Children, youth and FoRB

INTERNATIONAL INSTITUTE FOR RELIGIOUS FREEDOM

INTERNATIONAL JOURNAL FOR RELIGIOUS FREEDOM
VOLUME 17, ISSUE 2, 2024

Cover Art

#ANATABAN
In 2016, a group of young artists used graffiti in South Sudan to promote peace. "Ana taban" literally means "I am tired." Here we see depicted a child who is tired of war. Many children live in conflict and war, depriving them of their childhoods, their education, their parents and their hopes and dreams. This graffiti is on a wall in Juba, South Sudan.

Contents

Editorial

Children, Youth and FoRB

This special issue has been a long time coming and I am very pleased to present it to you. It was initially conceived as a joint project of the Gender and Religious Freedom Task Group (GRF) and the Research Group of the Religious Liberty Partnership (RLP). We recognized that the special concerns of children and youth in FoRB were under-researched. But of course, that was also what made developing such an issue for this journal so hard – where do we find authors willing to break new ground in research?

We planned a one-day seminar following the annual RLP consultation, scheduled for April 2022 in Kyiv, Ukraine. The consultation was quickly moved to Warsaw, Poland when Russia invaded Ukraine. But our seminar was delayed until the 2023 consultation in Kathmandu, Nepal. So you will see some unusually long lead times between submission dates and acceptance dates of articles in this issue. It's all due to the unanticipated ways in which global events interfered with our work.

Although we are calling this a special issue, not all the articles focus on children and youth. And some of the articles focus on issues faced by a broader range of people, not only youth.

We start with two opinion articles. The first comes from Dennis Petri, International Director of the International Institute for Religious Freedom, our parent organization. Petri explores the relationship between religious persecution, family stability, and the transmission of faith, and he finds that the children of parents who are persecuted often leave their faith. The second opinion article, by Uswatun Hasanah, describes the impact of interfaith dialogue through the young women's organization Nasyiatul Aisyiyah in Indonesia.

The first two peer-reviewed articles focus on Pakistan, where Christian girls are routinely abducted and face possible forced conversion and marriage to a Muslim, or assault and rape. Wonderful organizations are helping these girls and their families, but there is immediate need for changes in the legal system in Pakistan. Iwona Zamkowska highlights the work of Open Doors; the Jubilee Campaign and Voice for Justice explain their work in Pakistan.

My contribution looks at several situations in Canada when students were expelled from school based on their religious beliefs or practices. Globally, schools are often sites of religious conflict as the dominant religion does not want to make space for religious minorities. Expulsion from school sends a strong message to students that they are not welcome in society.

Mary Varughese writes from a sociological perspective on the challenges that converts to Christianity face in India when their family opposes their conversion.

Sometimes, the trauma of family rejection causes young people to return to their families' faith.

Marcela Bordón focuses on the issue of religious "nones." The West has seen a significant rise in the percentage of the population who identify with no religion, and many of these are young people. Bordón looks at this phenomenon from the perspective of FoRB.

Johannes van der Walt, Nico Broer and Charl Wolhuter argue that when a country enjoys religious freedom, religious leaders have a responsibility to use this freedom to make their societies better. They focus on the social problems in South Africa and Venezuela, proposing that religious groups should engage in interfaith dialogue and youth education to reduce the plague of corruption and violence. Their proposals resemble those made to foster FoRB by previous UN Special Rapporteurs on freedom of religion or belief.

Janko Vorster and Shaun de Freitas write about the clash between the rights of transgender persons and the rights of religious communities to maintain their traditional beliefs and practices about gender. Most of those seeking gender transition are young people. There has been a marked attempt to silence churches on transgender issues; Vorster and de Freitas make a strong argument for the preservation of freedom of expression.

The final article is unrelated to youth. Tatiana Kopaleishvili and Jelle Creemers contribute an extensive exploration of the history and current state of religious freedom in Georgia.

I commend to you the usual Noteworthy section. Some very interesting topical reports have been published recently. There is also an excellent selection of book reviews, covering important and provocative books on religious freedom and related issues.

I hope that these articles will inspire researchers to pay greater attention to the impact of violations of religious freedom on children and youth. Children and youth experience FoRB differently than adults.

Yours for religious freedom,
Prof Dr Janet Epp Buckingham
Executive Editor

Tribute to John Warwick Montgomery (1931-2024)

The International Institute for Religious Freedom (IIRF) pays tribute to Dr John Warwick Montgomery the founding Chair of its Academic Board and later life-long honorary Chair of the Academic Board, also serving on the Editorial Board of the International Journal for Religious Freedom. He passed away in Strasbourg, France, on 25 September 2024 at the age of 92. He was a citizen of the United States, United Kingdom and France and also held academic positions in Canada. From all we know, he was the only lawyer listed in the bars for the Queen's Court in the UK, the Supreme Court of California, USA, the Supreme Court of the USA, the highest court in France, the highest court in Greece, and the European Court of Human Rights in Strasbourg, always with major court cases fighting for religious freedom.

Montgomery was a towering figure in apologetics and in law and religion. He started a career as an ordained minister, and professor of dogmatics of the Lutheran Church – Missouri Synod, since 1965. He became the brain behind the conservative swing of the denomination in the 1960s. He also emerged as a significant spokesman for Protestant Evangelicals, writing as a regular columnist in the flagship periodical *Christianity Today* (1965-1983).

In the 1970s he decided to add a second career as a lawyer. Over time he earned 11 degrees in theology, philosophy and law, among them three earned doctorates in theology and law and an honorary doctorate in law from Moscow.

As a theologian and a lawyer, he entered the field of evidential apologetics, that is, he defended the Christian faith from a legal framework, as spelled out in his book of 2017 *Defending the Gospel in Legal Style*. His major philosophic defense of the Christian faith *Tractatus Logico-Theologicus* was published in 2002 in English and in French by the publishing house VKW, which also publishes IJRF. As a result of ongoing global debates, he updated it five times, the last time in 2012. Montgomery was a prolific writer and authored more than 60 books, and over 200 scholarly articles, beside thousands of smaller op eds and articles.

Montgomery established, in 1980, the Simon Greenleaf School of Law in California, which is now Trinity Law School. Montgomery worked as dean and professor from 1980 to 1989. In 1989, Montgomery and Michael Richard Smythe founded the Irvine, California-based Institute for Theology and Law which, in 1995, became the current International Academy of Apologetics and Human Rights in Strasbourg, France.

From 1995 to 2007 Montgomery was a Professor in Law and Humanities at the University of Bedfordshire, England. Following that, he was the Distinguished

Research Professor of Philosophy and Christian Thought at Patrick Henry College in Virginia, United States until 2014. From 2014 to 2017, he was Distinguished Research Professor of Philosophy at Concordia University, Wisconsin. He was the director of the International Academy of Apologetics, Evangelism & Human Rights in Strasbourg, France.

Montgomery taught thousands of students and was extremely influential in developing a Christian worldview, particularly for Christian lawyers. He had a unique ability to connect apologetics and law. He also taught summer courses in the International Academy of Apologetics and Evangelism on the one side and defended human rights including the right to one's own religion in Strasbourg, France. The cases he did win against European governments at the European Court of Human Rights are legendary, the two most important victories being *Larissis v. Greece* on proselytism and *Bessarabian Orthodox Church v. Moldova* on state registration of churches, both of 2001.

When the idea of IIRF arose, he became a strategist and senior advisor and offered his wide-ranging global connections to IIRF. His name as Chair of the Academic Board gave IIRF a lot of credibility in the academic world, both in the world of religion and the world of law. He became a close ally and friend of Thomas and Christine Schirrmacher, who published many of his books. In 2009 Thomas Schirrmacher together with William A. Dembski, edited his Festschrift *Tough-Minded Christianity. Honoring the Legacy of John Warwick Montgomery*.[1] In 2004 and 2009 they published two books about Montgomery,[2] as well as in 2020 his autobiography *Fighting the Good Fight: A Life in Defense of the Faith*.[3]

Montgomery has two daughters and a son with his first wife, who predeceased him. In 1988, he married Lanalee de Kant, a professional harpist, with whom he had an adopted son. She died in 2021. Montgomery subsequently married Carol Gracina Maughan in February 2022. We assure his wife Carol and his children of our prayers and that we will be grateful forever for what John has done for us and for human rights worldwide.

Dr Thomas Schirrmacher, President, and Dr Dennis P Petri, Director, International Director of the International Institute for Religious Freedom and Dr Janet Epp Buckingham, Executive Editor, IJRF, on behalf of its boards and staff.

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1   B&H Academic Publishing. Available for download at: https://tinyurl.com/3fzepxtk.
2   Ross Clifford, *John Warwick Montgomery's Legal Apologetic: An apologetic for all seasons*, Wipf & Stock, 2016; David Andersen, *Martin Luther – The Problem of Faith and Reason*, Wipf & Stock, 2012.
3   Wipf & Stock, 2016.

Blocking the transmission of faith

Exploring the relationship between religious
persecution and family disruption

Dennis P. Petri[1]

1.   Introduction

Several years ago, I spent time in a boarding school established to serve children
from contexts of religious persecution. The school's mission was to provide a safe
environment for children whose parents were involved in Christian ministry in
crime-ridden areas. Sending their children to this boarding school allowed parents to continue their ministry without exposing their children to the same dangers, ensuring them a quality education.

The children in this boarding school seemed well cared for, but they undoubtedly faced the challenges of growing up without their parents present most of
the time – in addition to, in some cases, the severe traumas they had experienced
before arriving. Some of the children were orphans or became orphans during
their time at the school, essentially transforming the institution into an orphanage for them.

As several children at the school reached age 18, they left their Christian faith
behind. Each case is unique, so drawing generalized conclusions based on a few
observations would be premature. However, it's not uncommon for children
raised in boarding schools to rebel, including rebellion against their parents'
faith. The absence of their parents during their upbringing likely played a role
in their loss of faith.

This dynamic got me thinking about the relationship between religious persecution and family disruption, which can have significant implications for the
transmission of faith. This area appears to be underexplored in the field of religious freedom research.

This brief essay examines the relationship between religious persecution,
family disruption, and the transmission of faith. I propose three hypotheses that

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     and scholar-at-large at the Observatory of Religious Freedom in Latin America; Professor in International Relations and Humanities at the Universidad Latinoamericana de Ciencia y Tecnología; and director of the Foundation Platform for Social Transformation. This article uses American English. Email:
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could lend themselves to both qualitative and quantitative research designs. However, lacking the data to test these hypotheses, I refrain from drawing definitive conclusions. My aim is to draw attention to this relationship and to encourage other researchers to explore it further.

2. The relationship between religious persecution, family stability, and the transmission of faith

Statistical evidence suggests that attendance at religious services tends to decrease among individuals who grew up in disrupted families. According to the 2021 General Social Survey (GSS) of the United States, for instance, 52 percent of adults who grew up in intact families as adolescents (i.e., lived with both biological parents) attend religious services at least monthly, compared to 42 percent of adults who grew up in non-intact families. Indeed, the transmission of faith appears to be correlated with family stability, defined as families where both parents are present during their children's early childhood and adolescence. In other words, religious upbringing significantly predicts religiosity in adulthood (Gunnoe & Moore 2002; McCullough, Tsang & Brion 2003; Ambert & Saucier 1986).

While limited additional research has directly connected family structure in adolescence with adult religious attendance, several other studies have highlighted the importance of family structure in transmitting religious beliefs and practices across generations. Scott Myers (1996) reported that adults "raised in households characterized by high marital happiness and with both biological parents present are more likely to resemble their parents in religious beliefs." Several scholars also found that children whose parents had divorced spent less time in religious activities (Ambert & Saucier 1986; Larson, Dworkin & Gillman 2001; Denton 2012).

Based on this research, a country with high divorce rates can expect to witness the weakening of its religious communities in subsequent generations. This is primarily because divorced parents are generally less successful in transmitting faith to their children. Moreover, children of divorced parents are often more susceptible to social problems, such as educational failure or drug use, and are likely to replicate their parents' patterns when forming their own families. Therefore, destabilizing families is arguably the most effective strategy for eradicating faith in a country.

This finding has far-reaching implications. The more disrupted families a society produces, the weaker its religious communities will be. This relationship is also self-reinforcing, as disrupted families generate more disrupted families, further weakening religious communities.

In view of this relationship between family stability and the transmission of faith, it is reasonable to posit a link between family disruption resulting from
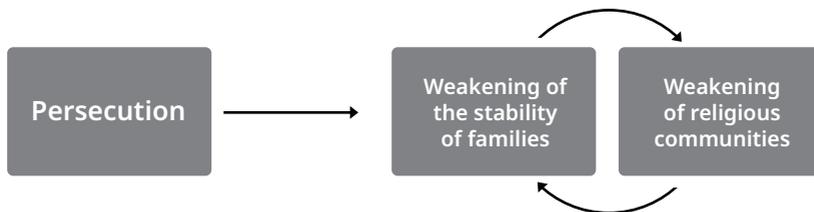
Petri – Diagram 1

religious persecution and the transmission of faith, because one of the consequences (whether intended or unintended) of religious persecution is family disruption. Let's explore three research hypotheses.

3.   Hypothesis 1: Persecution, by its nature, weakens families.

It is logical to assume that when individuals suffer persecution, their social environment suffers as well. This suffering can be so severe that it significantly affects family stability and has negative consequences on family unity and children's upbringing. For example, the absence of a father – whether due to death for his faith or prolonged imprisonment – can significantly impact children's upbringing, similar to the negative consequences of divorce. Marriages may also break down under the pressures of persecution.

Of course, the cause of family disruption must be considered. One study has found that the effect on church attendance resulting from family disruption is stronger in separated or divorced families than in widowed families (Ambert & Saucier 1986). Nonetheless, in both scenarios, the impact on the transmission of faith is significant. We can assume that this also occurs in persecution contexts.

4.   Hypothesis 2: Persecution, implicitly or explicitly, deliberately targets family stability.

The weakening of families should not be viewed solely as a side effect of persecution, as it is often part of a deliberate strategy by persecuting actors. This strategy may be implicit or explicit, depending on the context.

What children are taught in their families, schools, and places of worship plays a crucial role in shaping the worldview of the next generation. When families are weakened, the transmission of faith to future generations is hindered. In this sense, weakening families can become an essential aspect of a long-term, generational strategy to eradicate the transmission of faith from a country's culture.

This is also one reason why the five "great global persecutions" of Christians in world history identified by Ronald Boyd-MacMillan (the Roman, Islamic, Mongol,

Christian,[2] and atheistic) were so successful in eradicating the church: "Christianity (and any other religion, for that matter) seems to have little defense against persecution when it lasts for multiple generations" (Boyd-MacMillan 2019:184).

5. Hypothesis 3: The weakening of family stability is a common element across all persecution contexts.

Persecution extends beyond individuals and tends to permeate all aspects of life, including family life. When religious discrimination against a particular minority becomes ingrained in a country's culture, all social institutions – including family, education, places of worship, arts, and government – gradually fall under repressive forces, restricting religious freedom in each sphere of life.

