidelines on language use re discrimination, persecution and martyrdom? Please supply them to us in electronic form (or on paper if that is not possible). Please list the details of these documents here for better identification.

Exact title of document	Author/ Authoring body	Year of origin or publication

2. Sample texts

If your church/ group does not have such policies or guidelines, please provide us with some statements that your church/group might have issued on the topic, so we can analyse them for the language used. Please list the details of these documents here for better identification.

Exact title of document	Author/ Authoring body	Year of origin or publication

End of survey. Thank you very much for your assistance!

Please submit by email to: Christof@iirf.eu
Prof. Dr. Christof Sauer · IIRF - International Institute for Religious Freedom (Bonn - Cape Town - Colombo) · www.iirf.eu
PO Box 1336, Sun Valley 7985, Rep South Africa, Tel. +27 21 7830823, Fax to email: +27 86 551 6432

Appendix

Commentary on survey about language use

Christof Sauer[1]

1. Discrimination, persecution and martyrdom – a widespread reality linked to Christian mission

Discrimination, persecution and martyrdom of Christians are widespread realities around the globe. But they are often too little recognized. And they are under-reported in the media. These realities are also closely linked to Christian mission. Faithfully following Christ and suffering for Christ's sake go hand in hand. Witnessing to Christ at times elicits hostile reactions. The fact that people are choosing to follow Christ, leaving behind there inherited religions and world views, often makes angry those that are left behind and challenged in their perceptions. Mission and persecution go together. There are always those who want to stop Christian mission.

The hostilies can emanate from the state using legal and administrative restrictions of religious freedom. They can as well be perpetrated by civil society. They start with hostile attitudes resulting in verbal aggressions and finding their expression in harmful deeds. The degree of hostility and the level of harm caused both can operate on a scale from minimal to extreme.

The topic of discrimination, persecution and martyrdom has been under-researched in missiology.

2. Why is language a problem?

Christians of various traditions an different theological persuasions use diverging language when interpreting the phenomena described. They might use the same terms, but fill them differently. They use different terms and they often don't consider the terms used by others helpful. Some use a highly differentiating or soft spoken language in their concern not to engender further hostilities or not to harm inter-religious dialogue or cooperation. They are routinely accused by others of downplaying the intensity and the scope of the tragedy. Others use very straightforward terms. They in turn are being accused of exaggerating, lack of differentiation, and a too emotionally loaded language. These are just some typical examples.

---

[1] Christof Sauer (* 1963) is Professor for Religious Studies and Missiology at the Evangelical Theological Faculty in Leuven. He is part of the planning team for the conference referred to in this paper. Contact: christof@iirf.eu.

The problem lies in the fact, that a lack of understanding of the respective language used, or disagreements about the appropriate language to be used are related to the lack of unity among Christians in their response to persecution.

3. What does the Global Christian Forum want to do about it?

The Global Christian Forum (GCF), which started as a trust building initiative between leaders of all streams of world Christianity – Catholic, Evangelical, Independent, Orthodox, Pentecostal, Protestant/Anglican – is now also venturing into topical challenges facing the global church. Its representatives have observed that there are gaps and definite potential for improvement in global Christian solidarity when it comes to persecution of Christians. A global inter-church consultation on "Discrimination, Persecution and Martyrdom: Following Christ Together" pursues a fourfold goal:

1. To better listen to, learn from, and accompany churches in situations of discrimination, persecution, and martyrdom;
2. To inform one another of our activities in support of churches in situations of conflict, discrimination, persecution, or martyrdom;
3. To seek a common understanding of the facts of the situations as well as a more common framework and language for the development of appropriate Christian responses to them;
4. To encourage GCF participant churches and organisations to speak and work together in response to these situations."

4. The survey on language use regarding discrimination, persecution and martyrdom

Within this framework, the International Institute for Religious Freedom has been commissioned to undertake a research project on behalf of the Global Christian Forum prior to the consultation.

4.1 Goals

This research on language used to describe situations of discrimination, persecution, and martyrdom pursues the following goals subservient to the consultation:

- The reflections aim at listening to and learning from churches which in their day-to-day life face challenges of discrimination, persecution and/or martyrdom. Understanding their choice of language in response to these situations is important for gaining a better understanding of their plight and standing.
- The reflections at the same time serve to come to a better understanding of the language used by the various GCF member bodies, churches and their affiliated agencies and organizations in their responses to discrimination, persecution, or martyrdom elsewhere.

- The results of the reflections will therefore serve as important input for the planned team visits, the anticipated documentation, the consultation itself and further follow-up by GCF participant churches and organisations.

4.2 Purpose

The purpose of the reflections on language is to:

- Document the de facto use of different concepts and terms used regarding discimination, persecution and martyrdom in various contexts.
- Sensitise high-level church leaders to language used that is different from their own as well as to perceptions on advantages and disadvantages of various language use.
- Listen to and learn from the use of language by churches directly affected and by others accompanying churches in such contexts.
- Seek a more common language where necessary in order to speak with a common Christian voice in responding to the realities of discrimination, persecution and martyrdom.
- Demonstrate to suffering churches that the whole Church desires to stand with them in their time of duress by sensitive and appropriate language usage.

4.3 Anticipated outcome

The anticipated outcome of this research project is:

- a comparative glossary, initially mainly in English[2], which describes the main concepts and terms related to the realities of discrimination, persecution, and martyrdom – terms and concepts that churches and agencies consider helpful, less helpful and unhelpful.
- The glossary will show how these terms are differently understood as well as why and in which contexts they are used or avoided. It will include comment on advantages and disadvantages of the various terms as perceived by the different groups.
- The initial outcome will be a database with unedited contributions.
- A later outcome will be an edited glossary both in electronic and paper form.

5. The questionnaire

If the readers agree that this is a useful project, they are invited to add their voices to those completing the survey.

5.1 Elements of the survey

This survey form consists of three parts

1. It requests an assessment of commonly used terms;

[2] The readers are welcome to adapt the questionnaire for use in their own language.

2. It provides a grid to collate further terms and an assessment of these terms;
3. It requests that respondents send policies and guidelines on language use re. discrimination, persecution and martyrdom. Alternatively to send statements that their church/organization might have issued on the topic, so they can be analysed for the terminology used.

5.2 Part 1: Structured survey

This section of the survey contains a sample of the most commonly used terms. These most common terms were supplied through brainstorming by members of the planning team.

A number of questions need to be responded to in the various columns. They all boil down to the one question: What is your opinion on the following common terms?

Example: Let us take the example of the term persecution.

- Column 3: How do you understand this term?
- Column 4: Here is a sample phrase: Christians are facing different degrees of persecution at different times and in different places.
- Column 5: Are these terms very helpful, less helpful, unhelpful?
- Column 6: In which context is the term being used? (Inner-Christian, politics, academia, other?)
- Column 7. Comments (Rationale)
  - Why do you consider the term as you do?
  - Does your opinion vary on derivatives of this term?
- Column 8. … contains the opinion of the surveyor which is meant to stimulate your own response in disagreement, agreement or modification.

Here the surveyor gives an opinion about a derivative or composite term of persecution:

The term "Christian persecution" is unhelpful, because it does not clarify who persecutes whom. (What do you think about that, and does that trigger your response?)

The same patterns of survey applies to the further 11 terms.

5.3 Part 2: Open Survey

The second part of the survey is an open survey. It solicits the respondents own additional commonly used or avoided terms regarding discrimination, persecution, and martyrdom (which was not mentioned in part 1). This form is similar in structure to the one above for part 1.

The benefit of this two part structure is to strike a balance between the need to explain the survey, and to make it easy to respond to (for which the pre-populated

part 1 serves) and the challenge not to influence the responses by guiding questions (for which the open survey in part 2 serves).

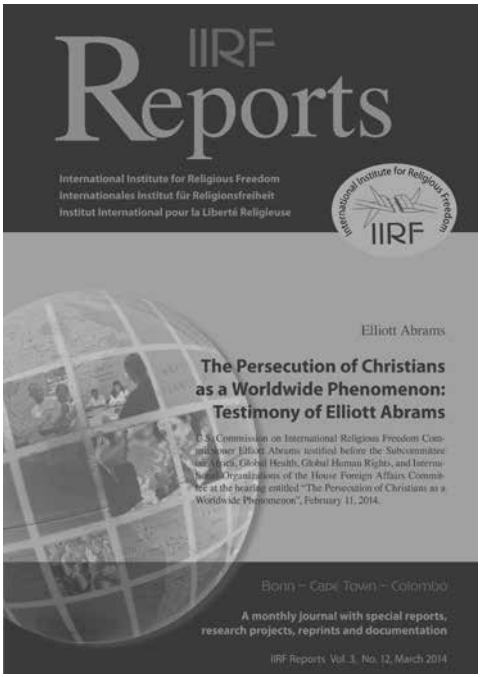
5.4 Part 3: Policies/ Guidelines / Sample texts

The third part serves to supply the surveyors with source material for analysis, as an alternative base for an assessment of the language use. The request it for policies, guidelines and sample texts.

Policies/ guidelines: Does your church/agency have policies or guidelines on language use re discrimination, persecution and martyrdom?

Sample texts: If your church/ group does not have such policies or guidelines, please provide us with some statements that your church/group might have issued on the topic

May we invite you to take some time to fill in the survey? It is best done electronically and can be found at www.iirf.eu. Send completed form to christof@iirf.eu.



Noteworthy

The noteworthy items are structured in four groups: Global surveys, regional and country reports, specific issues and further reading. They are preceded by news items. Though we apply serious criteria in the selection of items noted, it is beyond our capacity to scrutinize the accuracy of every statement made. We therefore disclaim responsibility for the contents of the items noted. The compilation was in part produced by the interns Tiffany L Ash and Simeon Tomaszewski and edited by Dr. Christof Sauer. Submissions welcome to: noteworthy@iirf.eu.

News

Under Caesar's Sword: An International Conference on Christian Responses to Persecution

Rome, Pontifical Urbaniana University, 10-12 December, 2015, http://humanrights.nd.edu/research/ucs/rome-2015/. The main objective of the conference is to introduce the results of the world's first systematic global investigation into the responses of Christian communities to the violation of their religious freedom. The scope of Under Caesar's Sword extends to some 100 beleaguered Christian communities in around 30 countries. The conferens is jointly organized by the Center for Civil and Human Rights at the University of Notre Dame and the Religious Freedom Project at the Berkley Center for Religion, Peace and World Affairs at Georgetown University. Co-sponsoring is the Community of Sant'Egidio.

UCFHR founded in India

United Christian Forum for Human Rights, India, January, 2014. http://tinyurl.com/UCFHR. Earlier this year, Indian Christians founded the United Christian Forum for Human Rights. UCFHR is a legal aid and political advocacy organization dedicated to assisting the Indian Christian community, which has recently faced increasing discrimination and violence. UCFHR operates a national hotline offering assistance to "victims of violence, intimidation, coercion and illegal confinement by any criminal or political group."

APPG website relaunched

London, England, UK, June 2014. www.AnOrphanedRight.net. The All-Party Parliamentary Group (APPG) on International Religious Freedom, established in 2012, relaunched its website in June 2014. The organization's purpose is "to raise awareness and profile of international religious freedom as a human right amongst par-

liamentarians, media, government and the general public in the UK; and to increase effectiveness and awareness of the UK's contribution to international institutions charged with enforcing this human right."

Annual Reports and Global Surveys

European Parliament's First Report on Freedom of Religion and Belief

European Parliament Intergroup on Freedom of Religion or Belief and Religious Tolerance, European Union, June 2015, 67 p. https://tinyurl.com/FoRB2014.

The European Parliament's Intergroup on Freedom of Religion or Belief and Religious Tolerance has published its first annual report. Covering 2014, the report analyzes violations of the right to religious freedom in five world regions. It discusses specific violations, both by state and non-state actors, and highlights several (primarily African and Middle Eastern) countries that are of particular concern. Finally, the report provides recommendations for how the European Union can craft its foreign policy to advance freedom of religion and belief around the world. The report represents a milestone in EU religious freedom policy.

US Department of State: International Religious Freedom Report for 2013

Bureau of Democracy, Human Rights and Labor, http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper, 25 of the reports are also available in a the language of the respective country concerned.

USCIRF: 2014 annual report

United States Commission on International Religious Freedom, Washington, D.C., USA, 2014, 209 p. www.tinyurl.com/uscirfreport2014. USCIRF's 15th annual report includes a discussion of international standards for religious freedom; a review of what the International Religious Freedom Act (IRFA) provides and how it has been implemented over the past 15 years; recommendations for ways to improve and adapt U.S. foreign policy on religious freedom promotion to the 21st century; and an examination of specific country situations, including country-focused policy recommendations.

Pew Forum: Latest Trends in Religious Restrictions and Hostilities

Pew Research Center's Forum on Religion & Public Life, Washington, DC, February 2015, 86 p. http://tinyurl.com/pew2015. The Pew Forum's most recent study on global religious restrictions reveals that, in 2013, both social and government restrictions on religion decreased worldwide. However, the populations of countries

that retained high or very high levels of restrictions caused the percentage of people living under such restrictions to slightly increase. The report pays special attention to restrictions on adherents of minority religions and comments on the relationship between religion and other social factors in discrimination.

Open Doors International: World Watch List 2015

Open Doors, Ermelo, Netherlands, January 2015, http://www.worldwatchlist.us; www.opendoorsuk.org/resources/persecution. The World Watch List scores the 50 countries where persecution of Christians is most severe and is compiled from detailed information provided by Open Doors staff and independent experts.

Regional and Country Reports

Cuba: CSW Report

Christian Solidarity Worldwide - USA, Casper, Wyoming, USA, August 2014, 23p. http://tinyurl.com/CubaCSW2014. Christian Solidarity Worldwide - USA has published a new report on the subject of religious freedom in Cuba. The report uses accumulated data to analyze the religious freedom situation on the ground in Cuba. On the basis of that information, the report provides recommendations to relevant governmental bodies: the Cuban government, the EU, and the United States. The report's findings are especially relevant in light of recent changes in Cuban international relations.

Eritrea: Human Rights Council commission of inquiry

Geneva 8 June 2015, Report of the commission of inquiry on human rights in Eritrea - A/HRC/29/42, 28 p.; Report of the detailed findings of the commission of inquiry on human rights in Eritrea - A/HRC/29/CRP.1, 484 p. http://www.ohchr.org/EN/HRBodies/HRC/CoIEritrea/Pages/ReportCoIEritrea.aspx. The Government of Eritrea is responsible for systematic, widespread and gross human rights violations that have created a climate of fear in which dissent is stifled, a large proportion of the population is subjected to forced labour and imprisonment, and hundreds of thousands of refugees have fled the country . The inquiry is based on 550 confidential interviews and 160 written submissions.