Therefore, we can assume that the weakening of family stability is a recurring element in all persecution contexts. Under communist rule, for instance, demographic planning policies such as China's one-child policy invade family autonomy and limit the transmission of faith through restrictions on family size. In contemporary Venezuela, children are separated from their parents and raised in state "orphanages," severing their connection to their families.

In Islamic regimes, kidnappings, rape, and human trafficking specifically target Christian families and the transmission of the Christian faith. Kimberly Smith's book *Passport through Darkness* illustrates this situation in Darfur, Sudan: "The Janjaweed rape our women. When they have spent themselves on us, sometimes they continue to rape us with sticks. They tear out our womanhood so we can make no more Christian babies. They kill our men. What men remain will not take us as their wives because we are marked" (Smith 2011:58).

In contexts of organized crime, the creation of a climate of violence undermines family stability and denies children the opportunity to grow up in a safe, protected environment. In extremely violent societies where families are disrupted, youth gangs emerge as an alternative family structure for youths who belong to disrupted families and feel rejected.

6. Final comments

The statistical evidence suggests a clear correlation between family stability and religiosity in adulthood, highlighting the importance of intact family structures in fostering religious commitment. It's urgent to also assess the impact of disruptions to family life caused by religious persecution on the transmission of religious beliefs and practices across generations. By better understanding these

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2   The term "Christian persecution" refers here to the violent internal conflicts among Christians during the "wars of religion" that erupted after the Reformation during the 16th and 17th centuries.

dynamics, policymakers, scholars, and advocates can develop more effective strategies to protect religious freedom and promote social cohesion in diverse societies.

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Werner Nicolaas Nel

Grievous Religious Persecution:

A Conceptualisation of Crimes against Humanity of Religious Persecution

shall be equal before the law

Foreword by Heiner Bielefeldt

Religious Freedom Series (IIRF) 5

VKW Religious Freedom Series (IIRF) 5

The role of the young women's organization Nasyiatul Aisyiyah in Indonesia in interfaith collaborative action through environmental approaches

Uswatun Hasanah[1]

Abstract

Young women have a huge role in society. Nasyiatul Aisyiyah is a young women's organization in Indonesia that has a major role in building community among diverse people. One of the ways used is to have environmental projects as this creates a safe meeting space to meet people from different religious backgrounds. The organization has undertaken activities such as opening a dialogue room, converting garbage into profitable products, conducting an anti-intolerance campaign in public spaces involving cross-religious figures. It's important to strengthen this movement so that it can be strong in spreading the value of inter-religious collaboration and environmental sustainability.

Keywords

Environmental approach, multicultural society, religious intolerance, women's rights, youth.

1.   Contextualization

Indonesia is an island state with a wealth of tribes, races, cultures, and religions. This makes Indonesia a highly diverse, multicultural society. But this diversity makes Indonesia a country vulnerable to conflict and division.

One of the most frequent sources of conflict in Indonesia is intolerance due to differences in religion or sects within one religion (Rijaal 2021), as recorded in the history of Ambon, Poso, Sampang, and other Indonesian districts. Even though there is the principle of Bhinneka Tunggal Ika, which means that despite having

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various diversities, we remain united in our national identity as the Indonesian nation, it is not easy for Indonesia to be able to realize harmony in such vast diversity. Moreover, Indonesia officially recognizes the presence of six religions – Islam, Protestant Christianity, Catholicism, Hinduism, Buddhism, and Confucianism – as well as local religions or local beliefs of certain communities. Nevertheless, intolerance has always affected religious groups and minority beliefs.

Increasingly, cases of intolerance are being triggered not only by religious and belief differences but also by the presence of religious, cultural, and political unrest in Indonesia. Moreover, the problem of natural resource exploitation has produced conflict between religious groups in recent years (Asnawan 2018). This wide-ranging set of conflicts has had a negative impact on the general public, especially women and children.

Many women and children are victims of gender-based violence during conflict or war. Incidents of intolerance in Indonesia are increasing and often involve groups of women to be involved as perpetrators of intolerance, radical and extremist movements (Mupida & Mustolehudin 2020). As in the case of radicalism in 2018 where a woman and her child were ordered by her husband to carry out a suicide bombing in front of a church in Surabaya (Wahid Foundation 2018:24).

These things are triggered by the construction of a patriarchal society, where women are categorized as second-class creatures who must obey their husbands and follow the ideology and thoughts of their partners. Although biologically, women have the physical privilege of experiencing menstruation, pregnancy, childbirth, and breastfeeding, these differences in physical function often lead to discriminatory attitudes towards women.

Furthermore, women have always been tied to domestic roles and childcare obligations, limiting their opportunities to participate in public affairs. Women are also often viewed as apolitical creatures, so there is no suspicion that women will carry out dangerous missions, let alone as perpetrators of violence. Although in the parliamentary realm as many as 21 percent of Indonesian women have participated, this figure is still not enough to meet the state's target regarding gender equality in the public realm of 30-50 percent full participation.

The involvement of certain groups of women in such acts of intolerance must be prevented and addressed. Women have tremendous potential in building and nurturing tolerance in Indonesia. Women have a unique role in the process of parenting which is applied not only to childcare but also to social and natural environmental parenting. The many domestic roles played by women make women the first actors to feel the impact of conflict and the damage that has occurred. One of the young women's movements that has addressed these problems by building inter-religious clusters using environmental approaches is the Nasyiatul Aisyiyah.

2.   The development of the Nasyiatul Aisyiyah

Muhammadiyah is an Islamic organization in Indonesia founded on 18 November 1912 by K.H. Ahmad Dahlan in Yogyakarta. This organization aims to convey the teachings of Islam, as well as to advance Muslims through education, health, and social services. Muhammadiyah plays an important role in developing education by establishing various schools, universities, hospitals, and other social institutions throughout Indonesia. Muhammadiyah is a religious organization that has various autonomous organizations under its auspices, one of which is Nasyiatul Aisyiyah. Nasyiatul has a focus formation and empowerment of young women. Founded in 1931, this organization plays a role in the fields of education, social, health, and worship, as well as fighting for women's rights within the framework of Islamic teachings. The organization aims to develop Muslim women who are knowledgeable, faithful, noble, and active in society. It strives to create a safe and decent environment for women and children.

This organization has quite a strong influence in Indonesia, as evidenced by the number of its members and the distribution of regional leaders spread almost throughout the country. Nasyiatul Aisyiyah plays a role in educating women and the younger generation about the importance of peace through various educational programs. They hold training and seminars aimed at raising awareness about conflict, violence, and the importance of dialogue and peaceful resolution. They facilitate spaces for inclusive dialogue, with the aim of reducing tensions that may occur in diverse communities. NA focuses on protecting women and children from violence, which is often the root of social conflict. Through anti-violence campaigns, advocacy, and women's empowerment, they strive to prevent domestic and social violence, which contributes to the creation of peaceful conditions in society. In some cases, Nasyiatul Aisyiyah is also involved in advocacy and conflict resolution efforts, especially those related to social issues affecting women and children. They use an inclusive and participatory approach, involving women as agents of change in the peace process. Because its focus is on empowering women's groups, it is appropriate to make this organization a tool in carrying out a peace mission and preventing the intolerance that is happening in Indonesia. One of the important tasks of this organization is to pursue peace education at the level of primary education.

3.   Overcoming the turmoil by preserving the environment: a transformation of the "safe" approach to interreligious tolerance

In the everyday sense, conflict and peace always exist in social relations between societies. Interreligious collaboration becomes a means of developing harmonious relations between different individuals in society. Interreligious relation-

ships also develop tolerance, mutual understanding, equality, and respect for differences.

Basically, every religion has the same concept and ideals about peace, unity, and happiness between religious communities. The ideal condition expected by religious communities is to live without conflict. However, due to conflicting interpretations between one religion and another, there is a lack of empathy and sympathy between religious communities. There is also exclusivity and prejudice between religious communities.

On this basis, Muhammadiyah initiated an idea known as Eko Bhinneka. The first word in this name is taken from the word ecology, which means interaction between humans and their environment, while bhinneka is a basic value of the Indonesian nation which means unity, even though different (Eko Bhinneka 2022).

Muhammadiyah specifically involves a group of young women from Nasyiatul Aisyiyah as agents of change by targeting other young women to participate in realizing a peaceful, just society that supports freedom of religion and belief. The aim of forming this association is also to create changes in knowledge, awareness and behavior towards the values of Ta'awun in Islam, namely helping each other regardless of background and together preventing environmental damage caused by conflict or intolerance.

The underlying strategy is to use environmental issues as a safe point where all parties can unite in implementing joint action. The problem of environmental damage concerns all parties. As parties who have great responsibility in maintaining the sustainability of life on earth, humans need to change their views and ways of life so as to be more sustainable regardless of ethnicity, religion, and race.

Based on the intergroup contact theory, a neutral space is needed that can reduce prejudice and discrimination between groups. This shared space can also bring together intergroup communities to discuss ideas and take action to maintain environmental sustainability. It can also enable various groups to get to know each other and interact in a favorable manner, because the key to these meetings is to cultivate adequate knowledge about other groups in reducing prejudice and increasing the interest to engage each other in an intergroup contact.

Eco Bhinneka, in its implementation, has used three approaches to achieving tolerance between religious groups: intra-religious, inter-religious, and extra-religious, including the government and other stakeholders. This idea refers to the four main things that will be achieved: increased knowledge, awareness, tolerant behaviour that is focused on interreligious interaction, and dialogue.

Nasyiatul Aisyiyah through the Eco Bhinneka program has succeeded in encouraging other faith communities to create collaborations and carry out joint environmental conservation actions. This influences the community, especially

religious actors, to care about the environmental crisis and also about intolerance and to work together to overcome these threats.

The best practices carried out in Eco Bhinneka have occurred in the Indonesian cities of Pontianak, Ternate, Surakarta, and Banyuwangi. Muhammadiyah directly supervises projects in the cities of Pontianak and Ternate. Meanwhile, Nasyiatul Aisyiyah conducted pilot projects in Surakarta (in Central Java) and Banyuwangi (in East Java) involving young women in promoting activities that can bring multiple faith communities together. The project has been run in two pilot areas and will be replicated in 32 other provinces across Indonesia.

The forms of activities carried out have included:

(a) Household waste management involving interfaith actors as the main managers: this activity is carried out through meeting together and taking joint action by converting household waste into circular economic products. During the waste management process, interfaith actors exchange ideas and get to know each other. Contact is established between groups that can minimize stereotypes and negative prejudices. In addition, household waste in the form of used plastic bottles is used as a means of transaction for buying and selling wearable clothing. This campaign is carried out every month in public open spaces and interfaith actors work together to campaign for it.

 (b) A system of food allowances: the name of this activity is a blessing allowance aimed at providing cross-subsidies to interfaith communities that do not have access to food. It is also a form of prevention of the presence of food residue produced by the production of excess food.

(c) A shared dialogue space called srawung carito (shared dialogue) that discusses environmental perspectives from an interfaith and belief perspective. This forum

provides an open and inclusive space for everyone, especially interfaith practitioners, to express their views without discrimination. The implementation of this event is always scheduled to commemorate major holidays of various religions in Indonesia such as Christmas, Eid al-Fitr, Waisak, Chinese New Year, Nyepi, and others.

d) Environmental campaigns led by interreligious actors: these activities are carried out in public spaces with religious diversity, and uses campaign tools from garbage.

(e) Cleaning neighborhood houses of worship and rivers: these activities are carried out with cross-faith actors of different religions. For example, Christians, Hindus, Buddhists, and Konghucus will work together to clean a mosque.

f) Campaign actions published in the media. This activity is carried out as a way to raise awareness and promote activities to the general public.

An interesting example is when a Muslim woman who is a member of Nasyiatul Aisyiyah came to the church to bring cleaning supplies and handed them over to the pastor and spiritual teacher of the church. Not only that, the Muslim women of Nasyiatul also cleaned the church together with the Christians and helped the church in managing household waste.

The activity was initially very taboo because there were still negative views when Muslims befriended non-Muslims, but with this shared mission, it could dispel these negative prejudices. In the end, this activity could be something very positive and received appreciation and was able to involve the wider community in strengthening interfaith community relations by using environmental actions. Nasyiatul together with the interfaith community has made the Eco Bhinneka festival as a peak campaign action to further strengthen harmony between religious communities and efforts to continue to care for the environment

4.   Conclusion

The Eco Bhinneka idea, run by the young women's organization Nasyiatul Aisyiyah, aims to encourage inclusive interfaith meetings while advocating for freedom of religion and belief through an environmental conservation approach. The involvement of young women is important in realizing interfaith community collaboration. Interfaith projects engaging environmental issues provide awareness of the importance of inclusion and diversity in the movement. Some beneficiaries feel that the issue of tolerance with an environmental approach can strengthen the impact of the movement. The major challenge ahead in this agenda is to maintain and develop interfaith action by strengthening the growing organic environmental movement that is more grassroots and more vital. It is important for women's religious organizations to be able to play a role in disseminating the values of peace because the impact can be felt in society, as done by Nasyiatul Aisyiyah.

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Kay Bascom

Overcomers

God's deliverance through the
Ethiopian Revolution as witnessed
primarily by the Kale Heywet Church community

Christians under Pressure: Studies in Discrimination and Persecution 2

VKW

Assisting underage victims of anti-Christian attitudes in Pakistan

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Abstract

Pakistan has a long history of persecuting minority faith groups. It ranked seventh on the 2024 Open Doors World Watch List, and the 2024 Annual Report published by the United States Commission on International Religious Freedom recommended designating Pakistan as a Country of Particular Concern due to its worsening religious freedom conditions for Christians and other religious minorities. The persecution affects all age groups. However, this paper focuses on Christian children, portraying the persecution of minors as a multi-dimensional phenomenon that affects their whole life, impeding their religious, educational, and professional development. Selected persecution cases are provided as illustrations, accompanied by the description of corresponding aid projects by Voice of the Martyrs Poland, launched to assist Pakistani minors and their families.

1. Introduction

A silent epidemic of kidnappings, forced marriages, and forced conversions of Christian girls and women continues in Pakistan. Although persecution affects both boys and girls, it proceeds differently with the two genders. For underage girls, it involves the risk of abduction, followed by rape, forced conversion to Islam, and forced marriage. Of 52 instances of religious persecution in Pakistan documented by International Christian Concern (ICC) in the first and second quarters of 2021, 18 involved violence against minors (kidnapping followed by forced conversion and/or marriage). In one case, the victim was only 8 years old (ICC 2021b:4). Annually, from 100 to 700 Christian girls per year are abducted,

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forcibly converted, and married to Muslim abductors or rapists, published records show (Movement for Solidarity and Peace 2014:2).

Even when reported, the cases are rarely adequately investigated, and perpetrators are seldom charged. Law enforcement is indolent in the process or even perpetuates the violence, as was the case with a Christian girl tortured and sexually harassed by a police officer in front of her father.

Abductions decisively terminate the educational process of young girls. The fear of being abducted may result in their confinement to the home and deprivation of regular education. Other impediments Christians face in the state schooling system include unaffordable school fees and compulsory religious education that does not conform to their convictions. Due to their underprivileged status as second-class citizens, Christians can rarely afford the school fees. Moreover, the core curriculum includes religious education, basically Islamic studies. Even if Christian children complete formal education, their job prospects are dim. They are typically offered menial jobs, such as sanitation work. Those who succeed in their professional career may lose their position on religious grounds.

This paper presents the persecution of Christian children in Pakistan as a multi-dimensional phenomenon that affects their whole lives, impeding their religious, educational, and professional development. Selected persecution cases are provided as illustrations, accompanied by the description of corresponding aid projects by Voice of the Martyrs Poland (VOM Poland), launched to assist Pakistani minors and their families.

2. Overview of Pakistan

The 2024 Annual Report published by the United States Commission on International Religious Freedom (USCIRF 2024:40) once again recommended designating Pakistan as a Country of Particular Concern due to its worsening religious freedom conditions for Christians and other religious minorities. "In 2023, religious freedom conditions in Pakistan continued to deteriorate. Religious minorities were targeted for their beliefs, including accusations of blasphemy, and were subject to mob violence, lynchings, and forced conversions," the authors stated (USCIRF 2024:40).

2.1. Pressure points

In their 2021 report *Children and Youth Specific Religious Persecution 2021: Preliminary Findings from 50 Countries*, Open Doors introduced the concepts of *pressure points*, *gateways*, and *pathways* to trace trends in the persecution of minors. Pressure points refer to "both the pressures and violence faced in the course of religious persecution" (Morley et al. 2021:3). The report also examines gateways,

or opportunities to benefit from religious education, and pathways, defined as opportunities related to future professional careers and family roles (Morley et al. 2021:3).

The following pressure points have been identified concerning religious persecution specific to children and youth: discrimination/harassment via education; denied access to a Christian parent; violence – verbal (including harassment and insults); forced marriage + violence – sexual; violence – physical (including torture); denied legal identity as a Christian; violence – psychological; and abduction. To a varying degree, all these pressure points are a part of the everyday experience of Christian children and youth in Pakistan. Below, I will analyze these points in more detail. Since, as the report authors claim, "education is a key opportunity for persecution" (Morley et al. 2021:3), it will be the first area discussed.

2.2. Anti-Christian attitudes in the system of education

The intersection between the right to education and the right to freedom of religion and belief (FoRB) has gained the attention of international human rights bodies. This discourse has resulted in a number of legal provisions that address both the right of every person to education regardless of their religion[2] and the rights of parents and legal guardians to educate their children in conformity with their convictions.[3] Despite the adoption of solid legal guarantees, Christian students in restricted nations continue to face persecution in the form of denial of education and discriminatory treatment in the system of education based on religion or belief.

Pakistan is no different in this respect. The country's constitution guarantees accessibility to free education at an elementary level (ages 5-16) (Christian Solidarity Worldwide 2018:60), the promotion of free secondary education for all, and more accessible higher education for backward classes and areas in particular (Christian Solidarity Worldwide 2018:58), regardless of students' religion. It also ensures non-discriminatory treatment of religious minorities in access to public spaces and services. Students are thus constitutionally protected from the requirement to participate in religious instruction, ceremonies, or worship other than their own (Christian Solidarity Worldwide 2018:59).

Officially, state educational services are free, access to educational institutions is provided for all religious traditions, and students are not expelled for their

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2   This is done through the provision of compulsory and free primary education, available and accessible secondary education in diverse forms, and higher education that is equally accessible to all (Christian Solidarity Worldwide 2018:10). See the Universal Declaration of Human Rights, Art. 187; the International Covenant on Economic, Social and Cultural Rights, Art. 13 (2); and the Convention against Discrimination in Education adopted at the General Conference of UNESCO, Articles 1, 14(1), and 28(1).

3   UDHR, Art. 26; ICCPR, Art. 18 (4); ICESCR Art. 13(3).

religious beliefs. However, the experience of children with non-Muslim backgrounds, including Christians, proves the contrary.

First, the number of schools is insufficient to cater to the student population's needs, and those in operation, even state schools, require a monthly fee. Christians can rarely afford school fees since they are systemically marginalized and pauperized in all aspects of life. They struggle with unemployment, discrimination in job recruitment and selection, and exclusion from the corporate sector. Their job opportunities are restricted to temporary, poorly paid, and unskilled jobs. Business and trade, sectors that could generate higher income, are inaccessible to impoverished Christian minorities due to their inability to accumulate sufficient capital for investment. Should they attempt to form trade and business partnerships, they face rejection and ostracism for faith reasons. Likely consequences include lack of access to loans, subsidies, or government contracts, along with client boycotts (Alam 2021:43; World Watch Research 2024:43).

In extreme situations, unplanned expenses that stretch their limited budget, such as medical costs, lead to incurring debts and eventually forced labor in brick kilns. The children (not just the adults) are forced into working there and thus cannot attend school. Forms of religious persecution such as the imprisonment or death of a parent or the lack of employment opportunities following extremist violence, such as the 2023 Jaranwala riots, are other circumstances that make educational services unavailable or unaffordable.

Even if children of low-income Christian families attend free public schools, they often receive substandard education due to scarcity or lack of facilities, teachers, and learning materials (Christian Solidarity Worldwide 2018:60). As reported by the US State Department, further college and university education is restricted for Christian students, thus depriving them of pathways to good career prospects (Christian Solidarity Worldwide 2018:63).

Second, violent religious discrimination in schools is a common experience for Christian students, and for many, it is a primary reason to discontinue their education. The discrimination is evident in the school curriculum as well as the attitudes of teachers and other students.

2.2.1. Explicitly anti-Christian teaching and denying Christian identity

State school curricula include explicitly anti-Christian teaching, thus constituting the pressure point of denying Christian students their identity. The roots of discrimination in the curriculum date back to the introduction of Islamization policies in the 1980s by the president at that time, General Zia-ul-Haq. His reforms aimed at reshaping the entire syllabus content to inculcate Islamic thought in children and youth. In this way, they intended to permeate the entire society

with Islamic ideology and thus deprive non-Muslim students of their national identity (Christian Solidarity Worldwide 2018:60-61). Zia meant to "create awareness in every student that he, as a member of the Pakistani nation, is also a part of the universal Muslim *Ummah*" or community (Christian Solidarity Worldwide 2018:61).

Despite numerous attempts to reform Zia's curriculum, his ideology continues to shape the syllabus even up to this day. The portrayal of religious minorities is inaccurate, distorted, and biased; their contribution to Pakistan's history is omitted (Christian Solidarity Worldwide 2018:61). A 2016 study by the United States Commission on International Religious Freedom (USCIRF), *Teaching Intolerance in Pakistan: Religious Bias in Public School Textbooks*, found that school curricula "continue to violate the constitutional rights of religious minorities by integrating Islamic ideology into most subjects and to promote a national Islamic identity at the expense of Hindu, Christian, and Sikh children" (USCIRF 2016:6).

Islamic ideology is disseminated through compulsory secular subjects such as Social/Pakistan Studies, Urdu, and English. Alarmingly, non-Muslim students, including Christians, are forced to learn how to read the Qur'an in their Urdu classes, with no respective provision for their faiths. Muslim students who can recite the Qur'an by heart may be awarded extra marks that facilitate their admission to higher education institutions, having a detrimental effect on Christians' pathways to earning a university degree and securing a career (Christian Solidarity Worldwide 2018:61).

In social studies books, the Christian contribution to the creation of Pakistan is presented in a way that classifies Christians as colonizers, oppressors, and conspirators against the Muslim community (USCIRF 2016:5). The religious and cultural identity of Christian students is thus publicly shamed. They are instructed to "learn tolerance and kind-heartedness from Muslims," contrary to their daily experience of persecution at the hands of the Muslim community (Punjab Textbook Board 2015:84).

This biased portrayal "places religious minority students in a precarious status of either inherently flawed Pakistani citizens at best, or foreigners and enemies of the state at worst" (USCIRF 2016:6-7). If continued, this trend, as the report authors suggest, can go beyond marginalizing religious minority students as outsiders to presenting them as "dangerous contaminants to the Islamic national identity by virtue of their non-Muslim faith" (USCIRF 2016:7). Despite some apparent effort by educational authorities to remove biased curriculum content, new elements of bias and intolerance have been added (USCIRF 2016:8).

Islamiyat, an overtly religious subject teaching the tenets and practices of Islam, is not obligatory for non-Muslim students. However, an alternative course

in ethics, often taught by Muslims, singles out non-Muslims, thus making them vulnerable to discrimination. It is not offered in remote areas due to a lack of textbooks and qualified teachers, compelling students to participate in Islamic classes (Christian Solidarity Worldwide 2018:61).

In January 2024, the Ministry of Federal Education and Professional Training lifted the requirement that non-Muslim students must study Islam in school. Starting with the 2024-2025 school year, students in grades 1 through 12 will be allowed to study their family religion. For Christians, the curriculum will incorporate a comprehensive study of the Bible, the life and teachings of Jesus Christ, core Christian beliefs, and church history. Contrary to the previous curriculum content that neglected or denigrated the impact of Christianity in Pakistan, the curriculum will also cover the inspirational influence of both historical Christian figures – in particular, the ministry of St. Thomas the Apostle to South Asia – and contemporary ones such as Shahbaz Bhatti, Pakistan's Minorities Minister and a hero of the faith. Although this decision by the government marked a groundbreaking victory for religious minorities, numerous challenges remain, including the adequate training of teachers and the approval of the Christian study textbook (ICC 2024).

2.2.2. The restriction or diversion of pathways for the future

As indicated above, Christian students are disadvantaged due to their lack of allegiance to Islam. They are less able to succeed academically while in school and are restricted from pursuing further education. Some students from non-Muslim backgrounds receive lower grades, as better results and teacher support are conditioned on their conversion to Islam. For instance, a 17-year-old named Maqsood was denied higher grades unless he embraced Islam and was marked down and beaten by his teacher twice a week for refusing to do so. Other students were denied scholarships or admission to higher-level courses (Christian Solidarity Worldwide 2018:64).

Even if Christian children complete formal education, their job prospects are dim. As Jan Alam's studies indicate, "Even well-educated members of these groups are unemployed or work at low-paid jobs, such as sweeping, carpentering, tailoring, and peonage" (2021:42). Those who manage to succeed in their professional career risk losing their position on religious grounds.

2.2.3. Pressure points associated with violence

In the Pakistani educational system, students from Christian minority groups face three associated pressure points that include verbal, physical, and psychological forms of violence (Morley et al. 2021:9). They are also denied access to so-

cial community networks. As for verbal violence, Christian students are routinely taunted and teased with derogatory language by both teachers and students, such as calling them "dirty Christian" (*chuhra easi*) or infidel (Christian Solidarity Worldwide 2018:64-65). The 2017 CSW report also revealed cases of psychological torment and mental abuse, such as bullying, insults, and humiliation. Christian students were accused of worshipping idols and pressured to convert to Islam. "Some school teachers have an extremist mindset and directly or indirectly try to influence non-Muslim children to convince them that their faith is illogical and contrary to the universal truth and Islam as the divine faith," the report states (Christian Solidarity Worldwide 2018:63). The discrimination and pressure to convert force some Christian students to quit school, as in the case of twelve Class 6 (age 12 to 13) state school students mentioned in the report (Christian Solidarity Worldwide 2018:63).

Mob violence following false blasphemy accusations exacerbates enmity toward the Christian students. About 600 Christian children stopped going to school after the 2023 blasphemy riot in Jaranwala in Punjab province, including 10-year-old Slavish Murad, who stated, "I am afraid. All my classmates are Muslims" (Chaudhry 2023).

Christian students described in the Christian Solidarity Worldwide report were subjected to physical abuse, such as lashing, beatings, and forcing them to assume humiliating and harmful positions in front of other students. One frequently cited reason for the abuse was their refusal to convert to Islam; others were minor offenses such as misspelling work or failing to do their homework. To inflict more pain, Christian students were singled out for correction while their Muslim counterparts were spared.

Students were also denied access to social and community networks. Their classmates, often in response to direction from their teachers, would shun the Christian students and threaten to isolate them. They would be forced to eat, sit, and play separately from other students (Christian Solidarity Worldwide 2018:63-64).

Regarding pathways into future jobs (Morley et al. 2021:3), education proves to be a significant means by which to persecute children and youth in Pakistan. Many students were reportedly forced to exit their educational program at various levels due to abuse. Thus, as the authors of the CSW report concluded, "Religious minority students are put through academic and ideological courses and procedures that prove detrimental to their future political, social and professional progress" (Christian Solidarity Worldwide 2018:65).

The impact of persecution on the Christian students' development is detrimental and embraces both immediate – and thus more apparent – and long-term con-

sequences. The former include mental and physical torment, such as "feeling iso-lated, reviled and deeply despondent" (Christian Solidarity Worldwide 2018:10), along which threats to physical safety that place their health and sometimes their life in jeopardy. These threats will affect their well-being in the long run.

As identified in the Open Doors report (2021:4), religious persecution of chil-dren and youth is marked by isolation, identity shaping, and harshness. In the Pakistani context, isolation from family and the local Christian community oc-curs via the abduction of a child or youth. Also, young people are often denied ac-cess to one or both Christian parents due to abduction, imprisonment, or killing of the guardians. As a result of experiencing discrimination and harassment in the school setting, Christian students lack positive school and community rela-tionships. Sexual violence committed against them also carries a risk of social isolation due to a shame-based mindset and social stigma.

Identity-shaping pressure points are closely linked with the educational sys-tem's tendency to stigmatize Christians as second-class citizens who have contrib-uted nothing of value to society and thus should not be considered good citizens. Finally, the persecution of Pakistani Christian minors bears the marks of verbal, physical, and psychological violence and, in some cases, forced marriages.

2.3. *Denied access to a Christian parent*
Pakistan's infamous blasphemy law has had a detrimental impact on Christian minors in three ways. Apart from instances where minors have been subjected to accusations under the law or their community members have faced allega-tions under blasphemy laws, charges have been filed against the parents of mi-nors (Daniel 2024:9), thus depriving them of access to their underage children. As of September 2021, among 29 Christians accused under the blasphemy law, four were minors. These included Shahzad Masih, a 16-year-old hospital sanitation worker; Asif Stephen, an illiterate 16-year-old Christian accused of burning pages of the Quran; and Sunny Mushtaq and Noman Asghar, ages 19 and 17, respective-ly, accused of committing blasphemy by receiving blasphemous sketches of the Prophet Muhammad on their WhatsApp numbers (Stark 2021:5, 16-7, 22). The re-maining 25 are adult men or women, most of whom have children whose access to a Christian parent has been denied due to imprisonment.