India: Persecution of Christians in 2013

Evangelical Fellowship of India, New Delhi, India, 2013, 21 p., www.tinyurl.com/efi2013. Provides a partial list of the up to 151 atrocities committed against Indian Christians in 2013. Women, rural pastors, and home churches were the primary targets of violence, according to EFI's press release.

Kazachstan: Report of the Special Rapporteur on freedom of religion or belief

UNHCR, Geneva, 23 Dec. 2014, 21 pp., A/HRC/28/66/Add.1, http://ap.ohchr.org/. In the present report, the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, gives an account of the main findings of his visit to Kazakhstan undertaken from 25 March to 4 April 2014. While acknowledging a general appreciation of religious diversity in the country, he noticed adverse attitudes towards some non-traditional religious communities. The State monitors religious activities strictly, with a view to preventing extremism and to combating "sects" deemed destructive to people's well-being. Many of the measures adopted for this purpose are not in line with international standards of freedom of religion or belief. Moreover, the mandatory registration of religious communities, in conjunction with tightly knit stipulations, largely hampers free religious practice, which takes place in an atmosphere of legal insecurity.

Pakistan: Forced marriages and conversions

Movement for Solidarity and Peace, New York, USA, April 2014, 36 p. www.tinyurl.com/msp-pakistan. Describes the history of and social context within which forced conversions and marriages take place; surveys legal, political, and procedural guarantees for rights protection; outlines illustrative cases demonstrating the pattern of violence through which the law becomes complicit in providing immunity for perpetrators, and the complex nature of associated crimes that make it difficult to categorize this crime as specific to religious identity; and provides recommendations for key stakeholders at national, provincial, and local levels.

Turkey: APC Report on 2014 Human Rights Violations

Association of Protestant Churches, Izmir, Turkey, December 2014, 10 p. http://tinyurl.com/APC2014Rights. The Association of Protestant Churches has released its 2014 report on human rights violations in Turkey. The report focuses on human rights violations directed against the Protestant community in that country. It highlights several areas of concern, including religious and cultural education, broad discrimination, and the difficulty of establishing legal meeting places. The report concludes with a number of recommendations for how the situation may be improved.

Vietnam: Report of the Special Rapporteur on freedom of religion or belief

UNHRC, Geneva, 30 January 2015, 20 pp., A/HRC/28/66/Add.2, http://ap.ohchr.org/. Heiner Bielefeld, on his visit to Viet Nam, 21 to 31 July 2014.

Specific Issues

Violence committed in the name of religion

UN General Assembly, Report of the Special Rapporteur on freedom of religion or belief, New York, 29. Dec. 2014, A/HRC/28/66, 23 pp., http://ap.ohchr.org/. Violence committed "in the name of religion", that is, on the basis of or arrogated to religious tenets of the perpetrator, can lead to massive violations of human rights, including freedom of religion or belief.

Religious intolerance and discrimination in the workplace

UN General Assembly, 2014 Interim report of the Special Rapporteur on freedom of religion or belief, New York, 5 Aug. 2014, A/69/261,23 pp., http://ap.ohchr.org/. This report focuses on means to eliminate religious intolerance and discrimination in the workplace. The sources of religious intolerance and discrimination in the workplace can be manifold and include prejudices existing among employers, employees or customers, restrictive interpretations of corporate identity or a general fear of religious diversity. After clarifying that the human right to freedom of thought, conscience, religion or belief also relates to manifestations of religious diversity in the workplace, the Special Rapporteur particularly deals with measures of "reasonable accommodation" that may be needed to overcome discrimination. Drawing on the Convention on the Rights of Persons with Disabilities, which legally prescribes reasonable accommodation as an indispensable element of related anti-discrimination agendas, he argues that such measures should also be adopted to eliminate discrimination based on religion or belief in the workplace.

Prisoners of belief: Individuals jailed under blasphemy laws

United States Commission on International Religious Freedom, Washington, D.C., USA, March 2014, 6 p., www.tinyurl.com/uscirf2014. An increasing number of Asian, African, and European countries are enforcing blasphemy laws. Report includes examples of eleven countries with blasphemy laws and lists names of individuals jailed under those laws.

Religion in the Transatlantic Community & its Foreign Policy

Transatlantic Academy, Washington, April 2015, 218 p. https://tinyurl.com/TAFFFP. The Transatlantic Academy has published a report entitled "Faith, Freedom, and Foreign Policy." The report emphasizes the importance of considering religion when making public policy. The West, especially, has a religious blind spot; policymakers need to factor it in strongly more when conducting world affairs. The report especially focuses on Islam's role in a world political order that broadly embraces

liberal democracy. The report also analyzes Europe's unique place as a formerly very religious region that finds itself now an anomalous bastion of secularism. Finally, the report discusses the rise of nationalist religion in Russia under Vladimir Putin. The report's perspective throughout is on making foreign policy in light of international religious considerations and human rights norms.

Journals, Articles and Brochures

Hostility against Mission, International Bulletin of Missionary Research

April 2015 issue, http://www.internationalbulletin.org/issues/2015-02/ this issue of the IBMR focuses on Christian communities and God's people of mission who suffer hostile attack by those who consciously and explicitly oppose Jesus Christ and Christian mission.

- Prophetic ecumenism of public witness: victim-centered mission, Duleep de Chickera
- The Syrian War and the Christians of the Middle East, Mary Mikhael
- A Toll on the Soul: Costs of Persecution among Pakistan's Christians, Titus Presler
- Church-State Relations in China: Three Case Studies, Peter Tze Ming Ng

Is religious freedom good for business?

Brian J. Grim, Greg Clark, and Robert Edward Snyder, Waco, TX, USA, 2014, 19 p. www.tinyurl.com/ReligiousFreedomBusiness. Grim, Clark, and Snyder expand the religious economies theory by articulating how religious freedom contributes to better economic and business outcomes. Most important, they expand on previous empirical work on the social impact of denying religious freedom, first by examining and finding a positive relationship between global economic competitiveness and religious freedom as exemplified by low government restrictions on religion and low social hostilities involving religion. Second, they empirically test and find the tandem effects of religious restrictions and hostilities to be detrimental to economic growth while controlling for other theoretical, economic, political, social, and demographic factors.

IRPP booklet, What is Religious Freedom?

Institute on Religion and Public Policy, Alexandria, Virginia, USA, September 2014, 28p. http://tinyurl.com/IRPPfreedom. The Institute on Religion and Public Policy has published a new booklet entitled What is Religious Freedom? It focuses on the meaning and scope of religious freedom under international human rights law and was presented at the Religious Freedom Session at the OSCE Human Dimension Session in Warsaw in October 2014.

Book Reviews

Fighting over God: A legal and political history of religious freedom in Canada

Janet Epp Buckingham

Montreal & Kingston, Canada: McGill-Queen's University Press, 2014, 329 p., ISBN 978-0773543287, US$ 82.18 (hardcover), US$ 29.66 (paperback).

Can a book tackle the complexity of Canadian religious freedom while remaining readable and accessible for lawyers and laypeople alike? Dr. Janet Epp Buckingham has done so admirably with this stellar product, a culmination of 20 years of work referencing over 600 cases.