2.4. *Gender-specific persecution of minors*
Although persecution affects both boys and girls, it proceeds differently depend-ing on one's gender. Pakistan, in general, has seen a dramatic increase in violence against children, such as sexual abuse, abduction, missing children, and child mar-

riages. In the first six months of 2023, 2,227 cases of child sexual abuse were reported in 86 newspapers. The gender divide shows only a slight difference, with girls making up 54 percent of victims and boys 46 percent. Even though all age groups are affected, children from the 6-15 age group are most vulnerable, with more boys than girls victimized in this age group (Sahil Organization 2023:4-5). While the majority of perpetrators were recruited among family acquaintances, as noted by a 2020 Associated Press investigation, they also included clerics teaching in seminaries attended by the country's poorest children (Associated Press 2022).

2.4.1. Girls: Abduction, forced marriage, and sexual violence

Underage girls face the risk of abduction, followed by rape, forced conversion to Islam, and forced marriage. These heinous practices remain imminent threats to women and children from the Christian, Hindu, and Sikh faiths. Out of 25 religious persecution instances documented by International Christian Concern in the first quarter of 2021, seven involved kidnapping, forced conversion, and marriage of minors. Published records show that some 1,000 women a year from Hindu and Christian communities are abducted, forcibly converted, and married to Muslim abductors or rapists. These figures might be understated. Zohra Yusuf, a member of the Human Rights Commission of Pakistan, claims that the data collection and verification process faces significant challenges; however, at least in Punjab province, the rate of forced conversions among Christian girls exceeds the number of their Hindu counterparts.

In the most viral case in 2020, a 13-year-old Christian girl, Arzoo Raja, was abducted, forcefully married, and converted to Islam in October. In December of that year, the Sindh High Court handed her custody back to her parents with the condition that she remain Muslim. Raja's 44-year-old abductor and the cleric who conducted the marriage and conversion certification maintain their innocence, stating that Raja had reached puberty or the age of consent according to Sharia law (USCIRF 2022:28).

Arzoo's case sparked an international outcry, and actions were taken to ensure the legal protection of minors. However, a proposed bill to protect minorities against forced conversion was rejected in October 2021 by a parliamentary committee. The bill was also opposed by Pakistan's Ministry of Religious Affairs. Parliamentarians argued that setting an age limit for conversions by non-Muslims "goes against Islam and the Constitution of Pakistan."

Abductions have a detrimental effect on the physical and psychological well-being of a child. They also decisively terminate the educational process of young girls. Moreover, the fear of being abducted may cause girls to be confined at home and thus be deprived of regular education.

2.4.2. Boys: Abduction, physical violence, and rape

Along with the prevalence of Christian girls' sexual vulnerability, a 2019 report by the US State Department points to the problem of the abduction and rape of Christian boys in Pakistan. Boys are typically kidnapped by non-state militant groups from impoverished parents with the use of threats and fraudulent promises. Subsequently, the boys are sold to members of the Afghan security forces for *bacha bazi*, a customary practice of child sexual abuse (US Department of State 2019:369). There are also reported cases of Christian boys not only being kidnapped and sexually abused but also brutally killed (Vatican News 2022). Examples include Samuel Yaqoob (age 11), abducted from a market in Faisalabad, brutally tortured, sodomized and killed, and dumped in a drain in a Christian colony in 2012. Equally disturbing is the case of a seven-year-old boy who was abducted, gang-raped, and finally strangled to death with a rope (Ibrahim 2016).

I will now analyze cases of persecution involving the persecution of minors and the measures undertaken by VOM Poland to remedy their situation. For security reasons, the names of victims have been changed.

Case 1: Widow F's daughters

Sister F is a Christian widow in Pakistan. In April 2018, F's 16-year-old son was killed when Islamic extremists attacked Christian families in the city of Quetta. In this incident, another Christian (age 24) was killed and three other persons were severely injured, including two underage girls.

Families affected by the attack had to leave their homes and hide. Due to job loss and the need to change their place of residence, they were at risk of poverty. These people finally returned to their homes to avoid losing them. However, it was unknown whether they would still be able to live there safely. As for F's family, losing the son significantly affected their financial status. Despite his young age, the boy was the only provider for the family as F's husband was paralyzed. Deprived of breadwinners, the females had no means to sustain themselves, and the family could not afford the educational costs for their three school-age girls.

Following the husband's death in October 2020, the widow and her four daughters found themselves at risk not only of impoverishment but also of psychological violence. They faced constant fear of attack. The mother did not want to leave her daughters at home without adult supervision due to the real danger of abduction and forced conversion to Islam. This pressure point severely limited their everyday life, including basic outdoor activities.

VOM Poland responded to the family's fear of abduction if the daughters were left unassisted at home by providing essential supplies to F's door. The girls' school fees were covered to offer them a pathway to a better future. Apart from

regular school fees, the project covered the sponsorship of extra lessons by a private teacher.

The consequences of the 2018 Quetta attack severely limited the educational possibilities of other children from affected families. After a period of hiding, they eventually returned to school. The children were enrolled in private schools following the local partners' recommendation to place them in a school environment that offered better education and was less discriminatory towards Christian students.

Case 2: Brick kiln workers

The economic situation of Christian families is dire. They can find only menial labor as employment, with average daily earnings amounting to 5 or 6 euros. Older children (or adult children) work when possible, helping their parents to support the family. Forced to take up a job, minors are deprived of access to education and, thus, a pathway to a better future.

The daily cost of sustenance is approximately 1.50 euros per day per person, or about 45 euros per month. In the case of an unexpected crisis, most commonly sickness or death, the family must take out a loan. The repayment conditions may seem reasonable initially, but as the loan is sold to the brick owner, they are modified, making the loan unpayable and forcing the family into years of brick kiln slavery. The family is subsequently relocated to the factory compound. The costs of living there and the remuneration are calculated in a way that makes the loan impossible to pay off.

In brick kilns, underage children are subjected to forced labor alongside their parents. Unless they are bought out of the kiln, they lose their chance for education as the kiln owners provide none. They are doomed to lifelong illiteracy and forced labor.

Even though Christian families are not the only victims of brick kiln slavery, they are more disadvantaged than other faith groups. Christians are forced to convert to Islam, and women often are sexually harassed. Typically, if they refuse to convert, they are penalized by further deterioration of their living conditions and increased work requirements. The examples of two selected families, now under the care of VOM Poland, illustrate this scenario.

T took a loan of 1550 euros because he and his wife needed medical care for their illnesses. The monthly payments were reasonable initially but changed over time, and eventually the family could not meet them. Accordingly, they moved to a brick kiln where they worked as enslaved people for many hours a day and sometimes even at night. T and his wife have four children, aged four to nine, who had to work alongside their parents. Their pathway to a successful career was blocked, as no access to education was provided.

Following their release in October 2021, after five years in slavery, the family received financial support for five months from VOM Poland to buy groceries and pay their bills. This family also received a Bible and can now read it for themselves for the first time. None of the family members had ever attended school, so a new chapter of education started for them. The children were admitted to school, and the parents began attending home literacy classes. Their whole life is being slowly regenerated and transformed – from the look of their faces, clothes, home, social position, and spiritual growth to their education and professional opportunities.

The story of S's family, besides impoverishment and deprivation of educational opportunities, highlights the more acute stresses that young Christian girls face. A Christian man, his wife, and five children had been enslaved for 16 years in one of the infamous Pakistani brick kilns, doing work beyond their strength and living in deplorable conditions, before they were released in 2020. The family's situation worsened when the owner of the brick kiln (Muslim) started regularly harassing and threatening them. He demanded that the father provide his teenage daughters as wives for the kiln owner's sons.

The support offered by VOM Poland to S's family followed the normal procedure followed by this NGO: release from slavery, six months of aid provision, and then employment assistance to reintegrate them into the labor market. In December 2020, VOM Poland's partner, accompanied by a local pastor, showed up at the brick kiln and paid off S's loan. The family could then safely leave the place and start the process of rebuilding a normal life. For half a year, VOM Poland supported this family to help them cover daily expenses and recover peacefully from their traumatic experience. At the beginning of June 2021, VOM Poland began to position the family for independence by donating a rickshaw to S, who had been a professional driver before he ended up in the brick kiln factory. He is now able to generate a decent income to support the whole family.

The cases presented here have explored the psychological violence Christian families experience in brick kilns. Thanks to VOM Poland's intervention, the threats of physical violence did not materialize in these cases. E and his family were less fortunate. E and his wife had three daughters (age 15, 13, and 9) and a son, age 10. They worked for 25 years in a brick kiln factory. However, in the early spring of 2022, their conditions worsened as the kiln owner and their Muslim co-workers became more and more aggressive toward the family. The family faced severe persecution because of their Christian faith and was forced to convert to Islam. The aggression culminated in a particularly atrocious act against the 13-year-old daughter. On 21 March 2022, two Muslim co-workers, age 35 to 45, kidnapped the teenage girl, raped her for many hours, and left her unconscious

in an abandoned place. The girl's mother was emotionally devastated. The girl needed a medical checkup and psychological and spiritual post-traumatic care.

The family received some legal aid from the local church to see the two perpetrators punished. One culprit was finally arrested. However, he was quickly released as the girl's family officially pardoned him. The family could have faced severe consequences for pressing charges. Also, rape is not seen as a severe crime in Pakistan.

The VOM Poland team viewed this as an emergency situation, as staying in such conditions devastates a victim of gang rape and exposes the whole family, especially the other female members, to additional persecution and violence – particularly since the perpetrators remained in the community with no restraint.

It was thus imperative to move this family to safety. VOM Poland started medical therapy and trauma healing for the girl immediately. Parents and the oldest daughter started a six-month adult literacy course. The two youngest children began attending primary school. Once the parents and the oldest daughter have completed their literacy course, VOM Poland equipped them for gainful employment. The affected girl underwent a 12-month medical treatment and psychological trauma therapy which resulted in her full recovery. Meanwhile, she completed a six-month adult literacy course, and is presently doing beautician vocational training.

3.   Final remarks

Pakistan exemplifies most of the pressure points outlined in the Open Doors report on persecution of Christians, including anti-Christian attitudes in the education system, denied access to a Christian parent, and many forms of gender-specific persecution of minors. Underage boys and girls are systematically subjected to isolation, identity shaping, and harsh persecution. Deprivation of peaceful existence, lack of protection, and minimal prospects for quality education and career opportunities negatively affect the life satisfaction of the Pakistani Christian minority (Alam 2020). Despite the constant pressure from grassroots and international bodies, the prospects for radical change appear dim. Even though the legal and political conditions in the country may be reformed, it is hard to expect significant improvement in respect of the religious freedom rights of religious minorities. The oppression that Christians experience is not only systemic; it is a state of mind, deeply rooted in society, that would take generations to transform.

However, there seems to be a ray of hope in this otherwise pessimistic scenario. To change society is almost impossible; at best, it would entail laying a new foundation over many generations. Still, it is possible to change the lives of individual Christians and families. In this regard, as illustrated by the example of VOM Poland, the work of Christian missions and organizations is indispensable.

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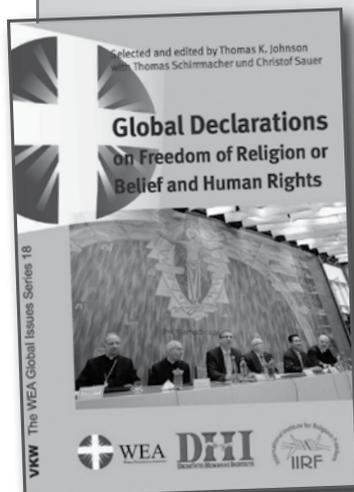
by Thomas K. Johnson,
Thomas Schirrmacher,
Christof Sauer (eds.)

(WEA GIS, Vol. 18)
ISBN 978-3-86269-135-7
Bonn, 2017. 117 pp.,
€12.00 via book trade
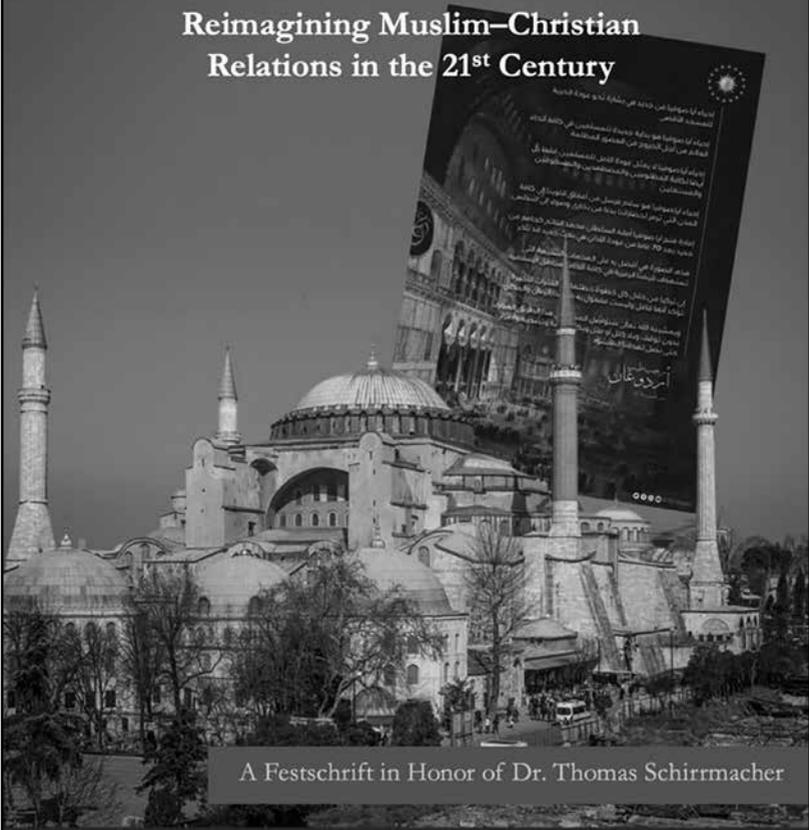
Conversion without consent

The abduction, forced religious conversions, and child marriage of faith minority girls in Pakistan

Jubilee Campaign[1] and Voice for Justice[2]

Abstract

International human rights law guarantees individuals the right to freedom of religion or belief via "worship, observance, practice and teaching" (United Nations General Assembly 1966). Freedom of religion permits peaceful evangelism; it does not, however, protect acts of coercive conversion through bribery, promises of social benefits, or exploitation of another's "inexperience, trust, need, low intellect or naïvety" (Council of Europe 1998). In the predominantly Muslim population in Pakistan, conversion to Islam is encouraged, and the negligible implementation of legislation – albeit already deficient or discriminatory in essence – further emboldens Muslim men to kidnap girls from minority faith communities, whom they then subject to forced religious conversions and child marriages.

Keywords

Human rights, forced conversion, faith minorities, underage marriage, Islamic jurisprudence, judicial corruption.

1. International legal framework safeguarding human rights, child rights, and the right to freedom of religion

The International Covenant on Civil and Political Rights is a foundational global agreement that outlines fundamental human rights and liberties, such as the right to liberty and security of person; the right to freedom of thought, conscience, and religion, including the freedom to identify – or not identify – with

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1 Jubilee Campaign USA is a non-governmental organization, based in Fairfax, Virginia, USA, that focuses on promoting the rights of religious and ethnic minorities and raising the status of vulnerable women and children, to protect them from bodily harm and exploitation. This article uses American English. Article submitted: 15 August 2023; accepted: 20 August 2024. Email: information@jubileecampaign.org.
2 Voice for Justice, based in Amsterdam, the Netherlands, upholds its mission of liberating people from slavery and poverty, and preventing acts of injustice. Voice for Justice wants to bring change in the lives of the poor and ensure justice for those who have been wrongly treated. Email: info@voiceforjustice.eu.

any belief and convert beliefs willfully; and the right to freedom of movement and residence. The Covenant additionally stipulates that the following acts are prohibited due to their incompatibility with the aforementioned fundamental human rights and freedoms guaranteed therein: "unlawful interference with … privacy, family, home or correspondents" and "unlawful attacks on … honour and reputation"; degrading treatment, torture, and compulsory labor; "coercion which would impair [one's] freedom to have or to adopt a religion or belief of his choice"; the marriage of underaged individuals or any who have not acquired "marriageable age"; and nonconsensual marriages (UNGA 1966).

Pakistan ratified the International Covenant on Civil and Political Rights on 23 June 2010, though only after entering reservations to eight of the 27 articles, most notably those that protect the rights to life, freedom of religion, and freedom of opinion and expression. The Vienna Convention on the Law of Treaties (Article 19), however, allows reservations only if they do not compromise or contradict "the object and purpose of the treaty" (United Nations 1969). The Human Rights Committee has further clarified that "provisions in the Covenant that represent customary international law … may not be the subject of reservations", and that "a State may not reserve the right to … [among other actions] deny freedom of thought, conscience and religion" (United Nations Human Rights Committee 1994). Pakistan's reservations to Covenant Articles 3, 6, 7, 12, 13, 18, 19, 25, and 40 – which collectively cover the rights to freedom from arbitrary deprivation of life and torturous treatment, and freedom of travel, opinion, and faith identification or non-identification – as well as the nation's rejection of the Covenant's Optional Protocol on complaints procedures effectively imply disingenuous intentions behind Pakistan's accession to the treaty (Amnesty International and International Commission of Jurists 2011).

> Of particular concern are widely formulated reservations which essentially render ineffective all Covenant rights which would require any change in national law to ensure compliance with Covenant obligations. No real international rights or obligations have thus been accepted. And when there is an absence of provisions to ensure that [violations of] Covenant rights may be sued on in domestic courts, and, further, a failure to allow individual complaints to be brought to the Committee under the first Optional Protocol, all the essential elements of the Covenant guarantees have been removed (United Nations Human Rights Committee 1994).

Pakistan has similarly ratified – but rejected the Optional Protocol permitting complaints related to – the Convention on the Rights of the Child, which eluci-

dates both the rights and freedoms of children, as well as protective measures to which children are accorded due to their vulnerable status as minors. Notably, Pakistan initially ratified the treaty in 1990 with a reservation that "provisions of the convention shall be interpreted in the light of the principles of Islamic laws and values," many of which problematically permit certain kinds of conduct that violate international standards of child rights, such as child marriage, which is authorized by Sharia. Pakistan did withdraw this reservation seven years later, in 1997, via a communication with the United Nations Secretary-General (United Nations Treaty Collection n.d.). Recognizing its identification of a "child" as an individual under 18 years of age, the Convention requires signatory nations to protect children from "all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members" (UNGA 1989). Article 14 of the Convention mandates States Parties to "respect the right of the child to freedom of thought, conscience and religion", and specifically to respect the will of the child's parents to raise children according to their own faith "in a manner consistent with the evolving capacities of the child" (UNGA 1989).

As this article illustrates, Pakistani state authorities have often reneged on this commitment to guarantee children's right to freedom of religion or belief by failing to rescue girls of minority faiths from captivity, accompanied by forced renunciation of their beliefs and coercive conversion to other beliefs. Article 19 obligates state signatories to make multidisciplinary efforts to "protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child" (UNGA 1989). In many cases, as discussed below, girls of minority faiths have been subjected to a host of physical, mental, and sexual abuses while in the custody of their kidnappers, many of whom exploit legal loopholes, along with state actors' inaction and complicity, to maintain custody of their victims. State actors' delay and often failure to exercise their due diligence in rescuing abducted girls is an egregious dereliction of their responsibilities, as laid out in Article 39 of the Convention, to "promote physical and psychological recovery and social reintegration of a child victim of ... any form of neglect, exploitation, or abuse" (UNGA 1989).

2. Quantitative findings

Voice for Justice and Jubilee Campaign have conducted research on cases involving abduction, forced faith conversion, and forced marriage of girls and women belonging to the Christian minority community across Pakistan between January

2019 and October 2022. With the help of lawyers, journalists, non-governmental advocacy organizations, and activists engaged locally, as well as through analysis of court documentation and other primary sources, we were able to identify patterns and contributing factors in abduction, marriage, and conversion cases. Additionally, our research exposes how the already minimal and ineffective legislative framework protecting vulnerable child communities in Pakistan loses efficacy even further due to state actors' lack of political will and complicity.

We examined 100 cases between January 2019 and October 2022 and observed that the vast majority (86 percent) occurred in the province of Punjab; within this region, the cities of Lahore and Faisalabad saw the most cases of abductions, forced conversions, and child marriages (21 cases each), followed by Gujranwala (10), Karachi (8), and Sheikhupura (7). These findings are consistent with the following section's qualitative analysis of specific publicized cases, many of which took place in these same Punjabi cities, in addition to Bahawalpur and Rawalpindi. Many of the remaining cases (11 percent of the total) occurred in Sindh province, and the remaining 3 percent took place in the provinces of Khyber Pakhtunkhwa and Islamabad. With regard to the ages of the female victims, the vast majority (61 percent) were under age 16, 18 percent were between the ages of 16 and 18, 14 percent were over 18, and the ages of the remaining victims were unreported (Voice for Justice and Jubilee Campaign 2022).

Regrettably, many cases of forced conversions go unreported; however, digital and social media have brought international attention to numerous particularly egregious cases that may otherwise have never garnered global advocacy and calls for justice. Unfortunately, not all families have means to report their cases to the police, and therefore the total number of abductions and forced conversions of women and girls is plausibly much higher than the number of cases reviewed here. Estimates regarding the number of minority-faith girls abducted and forcibly converted to Islam annually range between 1,000 and 2,000 (All-Party Parliamentary Group for the Pakistani Minorities 2021; International Christian Concern 2022). Moreover, access to authorities who file First Information Reports (FIRs)[3] on behalf of complainants is limited and depends on the resources and diligence of the police stations in the regions discussed.

Although our study focuses specifically on Christian minorities, similar concerns have been raised among other minority communities, including Hindus and Dalits (i.e., Scheduled Castes) and Sikhs. The Centre for Social Justice Pakistan, for example, in its 2023 report discussed the trends of abductions and forced

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3   First Information Reports are documents filed by local police upon receiving information about the possible commission of a cognizable offense.

conversions of women and girls among a wider selection of religious minority groups. That study indicated that 124 cases involving 120 Hindu, 80 Christian, and two Sikh girls or women were reported in the year 2022 alone, exhibiting a 59 percent increase as compared to 78 cases in 2021, and a nearly 200 percent increase over the 43 cases in 2020 (Centre for Social Justice Pakistan 2022; CSJ 2023).

3. Ineffectual legislation and relevant case studies

Every Pakistani citizen is afforded the right to "profess, practice and propagate his religion" as well as to "establish, maintain and manage its religious institutions" by Article 20 of the 1973 Constitution of Pakistan, though the document explicitly identifies Islam as the state religion and fails to offer any special safeguards of the rights of minority faiths present in the country (National Assembly of Pakistan, 1973). Children of minority faith communities are made even more vulnerable by the incongruity of domestic legislation and international human rights standards, the discrepancies among provincial authorities' application of federal laws concerning child rights, and the repeated obstacles to improving such legislation on account of the issue's divisive nature.

Faith conversion is legally permissible in Pakistan; however, in practice, the National Database and Registration Authority (NADRA) places a restriction on conversion away from the majority religion, Islam. According to its policy, the modification "from other religions to Islam" in the religion column of citizens' national identity cards is permissible, but it is absolutely prohibited to change one's faith "from Islam to other religions" after applicants have previously submitted a declaration professing their religion as Islam at the time of registration with NADRA (National Database and Registration Authority 2019; NADRA International Operations Department n.d.). Exploiting the legal gaps that provide cover to individuals who may use illicit means to induce another to convert religions, perpetrators compel girls to abandon their faith and nonconsensually "accept" Islam, which subsequently offers an additional criminal pathway through which middle-aged Muslim men can marry girls one-third their age and escape punishment.

Sharia law, derived from Quranic principles, allows the marriage of girls who have reached the age of "maturity"; this ambiguous classification is open to interpretation by each judge, many of whom in Pakistan are conservative Muslims and therefore define it as the time when a girl experiences her first menstrual cycle (Lee 2013). In early 2020, months after the abduction of a 14-year-old Christian girl, Huma Younas, by three Muslim men, a court rejected her family's claims that Huma was underage and therefore forcibly and illegitimately married. Instead, the court declared that her marriage was acceptable because she had converted

to Islam and had reached the age of menarche (Perttula 2020). Similarly, in 2021, the Lahore High Court overlooked myriad documented evidence of 13-year-old Christian girl Chashman Kanwal's age – her birth certificate, school enrollment records, NADRA child registration documents, and medical evaluation results – provided to the court by her father and decided that despite her young age, individuals who have reached puberty are marriageable and may change religions (Voice for Justice and Jubilee Campaign 2022).

Many perpetrators acquire the assistance of Islamic clerics, mosques, madrassas, and Muslim organizations to arrange and expedite illegitimate faith conversions and underage marriages. In January 2019, a Muslim man, Zafar Iqbal, kidnapped the young daughter of his Christian neighbors, Charlotte Javed, and took her to a mosque in Faisalabad District where three clerics "offered" to convert her to Islam. Upon Charlotte's refusal, the three men physically assaulted her and forcibly took her thumbprint to seal a faith conversion certificate and a marriage certificate (Voice for Justice and Jubilee Campaign 2022). In another incident, a 13-year-old Hindu girl, Kavita Oad, was abducted by an Islamic cleric, Miam Mithoo, who has an infamous reputation for running a "conversion factory" by which he organizes and conducts numerous kidnappings (OpIndia 2021, 2023).

Should any complaints or concerns be raised against these abhorrent "marriages," both parties involved – the victim and the kidnapper alike – are considered legally Muslims (despite the victim's lack of consent in faith conversions), and therefore their cases are presided over by Sharia courts, thus providing perpetrators with protection against charges they would face in secular courts. As such, existing – though relatively inefficacious – laws designed to crack down on these activities, such as the 1929 Child Marriage Restraint Act, are not applied and become useless, with the exception of cases in which female victims bravely attest to the fact that they were abducted and nonconsensually forced to become Muslim. Had these cases been tried with consideration to the 1929 law, which explicitly criminalizes the facilitation, formalization, and solemnization of an adult's marriage to a child, female victims would face far fewer obstacles to seeking justice for themselves and securing punishment of their abusers (Government of Pakistan 1929).

Numerous courts across Pakistan have deplorable track records of accepting, without due scrutiny and inspection, forged documents provided by perpetrators that dishonestly raise the ages of their victims and misrepresent their faith conversions and contractual marriages as consensual and legitimate. In September 2020, 12-year-old Christian girl Farzana Sohail was ordered to remain in the custody of her abductor, Muslim man Arif Ahsan, following a court's approval of fabricated birth certificates, religious conversion certificates, and marriage

documentation. Authorities acted to rescue Farzana only following community backlash in which residents organized sit-in protests at the police station (Voice for Justice and Jubilee Campaign 2022). In 2021, a Gujranwala court accepted counterfeit documents provided by NADRA that mischaracterized abducted 15-year-old Christian girl Sunaina James Masih as 19 years old. Sunaina's mother, Nazia, filed a petition – which was ultimately dismissed – with the Federal Investigation Agency against NADRA for manipulating family registration papers and birth certificates, the latter of which alleged Sunaina's birth year to be 2002, which was an entire year prior to her parents' marriage in 2003 (Voice for Justice and Jubilee Campaign 2022). Similarly, notwithstanding pleas from 13-year-old abducted Christian girl Shakaina Johnson's parents to rescue their young child, who had been kidnapped in February 2021, Lahore authorities instead presented them with a Nikahnama – an Islamic marriage certificate – provided to them by her kidnappers (Voice for Justice and Jubilee Campaign 2022).

The converse – in which court officials are also disgracefully inclined to reject irrefutable evidence and victims' testimonies of crimes committed – is equally true. Distinct from their moderate Muslim compatriots who are amenable to measures promoting religious liberty, Pakistan's extremist Muslims seek aggressively to expand the number of believers in Islam. This intransigent atmosphere discourages state actors from impartially reviewing cases, as unbiased verdicts against perpetrators based on criminal intent and harm incurred may provoke excitable segments of the Muslim population. Judicial authorities must conscientiously toe the line between legal duties and responsibilities, on one hand, and acquiescence to inflammatory social demands on the other hand.

Following the abduction of 13-year-old Christian schoolgirl Zarvia Pervaiz by Muslim man Imran Shahzad in April 2022, the Lahore High Court rejected authentic transcripts of phone conversations Zarvia shared with her parents in which she explained that she had been kidnapped, converted to Islam, and married to her abductor against her will, and in which she expressed her wish to return home to her family (Voice for Justice and Jubilee Campaign 2022). Overlooking this information, the court remanded Zarvia to the custody of Shahzad who then subjected Zarvia to atrocities including, but not limited to, forced ingestion of drugs and alcohol, vaginal and anal rape, starvation, forced physical labor, physical assault with sticks and hammers, and electrocution. Zarvia tried to escape captivity multiple times but was repeatedly caught and punished severely by Shahzad, his wife Adiba, and the couple's accomplice Liaquat; she suffered so much abuse that she attempted suicide. Zarvia spent six torturous months in captivity, a period that could have been greatly reduced if authorities had exercised due diligence (Voice for Justice and Jubilee Campaign 2022).

Slightly older than the other girls whose cases have been reviewed, 19-year-old Mehwish Patras managed to flee in 2021 from nine months of captivity imposed by her kidnapper-turned-husband and recorded a statement with a court in Bahawalpur. She explained that she had been abducted against her will and that her previous testimony to the court – in which she claimed that she left home, converted to Islam, and married a man according to her own free will – had been made under duress after her captor threatened her own and her family members' lives. Reprehensibly, two days after Mehwish filed for dissolution of her coerced marriage, authorities raided the home where she had resided following her escape and threatened her with criminal charges if she did not return to her "husband." Mehwish was able to resolve her case only by petitioning the Lahore High Court (Office of the High Commissioner for Human Rights 2022).