Buckingham sets the context for religious freedom in Canada with a longitudinal survey, beginning before confederation in 1867. She thoroughly examines and analyses the case law and the political and religious culture, and tracks three themes of religious freedom in Canada: (1) religious conflict along the French Roman Catholic / English Protestant lines; (2) the treatment of religious minorities (Jews, Jehovah's Witnesses, etc.); and, (3) the rise of secularization.

This overview is helpful to set the context for the chapters that follow, since these themes play out throughout the various aspects of religious practice. The topical chapters can be read on their own, though I recommend reading the historical overview to set each chapter in its context. By organizing the book this way, Buckingham has crafted a useful reference for religious freedom litigators and scholars.

The book prompts the adage that those who forget history are prone to repeat it. Knowing where we have come from can help scholars and litigators figure out pitfalls to avoid. Because religion continues to be an issue drawing strong reactions from politicians, lawyers and media in Canada, this book is more relevant than ever. As Professor Iain Benson discussed in IJRF Vol 6:1/2 2013, Western law is increasingly being used to attack religious associations under the guise of "equality" advancement and "non-discrimination" restrictions. Quebec's Secular Charter and the strong reactions by the Canadian legal community against a private Christian law school are just some new tensions arising in Canada.

Buckingham notes that "secularism is the new majoritarianism" (p. 208). The book sheds light on how secularism's conception of tolerance measures up when comparing its treatment of Evangelical or Roman Catholic minorities with the civil government's treatment of other religious minorities in an earlier era. Buckingham makes clear that moving forward, Canada (and the Western world) has two ways to respond. Will we

repeat the mistakes of the past? Though there are troubling trends for religious freedom in Canada, continual erosion of freedom is not a necessary conclusion.

Buckingham's book is easily the most comprehensive and detailed book on religious freedom in Canada. As a lawyer whose full-time job is to take complex legal issues and translate them into understandable language for grassroots engagement, I have no hesitancy in highly recommending this book for pastors, political science students, and laypeople. But this book is also exceptionally helpful for any religious freedom litigator or scholar.

André Marshall Schutten, General Legal Counsel, Association for Reformed Political Action (ARPA) Canada, Ottawa, Canada

The future of religious freedom: Global challenges

Allen D. Hertzke (ed.)

Oxford: Oxford University Press, 2013, 364 p., ISBN 9780199930913, US$ 29.95.

Allen Hertzke's edited volume *The Future of Religious Freedom: Global Challenges* comes at a moment in time when assaults on religious liberty are sharply rising. Millions of people around the world are subjected to harassment, intimidation, or violence because of their religious beliefs, or those of their persecutors. Against this backdrop, the 15 contributors to this volume seek to address the status of religious freedom in the world today, barriers to its realization, moral and political implications of religious restrictions, and ways to create societies respectful of religious liberty.

The book begins with a section on the present condition of religious freedom. These chapters include discussions of the legal status of religious freedom around the world. The contributions by Cole Durham, Matthew K. Richards, Donlu D. Thayer, Angela Wu Howard, and Brian J. Grim contend that the moral and legal foundations of religious freedom are coming under increasing attack by an array of forces including secularization of elite culture in the West, rival equality norms like gay rights, perceived national interests, the rise of identity politics, governmental restrictions, and communal hostilities involving religion. Howard's chapter makes the notable point that religious freedom does not imply the inoculation of religion from criticism because efforts to outlaw religious defamation and apostasy only serve to denigrate other civil rights, invite exploitations by the state, and threaten the freedom of religion itself.

The next three sections look at models of and challenges to religious freedom in various parts of the world. Anthony Gill's chapter on "religious markets" clearly shows how religious monopolies are detrimental to religious liberty and employs

rational choice theory to show how such monopolies were broken in the United States and Latin America. It provides a useful point of departure to examine the complicated situations of religious oligopoly and monopoly that exist today in China (Fenggang Yang) and Russia (Roman Lunkin) respectively.

Importantly, the book's third section, comprised of chapters on religious freedom in democratic states, show that threats to religious liberty are not confined to the non-Western world, even while liberal democracy provides the most fertile ground for religious freedom to thrive. Here Jonathan Luxmoore, Silvio Ferrari, and Gerard V. Bradley show how religion-state arrangements vary widely in post-communist Europe, Western Europe, and the United States. A major takeaway from these chapters is that religious communities helped spur the drive for freedom in their countries, thus playing an important role in democratization processes.

Part four examines religious freedom in different Islamic settings. This section features chapters written by three Turkish scholars (Ahmet T. Kuru, Talip Kucukcan, and Recep Senturk) and a fourth written by a member of the Turkish parliament, Binnaz Toprak. Here one finds an interesting debate on the public role of religion in Turkey between Kucukcan and Toprak, with Toprak arguing that the Islamist AK Party's leadership of the country has served to restrict minority rights, and Kucukcan claiming that AK Party has taken steps towards addressing the grievances of the country's religious minorities. Kucukcan also notes that the greatest threat to religious liberty in Turkey has historically come from the secular Kemalist state. While the Turkish case is important, here a discussion of religious liberty in other Muslim democracies (Senegal, Indonesia, Bangladesh) might have been worthwhile.

Especially interesting is the final section on religion and global security, with chapters written by scholar-practitioners Thomas Far and Chris Seiple and Dennis Hoover, who argue that religious freedom is not only a normatively good thing but also carries various strategic benefits for democracy, peace and prosperity. Conventional wisdom holds that in a world where religious threats are on the rise, the best way to combat those threats is by repressing religion. Not so, argue Farr, Seiple and Hoover. Their chapters show that restriction of religion is often the source of violent conflict and that religious freedom, conversely, contributes to peace and stability in society.

The essays in this volume are primarily theoretical with little attention given to the quantitative analysis of religious freedom (save for the chapter by Grim). This represents an important potential avenue of future research, especially now that meticulous datasets on religious freedom and religion-state arrangements are currently available to test empirically various claims set forth in this book.

Overall, this excellent volume is a valuable contribution to the literature on religion and state, which policymakers, journalists, missionaries, human rights advocates, academics, people of faith, and anyone interested in the intersection of religion and

government will find beneficial. It is an ambitious and comprehensive treatment of the challenges and prospects of religious freedom in the modern world. *The Future of Religious Freedom* is particularly relevant in an era marked by the global resurgence of religion and ongoing debates about the proper place of religion in public life.

Prof. Dr. Nilay Saiya, Assistant Professor of Political Science & Director of International Studies, State University of New York, Brockport, USA

Models of religious freedom: Switzerland, the United States, and Syria by analytical, methodological, and eclectic representation

Marcel Stüssi

Zürich, LIT, 2011, 515 p., ISBN 978-3-643-80118-0, US$ 77.70.

This book compares and contrasts histories, theories and structures for religion and religious freedom in three very different countries: Switzerland, the United States and Syria. It was originally a doctoral dissertation. This is both its strength and its weakness. It is a strength in that it is carefully researched and documented. It is a weakness in that it is structured like a thesis and involves subjects that would not normally be considered together.

Switzerland has a long history of religious establishment. Stüssi summarizes the history of cantons' adoption of either the Roman Catholic or Reformed Evangelical religion and their continuing preference for that religion. He further explains why accommodation of adherents of non-Christian religions has only recently come to be an issue in Switzerland.