In 2024, Bitter Winter reported concerning updates on the convoluted and protracted case of Hindu teenage girl Chanda Maharaj, who was initially kidnapped by Muslim man Shaman Magsi in Hyderabad, Sindh in August 2022 (Respinti 2024). Magsi had made previous attempts to approach Chanda before he succeeded in abducting her while she was walking home with her sister one evening. Local authorities were at first unwilling to act on Chanda's family's requests for intervention on her behalf, and only after international media attention highlighted the case were police inclined to take action, rescuing her in October 2022 and placing her in a shelter. Chanda's fragile sense of security in this new location was short-lived, as in that very same month a court ruled that her conversion to Islam and marriage to Magsi were valid and ordered her to return to her captor. Chanda's parents appealed and police for the second time rescued Chanda and transported her to a safe house in December 2022, ignoring her wishes to return to her family.

In other similar cases, courts have prohibited these "Muslim" victims from returning to their family home, citing the inconsistency between their new faith and that of their Christian parents that would preclude their amicable reunion, and disregarding evidence of coercive elements in the victims' "acceptance" of Islam. In Chanda's case, nearly two years after the original kidnapping, a court has determined, based on false biographical records and the history of the case, that she has now reached a "biological age [that] makes her apt to be with her 'husband.'" Accordingly, the court forcibly returned Chanda once again to Magsi's home without conducting a hearing or speaking with Chanda or her family (Respinti 2024).

The majority of parents of kidnapped girls have lost confidence in police officers, who are reluctant to file FIRs and instead delay investigative measures for

prolonged periods of time. In some instances, police themselves become verbally and physically abusive towards parents who implore them to assist. Farzana Sohail's father reflected on being called a "chuhra," which is an offensive slur and religious insult targeting Pakistani Christians (APPG for the Pakistani Minorities 2021). In September 2020, the father of 12-year-old Christian girl Farah Shaheen was finally able to file an FIR for the rescue of his daughter after four discouraging months of unsuccessful appeals to Faisalabad authorities, who made racist remarks and even threatened to charge him with blasphemy (Tanno and Newman 2021). Rafique Masih, the father of 17-year-old Christian girl Mashal Rafique Masih, faced similar derision in 2021 when he visited the Bani police station to file a complaint after his daughter was abducted by three Muslim men while he was at work. Police officers ridiculed and mocked Rafique for some time before registering the FIR (Pakistan Christian Post 2021).

In late 2019, the parents of 13-year-old Catholic girl Samra Munir reached out to police after their son reported witnessing Samra being physically forced into a vehicle while he was returning home from the market. Police repeatedly refused to register an FIR and warned the distressed and inconsolable parents not to cause a scene; authorities later claimed that Samra chose to convert to Islam and marry a Muslim man, and they demanded that her parents stop visiting the police station (Yousef 2019). In June 2022, the parents of 15-year-old Roman Catholic girl Saba Masih campaigned for international attention after Punjab authorities repeatedly refused to file a complaint regarding the girl's abduction, even though her older sister had witnessed the incident and identified the perpetrator – the family's Muslim adult neighbor Muhammad Yasir. Only after intervention by a local organization, Human Rights Focus Pakistan, were Saba's parents able to register an FIR, as previously the police would not even listen to their pleas (Kumar 2022).

In response to the abduction, forced conversion, and child marriage of 14-year-old Christian girl Alina Khalid in June 2024, Chairman of the Raah-e-Nijaat Ministry Mr. Safdar Chaudhry condemned the police's 26-hour delay in filing an FIR, which granted Alina's abductor Haider Ali ample time to disappear along with his victim. Authorities have failed to rescue Alina and arraign Ali, causing her family tremendous distress; the health of Alina's mother, who is afflicted with hepatitis C and diabetes, has deteriorated due to the psychological trauma of losing contact with her child (Christian Daily International 2024).

In some cases, police inaction can prove to have lethal and irreversible consequences, as evidenced by the case of 20-year-old Salma Munir, a Christian woman with a mental disability. A resident of Punjab's Sheikhpura District, Salma was targeted for kidnapping by Muslim neighbor Omer Khokhar, who took advantage

of her disability, repeatedly raped her, and subsequently sold her to a brothel in February 2024. Salma's parents visited local authorities to file a missing persons case immediately following her disappearance, but their urgency and desperation were ignored by police. Salma reappeared four months later when her elder brother rescued her from a rickshaw in which she was placed beside other women by the madam of the brothel where she was detained (Morning Star News 2024b). Salma's health had deteriorated irreversibly during her prolonged period of exploitation; at her time of her rescue, she was bleeding profusely, and despite efforts to find medical treatment, within two days she passed away from injuries sustained while in captivity. Less than one month after the family buried Salma, her abductor Khokhar attempted to kidnap her younger sister Nisha, threatening "that she would suffer the same fate as her sister if she did not surrender to his sexual demands" (Morning Star News 2024b). After half a year of inactivity on Salma's case, the police intervened only after her death and after the threats were leveled against Nisha; Khokhar has been detained but his family continues to harass the family of Nisha and Salma.

Child marriages and forced conversions are possible only if perpetrators are successful in separating their victims from their families and severing all communications between the parties. Where child marriage prohibition laws fail to protect vulnerable minority-faith girls, laws criminalizing abduction and kidnapping could offer some recourse. Unfortunately and not surprisingly, however, these laws are similarly ineffective. Penal Code Article 361 imposes a period of imprisonment not exceeding seven years, accompanied by an undetermined fine, on any individual convicted of kidnapping a boy under age 14 or a girl under age 16 from lawful guardianship (Government of Pakistan 1860). Article 362 clarifies the distinction between kidnapping and abduction, the latter of which is the use of force to "compel, or by any deceitful means induce, any person to go from any place," a crime punishable by a maximum of ten years' imprisonment and a fine (Government of Pakistan 1860). A 1958 amendment to the penal code added a clause to Article 364 stipulating a term of "rigorous" imprisonment from seven years to life or, alternatively, the death penalty for any individual convicted of kidnapping or abducting a child under age 14 for the purposes of murder or subjection to "grievous hurt," slavery, or "the lust of any person." Article 366A criminalizes with a maximum of 10 years' imprisonment the abduction or kidnapping of a girl under 18 for the purpose of forcible seduction to "illicit intercourse" (Government of Pakistan 1860).

Regrettably, however, numerous perpetrators of these egregious crimes are not properly punished, even after their victims are rescued and provide testimonies that lead to initial criminal charges. In September 2020, Faisalabad authori-

ties rescued Farah Shaheen from the captivity of the three Muslim men who had forced her to engage in unsafe labor. Despite the conditions in which she was found – chained to a cattle pen where she was forced to clean up dung, and covered with injuries and wounds indicating restraint, physical and sexual violence, and coerced labor – courts did not indict the primary perpetrator, Khizar Hayat (Ochab 2021). One of the most notorious cases is that of 13-year-old Christian girl Arzoo Raja, abducted in 2020 by a Muslim neighbor 31 years her senior, Ali Azhar. She was forcibly converted to Islam and married to Azhar, who was already a husband and father. Despite her parents' unwavering appeals for Arzoo's rescue, authorities released Azhar from prison on bail, which reputable Pakistani human rights lawyer Saiful Malook noted is a likely indicator that he will evade prosecution (Church in Chains 2022).

For Christian teenager Charlotte Javed, who was kidnapped by Muslim man Zafar Iqbal in January 2019 and subsequently escaped from the small, locked room in which she was confined for two months, numerous factors led to the victim's family's decision to stop pursuing the case, even in light of obvious criminal conduct. Though no explicit reason was provided as to why Charlotte's family declined to press charges against Zafar following his release on bail, most likely they lacked the financial resources to do so, as they are a relatively poor family, and feared the possibility of retaliation by the perpetrator, who was their neighbor (Voice for Justice and Jubilee Campaign 2022).

4. Futile attempts at legislative reform, and encouraging developments

There have been several attempts over the past few years to respond to the undeniably escalating frequency of abductions, forced conversions, and child marriages of Christian and Hindu girls in Pakistan. In 2016, the Sindh Assembly passed the Criminal Law (Protection of Minorities) Bill outlawing forced conversions or conversions before the age of majority; however, Governor Saeed-uz-Zaman Siddiqui refused to give his assent to the bill, based on the objections raised by a religio-political party (Tunio 2017). In 2019, another bill was presented, but it was rejected after a similar reaction by religious groups (Library of Congress 2016). In 2021, the Muslim members of the Parliamentary Committee to Protect Minorities from Forced Conversions refused to consider the "Prohibition of Forced Conversions Bill 2021" for vetting by the parliament, due to opposition led by the Ministry of Religious Affairs and the Council of Islamic Ideology. They asserted that the bill was fundamentally against the principles of Sharia, and they claimed it was an attempt to limit Muslims' right to convert non-Muslims to Islam (Gurmani 2021).

Similar efforts have been taken by various state actors in Pakistan to increase the minimum age for marriage, but these efforts have also been rejected as an-

ti-Islamic in nature. In October 2017, the Senate Standing Committee on Interior rejected the Child Marriage Restraint (Amendment) Bill of 2017 as "un-Islamic" (Junaidi 2017). A couple years later, Pakistani senator Sherry Rehman introduced an updated version of the same bill with minimal revisions – the Child Marriage Restraint (Amendment) Bill of 2019 – which would raise the legal minimum age for marriage to 18 years and punish violators with three years' imprisonment. The bill only passed the Senate after rigorous debate and discord, including remarks by Jamiat Ulema-i-Islam (JUI-F) Senator Ghafoor Haideri that "Islam allows marriage before puberty", a sentiment which was then echoed by Jamaat-i-Islami (JI) Senator Mushtaq Ahmad that the protective bill would be "against the Shariat" (Hussain 2019). In response to these grievances, Senator Rehman explained that implementing a law protecting children from under-age marriage would not be against the Sharia or an act of "promoting western culture". Rather, it would be an acknowledgement of the global consensus that marriage of children under 18 is morally "wrong" and a guarantee that Pakistan would work towards eliminating the abhorrent practice (Hussain 2019). Senator Rehman additionally noted that her bill received unanimous endorsement from the Senate Standing Committee on Human Rights. The bill withstood dissent, and a day after it passed in the Senate, Assemblyman Ramesh Kumar Vankwani of the ruling Pakistan Tehreek-i-Insaf (PTI) introduced its bicameral counterpart in the National Assembly, evoking a similarly divisive response by members. Religious Affairs Minister, Noorul Haq Qadri, and Minister of State for Parliamentary Affairs, Ali Mohammad Khan vehemently rejected the bill and urged that it be reviewed by the Council of Islamic Ideology (CII). Further clarifying his oppositional stance to the Child Marriage Restraint (Amendment) Bill, Minister Khan stressed that he would dispute the bill "even at the cost of his cabinet position" (Wasim 2019). News reporters who witnessed the debate recalled Minister Khan stressing that "even the whole house could not pass any legislation which was against the teachings of [the] Quran and Sunnah" (Wasim 2019). After months of heated deliberation, the National Assembly Standing Committee on Law and Justice capitulated to demands of the bill's fiercest adversaries, ultimately rejecting it "with more than double votes majority" thereby indefinitely stalling progress of the Child Marriage Restraint (Amendment) Bill for the time being until a new variant is inevitably introduced to one of the two houses of Parliament (Anis 2019; Javed and Mughal 2019). The perpetuity of socioreligious discord in the nation's legislature – which scholars recognize is wracked by a schismatic "social divide" – is especially perplexing considering that other predominantly Muslim countries have made strides in outlawing child marriage, such as Bangladesh, Turkey, and the United Arab Emirates (Javed and Mughal 2019; Wasim 2019).

In a positive recent development, the government of Balochistan finalized and forwarded to the provincial assembly a draft law, the Balochistan Child Marriage Prohibition Act, that would crack down on underage marriages in the region. The provincial government also sent draft legislation to the Federal Shariat Court which had recently taken notice of a case in which a five-year-old girl had been sold into marriage by her father, who was being harassed to do so by tribal elders. Shariat Court Chief Justice Syed Muhammad Anwer has found that child marriage in itself is "un-Islamic" as well as contrary to the Constitution (Iqbal 2023). Chief Justice Anwer's opinion – which opposes those raised by other political figures who cite Islamic principles to justify child marriage – demonstrates the lack of consensus among state actors and authorities regarding the legality and humanity of the practice. Such variation and polarity in public opinion complicates efforts to adopt a standardized approach to combatting the marriage of minors in Pakistan. Chief Justice Anwer had dismissed, a few months earlier, a petition against the Sindh Child Marriage Restraint Act, stating that the bill "is in line with the Islamic teachings of protecting the rights of children and ensuring their well-being" (Malik 2023). Presently, the only provincial legislation that potentially covers cases of underage marriage, albeit indirectly, is the 2016 Balochistan Child Protection Act, which identifies forced marriage as a form of "sexual abuse and exploitation" and assigns child protection officers to intervene in such cases on behalf of and in the best interests of the child (Balochistan Provincial Assembly Secretariat 2016; National Commission on the Rights of the Child 2023).

In April 2024, United Nations experts, including the Special Rapporteurs on contemporary forms of slavery, trafficking in persons, freedom of religion or belief, and minority issues, published a joint statement expressing concern about the abduction, forced religious conversion, and child marriage of Hindu and Christian girls in Pakistan. Highlighting multiple specific cases, this cohort of experts concluded that "under international law, consent is irrelevant when the victim is a child under the age of 18", and that Pakistan must align domestic policies with global consensus by developing "provisions to invalidate, annul or dissolve marriages contracted under duress" and "ensure access to justice, remedy, protection and adequate assistance for victims" (Office of the High Commissioner for Human Rights 2024). Days later, an unrelated but relevant development occurred when Lahore High Court Justice Shaid Karim publicly criticized the Punjab Child Marriage Restraint Act, which he called "discriminatory" for its discrepancy between the minimum marriageable age for boys (18 years) and girls (16 years) (Morning Star News 2024c). In his five-page written decision, which echoed many of the concerns raised by the UN experts, Justice Karim concluded that the different age thresholds, "being unconstitutional, are held to be without lawful authority and of no legal

effect. They are struck down" (Morning Star News 2024c). He additionally ordered the provincial government of Punjab to present an amended rescript of the Child Marriage Restraint Act that would abide by his judgment and constitutional provisions guaranteeing citizens equal protections under the law. Justice Karim made a specific reference to the Act's definition of a "child," noting that while establishing a minimum age for marriage "is indeed a special provision for the protection of women," men and boys are offered greater protection "by keeping their age of marriage higher than females" (Morning Star News 2024c). Punjab's office of the advocate general contributed greatly to this judicial decision by providing Justice Karim with demographic statistics exhibiting an increase in rates of child marriage at the age of 15; the report also highlighted the detrimental effects of the practice on maternal health and educational attainment.

The very threat of child marriage directly imperils girls' academic life, as evidenced when Christian father Salman Masih reluctantly had to remove his 15-year-old daughter, Muskan, from her school in early 2024 after she confided in him that a Muslim man was regularly harassing her on her way to school. Muskan was subsequently kidnapped by the man, Arsalan Ali, who Salman Masih fears may sell Muskan into sex trafficking due to his "notorious reputation" (Morning Star News 2024d).

Ten days after Justice Karim published his decision, the chair of the Child Protection and Welfare Bureau (CPWB), Sarah Ahmad, also a member of Punjab's assembly, presented a draft of the revised Child Marriage Restraint Act of 2024, which would set the minimum age for marriage at 18 years for both girls and boys and would penalize violators (Morning Star News 2024a). Under this law, any individual (i.e., parents, guardians, friends, neighbors, religious clerics, educators, etc.) who facilitates an underage marriage would be subject to imprisonment for two to three years, accompanied by a fine of between 100,000 and 200,000 rupees. In another effort to safeguard minors from child marriage, the Act requires the marriage registrar, solemnizer, and secretary of the union council to exercise due diligence and review all documentation – such as national citizenship cards, passports, and school transcripts – to establish that both marriage parties have reached age 18. The bill dictates that "in case of any dispute regarding determination of age of any of the parties to marriage, the court shall determine the age on the basis of birth certificate, educational certificate or other necessary documents after hearing the case," with medical examinations for age determination mandated in the absence of the above documentation (Morning Star News 2024a).

Human rights activists have welcomed the proposed bill, but they remain cautiously optimistic as sufficient implementation will be the litmus test of its

efficacy. Historically in Pakistan, enforcement of legislation protecting women and girls has often been negligible. Should the new 2024 Punjab Child Marriage Restraint Act prove successful, it could set a precedent and serve as the foundation – along with the Sindh Child Marriage Restraint Act – for similar legislative measures to be taken in the provinces of Khyber Pakhtunkhwa and Balochistan. Calls for child marriage prohibition in Khyber Pakhtunkhwa were reignited in April 2024 when the Adolescent Sexual and Reproductive Health Project, which operates in 10 of the province's 38 districts, found that half of all patients visiting clinics in the Hazara Division with reproductive health problems and psychological issues were "child brides" (Khan 2024).

During a parliamentary session in May 2024, Senator Danesh Kumar Palyani publicly excoriated the government's inability to counter the practice of forced marriage: "The daughters of Hindus are not a booty that someone should forcibly change their religion. … The government does not take action against these influential people. … A few dirty eggs and robbers have defamed our beloved motherland Pakistan. The law of Pakistan does not allow forced religious conversion and neither does the Holy Quran" (Bhattacharya 2024). Months later, in July 2024 the National Assembly of Pakistan ratified the Christian Marriage (Amendment) Act of 2024, introduced by assembly member Naveed Amir Jeeva in an effort to raise the minimum age of marriage to 18 years for both boys and girls in the Christian minority community (John 2024). Having already been introduced in the Senate by Christian Senator Kamran Michael and approved in 2023, its acceptance in the National Assembly was a landmark decision of multilateral and bicameral consensus, and it led to the president's ratification of the bill during a special ceremony in July 2024 (Office of the President of Pakistan 2024). President Asif Ali Zardari's signature was attended and witnessed by Federal Minister for Religious Affairs and Interfaith Harmony (MORA), Chaudhry Salik Hussain, and Secretary Minister MORA, Zulfiquar Haider (Office of the President of Pakistan 2024). Both the National Council of Churches in Pakistan and the Catholic Bishops' Conference of Pakistan have lauded the Christian Marriage (Amendment) Act of 2024 and the Punjab Child Marriage Restraint Act of 2024 as signifying a "major gain in the struggle to protect minority girls" (John 2024). Faith rights activists have emphasized the need for strict and uniform implementation, noting that "the new law needs to override all 'special' laws and maxims relating to determining a girl's age of maturity," namely Sharia law (John 2024). Some researchers have been more explicit in their concerns regarding the new Christian Marriage (Amendment) Act, highlighting the glaringly obvious shortcoming in that it raises the marriageable age for Christians only and would therefore be ineffectual in cases where "courts and police protect the Muslim abductors" and recognize

forcibly converted faith-minority girls as Muslims in the eyes of the law (Introvigne 2024). After all, the new bill's predecessor, the Christian Marriage Act of 1872, was in effect for 152 years with minimal protective and prosecutorial accomplishments (Introvigne 2024).

5. Conclusion

The frequent reports of forced conversion in Pakistan are linked with the state's abject failure to implement and enforce existing laws that aim to stymie abduction, child marriage, and forced marriage, especially when the victims are from religious minority communities. Regrettably, there are no official statistics regarding the number of forced conversions to Islam of girls from religious minority communities; however, we believe our analysis of select cases offers insight into the prevalence of this harmful and inhumane practice, as well as the climate of impunity, state actor complicity, and biased judicial discretion that provides cover for bad actors to commit these heinous crimes. Our observations dispute Pakistan's claims in its December 2022 periodic report to the United Nations Human Rights Committee that "its criminal justice system is vigilant in respect of forced marriages and if any individual case is reported by media or through aggrieved parties, institutional mechanisms and courts take the matter very seriously and conduct proper administrative and judicial enquiries to ensure justice" (UN Human Rights Committee 2022).

In some horrific cases in which abducted girls remain in the custody of their kidnappers, the victims are sexually assaulted and at a higher risk of developing sexually transmitted infections and becoming pregnant. In July 2020, Christian girl Huma Younas was reported to be pregnant as a result of rape in captivity following her abduction nine months earlier (OpIndia 2020). Child brides have a greater likelihood of school dropout, health-related complications, lower labor force participation and earnings, and lack of decision-making power within the family. The abduction of schoolgirls hinders their access to opportunities such as education, skill development, and employment, all of which are essential to lead a dignified and self-sufficient life (Voice for Justice and Jubilee Campaign 2022). Pregnancy at a young age affects the health and well-being of girls, reduces the chances of their return to their family, and leaves them with no other choice but to bear the brunt of discrimination and marginalization for a lifetime. The abducted girls from minority communities are never accepted by their in-laws as daughters-in-law; rather, they are treated as de facto domestic servants.

In some fortunate cases, female victims of abduction, faith conversion, and child marriage have been rescued and reunited with their families, but they can rarely return to their previous lives and relationships. Following Charlotte

Javed's escape from the custody of Zafar Iqbal and her return to her parents who had been restlessly pursuing her rescue, she was never able to rekindle her relationship with her brothers, who chastised Charlotte and declared that it would have been better if she stayed with Iqbal as she had brought dishonor upon her family (Razzaq 2022). Many survivors experience post-traumatic stress disorder (PTSD), with symptoms including flashbacks, nightmares and sleep disturbances, severe depression and anxiety, social isolation and detachment disorders, anger outbursts, memory loss and dissociative amnesia, alexithymia (loss of emotion), poor self-esteem, hypervigilance, and somatic symptoms. Female survivors may lose interest in activities they previously enjoyed, face difficulties in concentrating on studies or work, and struggle to participate meaningfully in everyday situations. Following her liberation due to police intervention, Farah Shaheen's father has observed changes in her behavior, including mutism, lack of emotional response, and nightmares (Razzaq 2022).

In December 2022, Pakistan boasted that it had become one of the first United Nations member states to propose the goal of eradicating child marriage by 2030 during a meeting of the Open Working Group on the Sustainable Development Goals (UN Human Rights Committee 2022). To fulfill this expressed commitment, Pakistan must take genuine steps including, but not limited to, (1) guaranteeing affirmative action for the protection, promotion, and fulfillment of minority rights; (2) establishing an independent committee of experts comprising jurists, legal experts, human rights activists, and faith minorities to prepare a bill to inhibit forced religious conversions; (3) undertaking comprehensive research on the prevalence and patterns of kidnappings, coercive conversions, and child marriages of minority-faith girls; (4) comprehensively training police officers, religious actors, and judicial authorities regarding international standards of human and children's rights; (5) exhausting all legal means to investigate any allegations of kidnappings, forced religious conversions, and marriages of underage girls; (6) impeding the issuance of fabricated religious conversion and marriage documentation and courts' acceptance thereof; (7) prioritizing authentic birth certificates, national identity cards, family registrations, and medical evaluations; and (8) providing due process and protective measures to female victims and their families during trial proceedings.

Mehdi Hasan, chairperson of the Human Rights Commission of Pakistan, poignantly emphasizes that looking at the "big picture" and examining the practice of abductions, forced religious conversions, and child marriage from an interdisciplinary lens serves to enhance global understanding of and efforts to counteract this depraved trend, which is affecting not only Pakistan but numerous other nations in the Global South such as Egypt, Nigeria, Sudan, and northern Iraq and Syria (Bhattacharya 2024). Hasan stated:

> This appears to be a systematic, organised trend and it needs to be seen
> in the broader context of the coercion of vulnerable girls and young
> women from communities that are already marginalized by their faith,
> class and socioeconomic status. The ugly reality of forced conversions
> is that they are not seen as a crime, much less as a problem that should
> concern "mainstream" (Muslim) Pakistan. (Bhattacharya 2024)

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Religious Freedom Series Vol 7, VKW: Bonn, 2023. 403 pp. ISBN: 978-3-862269-267-5.

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These kids are not alright

When schools exclude children on the basis of religion

Janet Epp Buckingham[1]

Abstract

Schools should be places where all children are welcome to receive education. Yet sometimes they are a battleground for political conflicts amongst adults, as schools are often used to inculcate common values. It is therefore particularly demeaning for children to be excluded from schools. In Canada, children have been excluded from school on the basis of religious practices, thereby violating their religious freedom. Little legal scholarship exists on children's rights to religious freedom. This article reviews international law regarding the religious freedom of children in relation to education and then examines three legal cases involving successful challenges to the exclusion of students based on religion.

1.   Introduction

Schools are places where children not only receive education but become acculturated to the dominant culture through secondary socialization. Most children in Canada attend state schools, which are funded by and operated by governments. Private schools not run by the government are often required to comply with various requirements, on such matters as teacher qualifications and curriculum. The state has an interest in seeing children equipped to be skilled workers in the future. Furthermore, many governments wish to instill a common set of values through education. Secondary socialization includes behavioural conformity, moral conformity and cultural conformity (Caribou et al. 2021:178).

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For at least the first hundred years (1867-1967) of Canada's history as an independent nation, Christianity was the dominant religion. It was socially reinforced in schools through reciting the Lord's Prayer and religious instruction in schools. Non-Christian students were marginalized if they sought to opt out of these religious practices. As journalist Lois Sweet comments, "To us, those children were aliens. They were the 'other' personified. So we tormented them with the particular cruelty of children" (Sweet 1997:3).

Canada has a high percentage of immigrants or descendants of immigrants. It has become religiously pluralistic, and its wide variety of religions are also represented by children in schools across the country. While acculturation into Christianity has diminished, students continue to face pressure to conform to certain behaviours, morality and cultural practices that may be in opposition to their family faith socialization.

Schools enforce conformity on students in numerous ways. Many of these are embedded practices, such as queuing or waiting one's turn (Caribou et al. 2021:179). However, many schools also have dress codes and codes of conduct, violations of which result in discipline (Caribou et al. 2021:184). There is a range of disciplinary practices in schools. The most severe punishment, expulsion, is usually reserved for crimes such as drug dealing or threatening other students or teachers. But it has also been applied when children follow their religious practices. Such instances expose the targeted children to profound experiences of exclusion.

I will analyze three cases of student expulsions on the grounds of religious practices in Canada. They include: (1) Jehovah's Witness students expelled for refusing to participate in patriotic exercises during the Second World War; (2) Jehovah's Witness students expelled for refusing to participate in religious exercises at a Roman Catholic school when no secular school existed; and (3) a Sikh student expelled for violating a no-weapons policy by wearing a kirpan (explained below).

Jehovah's Witnesses, a minority religious group in Canada, are opposed to patriotic exercise, participation in war, and receiving blood transfusions. They are very evangelistic and are known for door-to-door evangelism and distribution of literature. The numerous legal cases involving Jehovah's Witnesses have established a foundation for religious freedom law in Canada (Botting 1993; Penton 1976; Kaplan 1989).

Sikhs have several dress requirements. A turban must be worn along with a kirpan, which is a small dagger. Men must not shave or trim their beards. Various legal cases have arisen regarding these dress requirements, but few of them have involved children. Sweet tells the story of another Sikh student who faced

constant ridicule for his religious dress. She surmises, "The religious identity that [t]his child is receiving at home is not only being rejected by his peers at school but he, as a developing person, is being harassed and rejected" (Sweet 1997:15).

Before turning to the cases themselves, I will examine the law, both international and Canadian, relating to religious freedom for children in the area of education. Most of this legal framework developed years after the first legal case examined in this paper. The cases illustrate how religious freedom for children is currently understood, along with the resulting impact on children, even though this impact is rarely mentioned in the cases.

2.   Children's religious freedom under international law

Under international law, children have certain rights. The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESC) together are known as the "International Bill of Rights" and establish strong protection for religious freedom. The Convention on the Rights of the Child (CRC) guarantees rights specifically to children.

2.1.   *The Universal Declaration of Human Rights*

Article 18 of the UDHR establishes the foundation for religious freedom:

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

The UDHR also guarantees the right to education in Article 26. This article specifies that education will promote tolerance.

2.2.   *The International Covenant on Civil and Political Rights*

Article 18 of the ICCPR protects freedom of religion for "everyone." Article 18(1) guarantees

> the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Subsection 2 guarantees freedom from coercion exercised by or on behalf of the state. Further, subsection 4 gives parents the right "to ensure the religious and moral education of their children in conformity with their own convictions." This statement affirms parental rights rather than granting rights to children.

However, as a limitation, Article 18(3) allows states to limit freedom of religion under certain circumstances: "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."

Article 24(1) of the ICCPR provides specific guarantees for children:

> Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

The UN Human Rights Committee[2] (HRC) addressed the specific issue of state requirements to sing the national anthem and salute the flag as a condition of eligibility to attend state schools in a case in Zambia (Human Rights Committee 1996: para. 18). The HRC ruled that the requirement violated Articles 18 and 24 of the ICCPR.

The HRC has also addressed the right to wear clothing consistent with one's religious beliefs, although it has not addressed the kirpan, which is the subject of one of the cases considered in this article. The HRC ruled, "The Committee considers that the freedom to manifest one's religion encompasses the right to wear clothes or attire in public which is in conformity with the individual's faith or religion."

2.3. *The International Covenant on Economic, Social and Cultural Rights*
Article 13 of the ICESCR recognizes "the right of everyone to education." It states:

> The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effec-

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2   The Optional Protocol to the ICCPR establishes a procedure whereby individuals in a state may petition the Human Rights Committee to consider whether the state has violated their human rights.