More has been written on religious liberty in the United States than in any other country in the world. Stüssi again summarizes the development and theoretical approaches to religious freedom in the United States. He further examines some of the leading legal cases interpreting the constitutional protection for religious freedom.

Stüssi's examination of the historical development of Syria and how it considers religion and religious communities is an important contribution. As Syria is currently in the grip of civil war, the summary is a helpful backdrop to a situation that no longer exists. Christian and Jewish communities were not only tolerated but given freedom to apply their own law to personal status laws.

Stüssi compares and contrasts the countries' approaches to religious freedom in the final chapters of the book. Perhaps the most interesting and useful section of the book is in the last 50 pages. He develops three "dimensions" of religious freedom: individual, collective and proximate. He gives a brief overview of each dimension and then places each country on a continuum of religious freedom in that dimension. Syria provides little protection for individual religious freedom but strongly

protects religious communities. The United States is balanced in both individual and collective religious freedom as well as maintaining a distance from religious entanglement. Switzerland is balanced in protecting individual religious freedom but narrow in protecting collective aspects of religion. It is more closely aligned with religion as some cantons have official religions.

Stüssi's examination of three models of religious freedom provides an in-depth examination of three very different countries, each of which is interesting and unique. The development of the "dimensions" is a valuable tool for those who wish to understand religious freedom in a variety of contexts.

Prof. Dr. Janet Epp Buckingham, Director of Laurentian Leadership Centre, Associate Professor of Trinity Western University, Ottawa, Canada

The Rule of Law and the Rule of God

Simeon O. Ilesanmi, Win-Chiat Lee, and J. Wilson Parker (eds.)

Palgrave Macmillan, 2014, 284 p., ISBN 978- 1-137-44775-3, US $ 87.26.

This book is comprised of a plethora of topics pertaining to the nexus of religion, politics and the law. Part 1 of the book begins with two chapters on foundational concerns. First, the return of political theology (such theology being understood as 'a doctrine that legitimates public authority, and the institutions that exercise it, on the basis of a divine revelation') is discussed. Secondly, the need to transcend the authority ascribed to 'reason' or 'revelation' through strategies directed towards the interpretation of religions (in the context of a richer diversity in the ways of speaking about God) is addressed. These concerns present insights related to political theology in the past, its presence in contemporary societies (alongside that of political discourse) and the renewal of political theology from within religion itself. Furthermore, the understanding that appeals to reason or revelation first needs to be interpreted in ways that promote free and responsible existence if they are to claim the right to order social existence. Although limited in elaboration at times, these foundational concerns contribute to the debate on the inclusion and relevance of religion in the public sphere and society in general.

Part 2 pertains to a critical analysis related to the limits in construction and application of the free exercise and establishment clauses in the context of American jurisprudence. In this regard, the use of the concept of 'neutrality' by the judiciary to assist in the determination of the protection of religious rights and freedoms is scrutinised, followed by an adept explanation as to why the concept of 'liberty' is more helpful in this regard. This adds value to the multitude of already existing critical scholarship on neutrality as an ineffectual concept to rely on when dealing with questions related to the protection of religious rights and freedoms. A topic of special contemporary relevance

and contentiousness, namely the rights of those participating in same-sex sexual conduct in the context of employment, marriage, housing, business transactions and public accommodations also enjoys investigation. In this regard, the accommodation of those participating in same-sex sexual conduct is argued for. Part of this argument includes the equating of racial discrimination to that of discrimination based on sexual orientation. However, lacking in this regard is a more informative and nuanced explanation as to why racial discrimination and discrimination based on sexual orientation are equated with each other, as well as regarding the view that Biblical authority is as convincing towards supporting discrimination based on race and slavery as it is towards discrimination based on sexual orientation. That the public accommodation of those involved in same-sex sexual conduct should be accommodated is not the issue here; rather that the argument presented by author is open to criticism. This chapter would also have been enriched had it dealt with the parameters of the rights of religious associations regarding appointments by, and membership to such associations where certain types of sexual conduct are in opposition to the central tenets of, for example, a church. A further chapter looks critically at governmental funding of Muslim and Christian pilgrimages in Nigeria. The conclusion reached is that such governmental support constitutes support in the establishment of specific religions, which stands in opposition to minority faiths and consequently opposed equality and non-discrimination.

Part 3 of the book discusses different topics related to the law, religion and Islam. It begins with an informative response, from an Islamic point of view, to the modern liberal conception of religious freedom, which aims at the accommodation of Islam as a minority faith in secular constitutional societies. The value of this section of the book also lies in insights based on religious rights and freedoms in support of the wearing of the *niqab* (a garment which cloaks a woman's head and neck) by Muslim women in America and that the wearing of such religious attire should generally be supported. Part 3 also elaborates in respect of the wearing of the niqab in the American courtroom in the context of the balancing of religious rights with that of a 'compelling state interest'. Following on this is an investigation into the wearing of headscarves and the plight of Muslim women in America regarding their stigmatisation as 'a symbol of terror' post 9/11, as well as the ills they are exposed to regarding sexism within the larger, male-dominated community. This is accompanied by proposed solutions to counter these challenges facing Muslim women in America. This is also of value to many other Western liberal paradigms where similar challenges exist.

The last chapter is a brief conclusion on the arguments presented in the book. In this regard, the argument, based in essence on 'political autonomy' and 'equal liberty', disappoints in more than one respect. This is mainly due to its brevity when commenting on foundational concepts (such as neutrality, political equality, and liberal norms) and the briefly suggested support of Rawlsian and Dworkian ap-

proaches in a time when these receive more and more scrutiny and where matters pertaining to the inclusion of diversity and the limits of the law require more attention. However, it is for scholars themselves to decide whether this is the case and, more importantly, to add to furtherance of the debate.

This scholarly book, with its varied spectrum of topics, contributes towards the furtherance of debate pertaining to the challenges and complexities related to the cooperation between religion, the law and the state. Consequently, the book is an asset (irrespective of its substantial connection to the American constitutional and jurisprudential context) for especially those specialising in constitutional law and religious rights and freedoms.

Shaun de Freitas, Associate Professor, Department of Public Law, University of the Free State, Bloemfontein, South Africa

God vs. the Gavel: The perils of extreme religious liberty

Marci A. Hamilton

New York: Cambridge University Press, Revised Second Edition, 2014, 476 p., ISBN 976-1-107-45655-6 (paperback), US$ 27.99.

This provocative book contrasts "common-sense" religious liberty against "extreme" religious liberty within the United States. The notion of extreme religious liberty is espoused by documented stories of, amongst others, clergy sex abuse and the refusal of companies to do business with same-sex couples. For example, the classic and much contested argument, where racism is equated with homophobia, is used to describe the refusal of companies to do business with same-sex couples. For the author "this is as extreme as religious liberty gets…" (231). Based on such examples, the purpose of the book is made clear – a call "for a return to common-sense religious liberty" (i). However, no criteria are provided for determining what "common-sense" and "extreme" entails.

The benefits of religion are briefly acknowledged followed by an urgent call to awaken to the extent to which the right to religious liberty may immunize religious conduct from sanction when it interferes with public health, safety and welfare. The author is of the opinion that the main cause of "extreme" religious liberty within the US have been certain legislative reforms that have been arbitrary and unreflective. Such legislative reform includes the Religious Freedom Restoration Act (RFRA) and the Religious Land Use and Institutionalized Persons Act (RLUIPA). It is then argued that these two Acts opened the gates widely for extreme religious liberty amounting to licentiousness and the granting of non-existing rights under the First Amendment. Congress was willing to pass blind accommodation statutes without reflecting on the disabling effect thereof on the rule of

law (22). However, legislative reform is not credited as the only part of the problem. Lawmakers too often grant religious lobbyists privileges to harm others and cases such as Wisconsin v. Yoder and Hobby Lobby are indicative of this.

Part two of the book discusses the history and doctrine behind common-sense religious liberty and gives an exposition of what religious liberty should look like. The criteria used to determine extreme religious liberty is the "harm principle" as developed by John Stuart Mill. However, the use of this principle as determining criterion is not justified in the book and the concept "harm" is not circumscribed and eventually left open for wide interpretation.

This book offers a provocative and alternative liberal view to the protection of religious freedom and can be recommended to all persons concerned about the relationship between religious liberty and the rule of law.

Georgia du Plessis, Lecturer at the University of the Free State, Faculty of Law, Bloemfontein, South Africa

Dissident for Life: Alexander Ogorodnikov and the Struggle for Religious Freedom in Russia

Koenraad De Wolf

Grand Rapids / Cambridge, UK: Eerdmans, 2013, 336 p., ISBN 978-0802867438, GBP 18.99.

In the preface to the book, a friend of the Russian human rights activist Alexander Ogorodnikov Lord David Alton says that the life story of this man is a testimony of his exceptional courage and self-sacrifice, and that it is our responsibility to share it with all the future generations. The author of the book looked at that task as his mission. He wrote a truly heroic saga about a man who not only fought the Soviet regime but also defended other people.

At present, it is difficult even to imagine what cruelty the Christians in the USSR had to face. They suffered only for their desire to preach, have theological discussions and help the poor. The example of Alexander Ogorodnikov shows how much one believer can achieve. He was born in 1950 and from his youth he was a civil activist, he created a voluntary people's guard for protecting public order, he studied to become a philosopher and later studied in the Institute of Cinematography. He worked as an assistant of the famous film director Andrey Tarkovsky during the filming of the "Mirror." He was expelled from the Institute for the attempt to produce a film about the religious life of the young people in the Soviet Union. Ogoronikov's life work was that he created the Christian Seminar, gathering together the thinking people who lacked freedom, faith, the

living word. The participants of the Seminar published their own journal. The Seminar became very popular – it had branches in dozens of cities of the USSR including Moscow and St Petersburg. Ogorodnikov was sentenced to imprisonment for his activities, including his speeches in defence of the rights of the Russian Orthodox Church and the believers of other religious confessions. He was in prison from 1978 to 1987, because when he was given a choice between emigration and life imprisonment he chose prison. He was released from prison in Mikhail Gorbachev's epoch. Ronald Reagan advocated for him as did Margaret Thatcher who admired his courage. The Keston Institute (Oxford, UK) played a big role in providing support to Ogoronikov and transferring his mail to the West. A collection of Ogorodnikov's documents and published papers is now in the Keston Centre in Baylor University (Texas, USA). After his release from prison Ogorodnikov became the main exposer of the repressions of the Soviet regime. It was from him that the people in different countries of the world heard about the dissidents in prisons and the repressions against the Russian Orthodox, Baptist and Pentecostal Christians. Many people know that there were dissidents in the USSR who fought for their rights and passed the information about the repressions to the West. However, it is difficult to understand why such individuals as Ogorodnikov had such powerful spiritual and public authority which helped to resist the huge Soviet machine of repressions.

The book by K. de Wolf helps to understand that epoch and the role of individuals in it. The biography is not in fact scholarly research. This is an extended literary novel about a free and honest person in a totalitarian state where there is lots of cruelty, hypocrisy and absurdity.

The plot of the book is built around the concept of the fight of a hero and faith martyr against the horrible machine of state insanity and repressions of freedom. The content is presented in a strictly chronological order which allows one to easily orient oneself in the material: "From the Communist Youth to a Religious Dissident," "Surviving in Gulag," "Islands of Hope." In the last part of the biography the author tells in detail about the post-Soviet period of Ogorodnikov's life, his social projects and the attempts to develop Christian democracy in the new Russia. The author used in his work the archives of KGB, the human rights organization "Memorial," the prison camp "Perm-36," Ogorodnicov's private archives and the samizdat literature published underground in the USSR. In Moscow, in addition to the long conversations with Ogorodnikov, de Wolf conducted interviews with the priests Father Vsevolod Chaplin and Father Georgy Kochetkov. In the book one can feel a personal empathy of the author, his involvement in the life story of the hero. The emotional presentation of the biography is catching and stirs up an interest to read it.

However, this emotionality and subjectivity lead to some drawbacks. Among the main drawbacks of the book there are: the non-critical presentation of the material only from the point of view of his hero (for example, the author blames another Soviet

human rights activist Father Gleb Yakunin of vanity and jealousy towards Ogorodnikov), the spelling mistakes in the geographical and people's names, the lengthy divagations related to the history of Russia – from the Caribbean crisis to the Chechen wars in the 1990s, and Putin's rule. Moreover, the author considers Putin's epoch to be a direct continuation of the Soviet rule and its persecution. Just like in a detective story, the author pays a lot of attention to the Soviet secret service that "kills dissidents" and the people who are linked with them and make deceitful traps and plans (even though from the perspective of the historical facts, many accidents were real accidents and the Soviet secret service was not so clever, although it was cruel).

However, the author's enthusiasm, his desire to embrace the boundless and tell everything at once, also allows one to understand the dimension of Ogorodnikov's personality. A desire to live openly and honestly and to help people in accordance with the Christian faith are joined in this man. Ogorodnikov became the creator of a theologians' club to which the intellectuals and hippies would come. In the Soviet time, he created a genuine Christian community as a community of believing friends who discussed theological issues and also helped other people. He was the first to start social work in the Russian Orthodox Church and founded a centre for teenagers and later a refuge centre for girls "Island of Hope." A refuge home for homeless street children still operates in Buzharovo not far from Moscow from 2000 to the present.

Many hopes of Ogorodnikov and his friends were not fulfilled: the human rights movement split after the collapse of the Soviet Union, the Christian democracy which was a dream in the 1990s did not become a powerful movement, and the Soviet regime gave place to the "criminal-political" Eltsyn's epoch, as Ogorodnikov himself describes it. His battle looks from outside like a hopeless and single heroic deed. But according to Ogorodnikov's words, he feels himself to be the person who must turn the other cheek as Jesus did, he must feel compassion and multiply the love among people by his works and forgiveness. Ogorodnikov sees the highest human calling in it. No political regime is able to defeat a public activist with such a strong spirit.

Roman Lunkin, Social Scientist, Senior Researcher, Institute of Europe, Russian Academy of Sciences, Moscow, Russia

John Bunyan: The People's Pilgrim

Peter Morden

Waverley Abbey: Crusade for World Revival (CWR) 2013, 191 p., ISBN 978-1-85345-836-1, GBP 6.05.

This biography helps, among others, to remember somewhat forgotten superlatives. According to the biographer, John Bunyan's best known allegory of the Christian

life, The Pilgrim's Progress, is still the world's second most published book after the Bible. In any case, it is one of the acknowledged classics of English literature. It is hardly surprising, then, that its 17th century Nonconformist writer can be labeled as "one of the most influential Christians of all time" (p. 64). Furthermore, the story of Bunyan's life embodies the struggle for religious freedom and the willingness to bear persecution for Christ's sake in an ideal-typical way. This pioneer for freedom of worship spent more than twelve years in prison for unlicensed preaching and continued to preach with the pen. Some of his greatest works originated in Bedford county jail where he was allowed only a Bible and *Foxe's Book of Martyrs*.

The special feature of this book is the way past and present are linked. This refers not least to current situations which have common characteristics with Bunyan's afflictions. It is explicitly reminiscent of Christians in parts of the world for whom state persecution is still a reality, and it encourages to "pray for the Persecuted Church and to support Christians who suffer greatly because they follow Christ" (pp. 91-92). In this context, its author recommends both The Barnabas Fund and Open Doors. Peter Morden, who is Tutor in Church History and Spirituality at Spurgeon's College in London, has written an accessible introduction to Bunyan's life and works. Even though he has worked from primary sources, this illustrated biography is written with the intention of enabling the reader to make connections between Bunyan's experiences and their own spiritual pilgrimage. Reflective sections at the end of each chapter also serve this purpose.

Besides telling the story of John Bunyan's extremely difficult but exemplary life, this biography offers helpful introductions to his major works like *Grace Abounding* to the *Chief of Sinners, The Holy War* and to both parts of *The Pilgrim's Progress*. A timeline compares events in Bunyan's life "that coincided with one of the most turbulent periods of British history" (p.13) and national events. There is a typographical error on pages 180 and 181: The Act of Toleration that allowed freedom of worship to Nonconformists was actually passed in 1689 (instead of 1669) – just one year after Bunyan's death. Morden rightly regards John and Elizabeth Bunyan's models "as a challenge to Christians – especially Western Christians – today" (p. 90). This highly recommendable book has the potential to provoke shallow versions of the gospel, to provide encouragement for suffering Christians, and to create understanding about the spiritual realities that underlie freedom of worship and religious persecution.

Maximilian J. Hölzl, PhD candidate, Korntal, Germany

IIRF Reports

A monthly journal with special reports, research projects, reprints and documentation published by the International Institute for Religious Freedom (Bonn – Cape Town – Colombo)

www.iirf.eu/iirfreports

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.

Submission adresses

- Book reviews or suggestion of books for review: bookreviews@iirf.eu
- Noteworthy items and academic news: noteworthy@iirf.eu
- All other contributions: research or review articles, opinion pieces, documentation, event reports, letters, reader's response, etc.: editor@iirf.eu

IJRF, POBox 1336, Sun Valley 7985, Rep South Africa, Fax +27-86 551 6432

Selection criteria

All research articles are expected to conform to the following requirements, which authors should use as a checklist before submission:

- **Focus:** Does the article have a clear focus on religious freedom / religious persecution / suffering because of religious persecution? These terms are understood broadly and inclusively by the editors of IJRF, but these terms clearly do not include everything.

- **Scholarly standard:** Is the scholarly standard of a research article acceptable? Does it contribute something substantially new to the debate?
- **Clarity of argument:** Is it well structured, including sub-headings where appropriate?
- **Language usage:** Does it have the international reader, specialists and non-specialists in mind and avoid bias and parochialism?
- **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.
6. Include the following:
   - An abstract of no more than 100 words.
   - 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.
8. Articles should be spell-checked before submission, by using the spellchecker on the computer. Authors may choose either 'UK English' or 'American English' but must be consistent. Indicate your choice in the first footnote.

9. Number your headings (including introduction) and give them a hierarchical structure. Delete all double spaces and blank lines. Use as little formatting as possible and definitely no "hard formatting" such as extra spaces, tabs. All entries in the references and all footnotes end with a full stop. No blank spaces before a line break.
10. Research articles should have an ideal length of 4 000 words and a maximum of 6 000 words. Articles longer than that are not normally accepted, but may be published if, in the views of the referees, it makes an exceptionally important contribution to religious freedom.
11. Research articles are honoured with two complimentary printed copies.
12. For research articles by members of the editorial team or their relatives, the full editorial discretion is delegated to a non-partisan editor and they are submitted to the same peer review process as all other articles.

Style requirements

1. IJRF prefers the widely accepted 'name-date' method (or Harvard system) for citations in the text. Other reference methods are permissible if they are fully consistent.
2. A publication is cited or referred to in the text by inserting the author's last name, year and page number(s) in parentheses, for example (Mbiti 1986:67-83). More detailed examples can be found on: www.iirf.eu > journal > instructions for contributors.
3. Graphics (e.g. graphs, tables, photographs) will only be included in an article if they are essential to understanding the text. Graphics should not be included in the body of the article. Number graphics consecutively, save each in a separate file and indicate clearly in the text where each should be placed.
4. Footnotes should be reserved for content notes only. Bibliographical information is cited in the text according to the Harvard method (see 2 above). Full citations should appear in the References at the end of the article (see below).
5. References should be listed in alphabetical order of authors under the heading "References" at the end of the text. Do not include a complete bibliography of all works consulted, only a list of references actually used in the text.
6. Always give full first names of authors in the list of references, as this simplifies the retrieval of entries in databases. Keep publisher names short.

Christof Sauer (ed.)

Bad Urach Statement

Towards an evangelical theology of suffering, persecution and martyrdom for the global church in mission

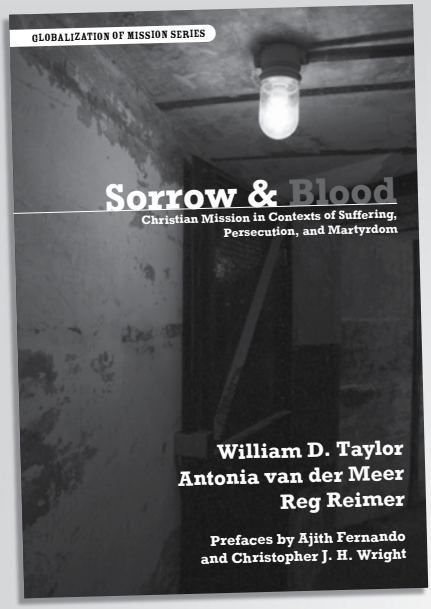
VKW The WEA Global Issues Series 9

WEA
World Evangelical Alliance

International Institute for Religious Freedom
IIRF

WILLIAM CAREY LIBRARY

NEW RELEASE



Sorrow & Blood

Christian Mission in Contexts of Suffering, Persecution, and Martyrdom

The editorial team of William Taylor (USA), Tonica van der Meer (Brazil), and Reg Reimer (Canada) worked over four years to compile this unique resource anthology.

This book is the product of the Mission Commission's global missiology task force and a worldwide team of committed colleagues and writers. Some 62 writers from 23 nations have collaborated to generate this unique global resource and anthology. Ajith Fernando of Sri Lanka and Christopher Wright of the UK each wrote prefaces to the book.

This latest WEA volume has the potential of profoundly shaping our approach to mission in today's challenging and increasingly dangerous world.

ISBN: 978-0-87808-472-2

William D. Taylor, Antonia van der Meer, Reg Reimer

WCL | Pages 560 | Paperback 2012

List Price: $~~$29.99~~

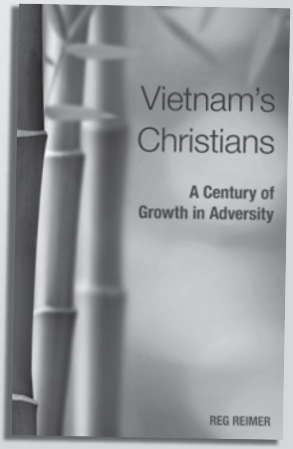
Our Price: $23.99

3 or more: $17.99

Vietnam's Christians

A Century of Growth in Adversity

In the 1990's, the church suddenly exploded in number and vitality, especially among Vietnam's ethnic minority mountain peoples,. After forty-five years of deep involvement there, Reg Reimer has become the acknowledged authority on Protestants in that country. He has reported much on Vietnam, but, as the situation required, anonymously—until now.



ISBN: 978-0-87808-304-6

Reg Reimer

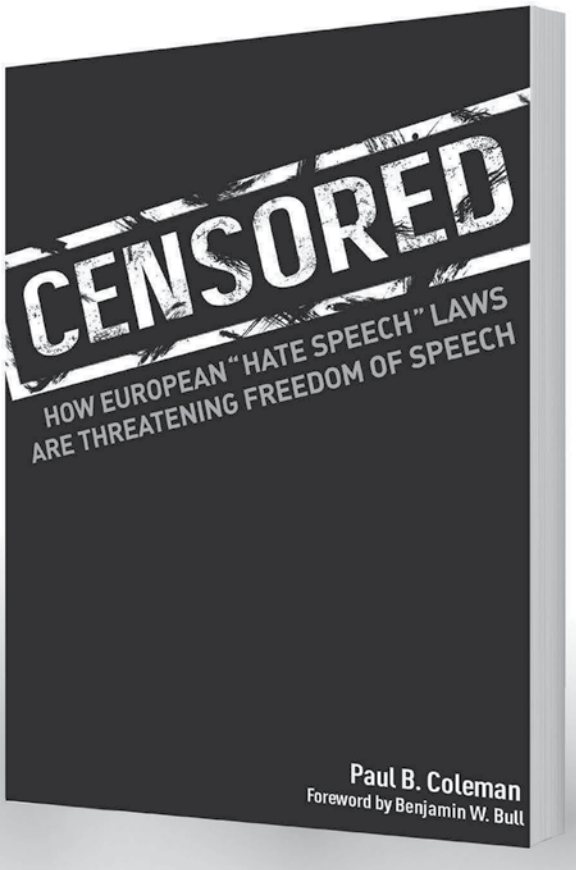
2011 WCL | 144 pages | paperback

List Price: $~~$12.99~~

Our Price: $10.39

3 or more: $7.14

www.missionbooks.org • 1-800-MISSION



Paul Coleman challenges the widespread support for "hate speech" laws found at a national and European level, by arguing that criminalizing speech is illiberal, dangerous and leads to a culture of censorship.

* * *

Further information / download e-book:
http://www.kairos-pr.com/en/publications.html
Order @: office@kairos-pr.com or 0043 / 1 / 2749898

164 pages - Hardcopy 9,90 Euro (+ shipping) / **e-book 6,90 Euro.**

Paul B. Coleman is legal counsel for Alliance Defending Freedom at its office in Vienna, Austria, where he specializes in international litigation with a focus on European law.

Subscriptions (for print version only!) 2015

Please note that the IJRF is *freely available on the web* a few weeks after publication at: www.iirf.eu and you can register for an email alert.

Annual subscription fee 2015 (2 issues): **South African Rand 280 (approx. €25/US $35).**
Date: _____ VAT and postage included.

Name	
Address	
Postal/Zip Code	
Country	
Telephone	
Mobile	
Fax	
Email	

I/we wish to order *International Journal for Religious Freedom* starting with the year: 2014.

Please tick the appropriate ☐ This is a new subscription ☐ This is a renewal

☐ I/ we order the following **back issues** at Rand 110 (€ 12/US$17) per copy:

(NB: There was only one pilot issue in 2008)

☐ 1-1 (2008) ☐ 2-1 (2009) ☐ 2-2 (2009) ☐ 3-1 (2010) ☐ 4-1 (2011) ☐ 4-2 (2011)
☐ 5-1 (2012) ☐ 5-2 (2012) ☐ 6-1/2 (2013) ☐ 7-1/2 (2014)

☐ I have made an **electronic transfer** to the following account
(International: charge "all fees to sender" and add 5% for South African bank fees.)

☐ **Main Account South Africa:** Payment must be in Rand

International Institute for Religious Freedom Cape Town
Bank Standard Bank
Branch Sea Point
Branch Code 02 41 09

Account Number 071 117 431
Type of Account Current Account
SWIFT Code SBZAZAJJ
Beneficiary reference IJRF, Year, Name

☐ **For European Customers** (in Euro)

International Institute for Religious Freedom (SA)
Account Number: 9701200
Bank Code/BLZ: 29166568

Bank: Volksbank Worpswede e.G., Germany
IBAN: DE71291665680009701200
BIC: GENODEF1WOP
Beneficiary reference IJRF, Year, Name

☐ I have paid via **GivenGain**: http://iirfct.givengain.org **(preferred for international subscriptions); payment must be in RAND).**

☐ I enclose a cheque/postal order to the value of _____ ZAR made payable to International Institute for Religious Freedom Cape Town **(For foreign cheques add R 200 for bank charges).**

Return this form with your (proof of) payment to: subscriptions@iirf.eu

IJRF, P.O. Box 1336, Sun Valley, 7985, Rep South Africa, Tel +27-21 783 0823, Fax +27-86 5516432

Order Form for AcadSA Publications

Religious Freedom Series

Title	Unit Price*	Copies	Amount
Re-examining Religious Persecution: Constructing a Theological Framework for Understanding Persecution. Charles L Tieszen Religious Freedom Series, Vol 1	R90		
Suffering, Persecution and Martyrdom: Theological Reflections. Christof Sauer and Richard Howell (editors) Religious Freedom Series, Vol 2	R250		
		Total	

*Prices exclude shipping and handling.
Bulk discounts on request

Personal Details

Name Surname

Postal Address Postal Code

Country

Telephone E-Mail

AcadSA PUBLISHING

Email, Fax or post this form to

AcadSA, P.O. Box 15918, Panorama, Parow 7506, Rep. South Africa
Tel: +27 21 839 1139, Fax: on request, Email: info@acadsa.co.za

www.acadsa.co.za

European Orders

Book publications of IIRF from the Religious Freedom Series and the Global Issues Series are also available in Germany from: www.genialebuecher.de

The **International Journal for Religious Freedom** is published twice a year and aims to provide a platform for scholarly discourse on religious freedom and religious persecution. It is an interdisciplinary, international, peer reviewed journal, serving the dissemination of new research on religious freedom and contains research articles, documentation, book reviews, academic news and other relevant items. The editors welcome the submission of any contribution to the journal. Manuscripts submitted for publication are assessed by a panel of referees and the decision to publish is dependent on their reports. The IJRF subscribes to the National Code of Best Practice in Editorial Discretion and Peer Review for South African Scholarly Journals.

IJRF is freely available online: **www.iirf.eu**
as a paid print subscription, and via SABINET.

www.iirf.eu

The IJRF is produced by the
International Institute for Religious Freedom
Bonn — Cape Town — Colombo

IJRF
P.O. Box 1336 Tel +27-21 783 0823
Sun Valley, 7985 Fax +27-86 551 6432
South Africa email editor@iirf.eu

AcadSA PUBLISHING VKW