> tively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

This provision appears to affirm children's right to an education that respects their religious beliefs and practices.

Article 13(3) reiterates the requirement in article 18(4) of the ICCPR that States must respect the right of parents "to ensure the religious and moral education of their children in conformity with their own convictions." Again, this affirms parental rights over their children but is not a right specific to children themselves.

2.4. *The Convention on the Rights of the Child*

Article 28 of the CRC guarantees the right to education. Article 2 guarantees that children will not face discrimination on the basis of, *inter alia*, religion. Article 29 guarantees the right of education, with a focus on tolerance and respecting human rights. Article 30 specifically protects children who belong to, *inter alia*, religious minorities, and it guarantees such children the right to practice their religion.

These provisions make it clear that expelling a student based on religious practices violates the student's religious freedom and also his or her right to education under international law. Granted, some of the cases to which I refer occurred prior to this development of the international human rights regime. However, it is valuable to recognize that these rights now exist in international law.

3. Impact of expulsion on children

Many children are raised in a home with religious parents and are inculcated into their parents' faith from an early age. "The process of socialising children into a community involves children, parents and religious community" (Langlaude 2008:7). The child's religious commitment is a complex web of family and community relationships. It is a significant aspect of a child's identity. "Prior to attending school, children's main source of *socialization* comes from their families" (Caribou et al. 2021:175).

Former United Nations Special Rapporteur on Freedom of Religion or Belief Heiner Bielefeldt affirms the importance of the socialization of schools:

> The possibility of having face-to-face interaction of students on a regular basis is not less important than the development of intellectual skills, because such regular interaction can promote a sense of communality that goes hand in hand with the appreciation of diversity, including diversity in questions of religion or belief. Experiencing the

> combination of communality and diversity is also a main purpose of interreligious and intercultural dialogue projects. Thus the school provides unique possibilities for such a dialogue to take place on a daily basis, at a grass-roots level and during the formative years of a young person's development. (Bielefeldt 2017:34)

He goes on to note, however, that "members of religious minorities – students as well as parents – may fear discrimination, mobbing or pressure in the schools, perhaps even with the intention of urging them to assimilate into mainstream society by abandoning their faith" (Bielefeldt 2017:36).

As law professor Richard Moon notes:

> When the state treats the individual's religious practices and beliefs as less important or less deserving of support than the beliefs and practices of others, or when her religious community is marginalized by the state in some way, the individual adherent may experience this not simply as a rejection of her views and values but also as a denial of her equal worth or desert, as unequal treatment that affects her dignity. (Moon 2008:234)

This is particularly true for children, who are deeply scarred and likely to feel rejected by the state and society when a school expels them because of their religious practices. Such experiences challenge the child's religious identity and can also negatively affect relationships with family members and with the child's religious community.

Identity formation is a significant aspect of a child's development. Charles Taylor has written about how identity is formed:

> My identity is defined by the commitments and identifications which provide the frame or horizon within which I can try to determine from case to case what is good, or valuable, or what ought to be done, or what I endorse or oppose. In other words, it is the horizon within which I am capable of taking a stand.

He goes on to say that a spiritual view "provides the frame within which they can determine where they stand on questions of what is good, or worthwhile, or admirable, or of value." Further, "were they to lose this commitment or identification, they would be at sea, as it were; they wouldn't know anymore, for an important range of questions, what the significance of things was for them" (Taylor 1989:27).

Taylor identifies, in a separate article, the impact of having one's identity rejected:

> The thesis is that our identity is partly shaped by recognition or its absence, often by the *mis*recognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being. (Taylor 1992:25)

The impact on a child of being expelled from school for not conforming to societal norms can be highly damaging to that child's sense of identity and self-understanding. The fact that, in each case addressed below, the expulsions were eventually overturned does not reverse the harm these children experienced. As Benjamin Berger (2015) notes, law has its own culture and that it views religion through that culture, often to the detriment of religious self-understanding. One cannot and should not be complacent that the courts will right the wrongs that a child has suffered due to being expelled for following religious practices.

4. Children's religious freedom in Canadian law

There is surprisingly little specific law on the rights of children in Canadian law outside certain aspects of family law related to marriages breaking down. Children are often seen as subordinate to their parents. Canada ratified the CRC in 1990 but the provisions must be enacted by legislation in order to incorporate Canada's international commitments into domestic law. The CRC has not been specifically implemented in Canadian law although the Supreme Court of Canada has ruled that international human rights treaties, including the CRC, should be used to assist in the interpretation and application of legislation that impacts children's rights (*Baker v. Canada* 1999).

Canada adopted a constitutional bill of rights in 1982, the Canadian Charter of Rights and Freedoms. Section 2(a) of the Charter guarantees "everyone" the right to freedom of conscience and religion. In addition, section 15 guarantees "every individual" equality before the law and equal protection of the law without discrimination on the basis of, *inter alia*, religion. Moon (2014:21) notes, "The inclusion of religion as a ground of discrimination under section 15 of the Charter lends support to this idea of religion as identity." These constitutional protections apply to children as well as adults, and to minorities as well as majorities.

Canada is a federal country with a national government and 10 provincial governments. Under the Constitution, education is a provincial matter. Religious ed-

ucation has been described as "the most contentious issue in Canadian national life" (Walsh 1968:238). Since the various provinces have quite different religious populations, they also have had very different experiences in accommodating students from minority religious communities (Buckingham 2014: ch. 1). With regard to religious freedom and education, most laws and legal cases address the rights as they pertain to parents, not to the children themselves. Clearly, however, children are deeply impacted by marginalization in schools for their religious practices.

4.1.   *Donald et al. v. The Board of Education for the City of Hamilton (1945)*

This first case dates back to the Second World War, a time of great national fervour during which school children were required to start the day with patriotic exercises. When Jehovah's Witness children refused, in accordance with their religious beliefs, they were expelled. Even more problematic, the Jehovah's Witnesses became a banned organization as of 4 July 1940. Prior to the ban, these children were usually accommodated by requiring them to remain outside the classroom until opening exercises were completed. After the ban, the situation changed.

The children expelled were Graham, age 12, and Robert, age 16. They were attending a public school, but on 18 September 1940, the boys were sent home with a letter from the school principal addressed to their father. It read as follows:

> Your children Robert, Grade VIII and Graham, Grade IV, have refused to take part in the opening exercises of this school. They refuse on religious principles to sing 'God Save the King', to repeat the pledge of allegiance, and to salute the Flag. Your children are hereby suspended from this school and a copy of this letter sent to the Board of Education.

The children's father secured private education for his sons. Robert passed his high school entrance exam and was admitted to high school in 1942. He was then expelled from high school for the same reasons. The Board of Education approved the expulsions.

Mr. Donald brought an action on behalf of himself and his two sons against the Board of Education for a declaration, mandamus and damages. The case was decided at first instance in favor of the Board of Education. While there was a statutory exemption for school children from compulsory religious exercises, the court did not consider patriotic exercises religious in nature and thus did not uphold the exemption (*Donald* 1944).

However, the Donalds were successful at the Ontario Court of Appeal (*Donald* 1945). The court first referred to the Public Schools Act, which grants the right to attend school to every person between 5 and 21 years of age. Section 7 of the Act

states, "No pupil in a public school shall be required to read or study in or from any religious book or to join in any exercise of devotion or religion, objected to by his parent or guardian."

The case turned on the question of whether the flag salute and singing of the national anthem are religious exercises. For the Donalds, they were. The court accepted the fact that the Donalds viewed saluting the flag as a religious act and thus granted a religious objection. It was clear that the two boys had acted respectfully in class during the patriotic exercises. Therefore, the court found that the Board had acted illegally in expelling them. The court granted mandamus, requiring the Board to allow the students to return to school, plus damages for the expense of private tuition for the two boys.

This case had a positive ending, albeit many years after the children were expelled. Notably, the decision came after the war had ended. "After the War … the courts slowly began to vindicate the Witnesses on many fronts" (Yahya 2016: para. 31). Not all affected children had parents who went to court, however. William Kaplan comments, "Children, for respectfully refusing to salute the flag and sing the national anthem, were not just expelled from public school classrooms, they were seized from their parents and ordered placed in juvenile delinquent centres and foster homes" (Kaplan 1990:70). James Penton identified at least five incidents where school officials threatened to expel Jehovah's Witness children for refusing to participate in patriotic exercises even after the war, indicating that the issue continued to arise beyond 1945 (Penton 1976:225).

4.2. *Chabot v. School Commissioners of Lamorandière (1957)*

The second case concerned the children of Cajeton Chabot, who had been a Roman Catholic but converted to the Jehovah's Witness faith. Chabot lived in the municipality of Lamorandière, Quebec, which is both quite remote and very Roman Catholic. The two Chabot children, Marcel, age 7, and Jean-Pierre, age 8, were enrolled in the local school, which was Roman Catholic. At that time in Quebec, schools were either Roman Catholic or Protestant, depending on the local population. There was no other school in the region.

When he converted to the Jehovah's Witness faith in 1953, Mr. Chabot informed the school that he did not want his children to participate in Roman Catholic religious practices such as catechism and reciting prayers. The letter the Chabot parents sent to the school read:

> This letter is to inform you that we do not belong to the Roman Catholic faith. Consequently, we are against our children practising Roman Catholic devotions.

> Furthermore we pay school taxes and have the right to send our children to your school. We ask that their liberty of worship, as our own, be respected.
>
> Consequently we ask you that our children be excluded from religious devotions by being allowed to remain in their seats while the other pupils do their devotions. And we assure you that at all times our children will show true respect and will not interfere in the activities of the other pupils.

The teacher was willing to accommodate this request, but the Commissioners of the school, the governing body, took the position that the children's non-participation could become a source of disorder and that the teacher's actions were illegal. Instead, they expelled the boys until they were willing to participate in the religious practices of the school.

Mr. Chabot appealed to the Commissioners and then brought a mandamus action to the courts when the Commissioners refused to reconsider. After four years, the case was resolved in the Chabots' favour at the Quebec Court of Appeal. The court noted that provisions in the legislation for Protestant schools gave exemptions to students of other faiths, such as Catholics and Jews, so that they would not be required to participate in activities of a religion they did not share. However, the legislation regulating Roman Catholic education did not have similar exemptions.

The court recognized, "On this subject, it appears useful to recall that the right to give one's children the religious education of one's choice, like freedom of conscience, is anterior to positive law." As precedent, court referenced cases as far back as 1878, which long predates the international law on this subject. So it is clear that such a right existed in Canada prior to the development of international human rights norms. Several justices on the panel noted that Mr. Chabot was legally required to send his children to school. Therefore, the school, the only one available to the family, was obliged to receive them.

Ultimately, the Quebec Court of Appeal recognized both the right of the children to education and the right of the parents to determine the education of their children in conformity with their religious beliefs.

4.3.   *Multani v. Commission scolaire Marguerite-Bourgeoys (2006)*

The final case, also from Quebec, involved a Sikh boy, Gurbaj Singh Multani. Having been baptized into the Sikh faith, he therefore wore a kirpan, a small dagger made from metal. In 2001, it was discovered that Gurbaj had brought a kirpan to school when he accidentally dropped it on the playground. This violated the school's code of conduct, which prohibited carrying weapons and dangerous objects at school.

The school board's legal counsel sent the Gurbaj's parents a letter offering a reasonable accommodation. The letter authorized Gurbaj to wear the kirpan, provided that it was sealed inside his clothing. Gurbaj and his parents agreed. However, the school's governing board refused to ratify the agreement. The parents appealed to a review committee, which upheld the decision against Gurbaj. Instead, the council of commissioners suggested that he wear a symbolic kirpan in the form of a pendant, or a kirpan made of something other than metal.

Balvir Singh Multani brought an action to the court on his behalf and that of his son, seeking a declaratory judgment permitting Gurbaj to wear a metal kirpan to school so long as it was secured. He also arranged for alternative schooling for his son. At first instance, the Multani petition was granted. However, it was overturned at the Quebec Court of Appeal. The Multanis appealed to the Supreme Court of Canada.

Between the time of the previous cases and the Multani case, Canada had adopted the Charter of Rights and Freedoms, a constitutional bill of rights. The Multanis therefore alleged a violation of their religious freedom under the Charter.

Gurbaj gave testimony that as an orthodox Sikh, he was required to comply with a strict dress code requiring the wearing of uncut hair, a wooden comb, a steel bracelet, a special undergarment and the kirpan. A Sikh chaplain testified that the Sikh religion teaches pacifism and that the kirpan must not be used as a weapon to hurt anyone. By contrast, the school saw the kirpan as a weapon.

The respondent school board and the Quebec Attorney General clearly viewed the kirpan as "a dagger, a weapon designed to kill, intimidate or threaten others." As Mark Witten surmises, "Stripped of its religious context, the kirpan was an incomprehensible and dangerous artifact that was best confined to the private sphere" (Witten 2016: para. 60).

The court ruled that the school had violated Gurbaj's religious freedom under section 2(a) of the Charter. Once a violation has been found, the school has an opportunity to justify its actions under section 1 of the Charter, the limitation clause. The school had to show that a pressing and substantial objective warranted violating a constitutionally protected right. Here, the objective of ensuring safety in schools met that requirement.

But the school then had to show that the means it used to achieve its objective was rationally connected to the objective and that it minimally impaired the right in question. The court ruled that the rational connection requirement was met. However, the school could not prove that it only minimally impaired Gurbaj's religious freedom. The court observed that there had been no reported cases of a kirpan being used for a violent purpose in any Canadian school.

The court concluded:

> A total prohibition against wearing a kirpan to school undermines the value of this religious symbol and sends students the message that some religious practices do not merit the same protection as others. On the other hand, accommodating Gurbaj Singh and allowing him to wear his kirpan under certain conditions demonstrates the importance that our society attaches to protecting freedom of religion and to showing respect for its minorities. (para 79)

5.   Conclusions

This article has analyzed three historic legal cases resulting from children being excluded from state-funded schools for practising their religious beliefs. In each case, the child identified with a minority religion, the values and practices of which were at odds with prevailing Canadian values and practices. The experiences of these students, all of whom were excluded for following their family's religious practices, were tremendously alienating. In each case, parents had to arrange for some form of alternative schooling for their children. The children felt rejected by the schools, by school officials and their commissions, and by society. They were singled out as different and their religious beliefs were deemed unacceptable, even deviant. By proxy, their parents were also deemed unacceptable, as were the religious practices of the entire religious community.

In each case, the courts ultimately upheld freedom of religion and the right to education for religious minorities. Carissima Mathen notes, "The Supreme Court has generally been sensitive to protecting children even where doing so might infringe upon others' fundamental freedoms" (Mathen 2009: para. 38). Eventually, in these cases at least, the children were admitted back into the school from which they had been excluded. But what did that feel like for the students? What harm to their identity, psyches and mental health had already been inflicted by the school's actions? In a small community like Lamorandière, Quebec, or even in a larger one like Hamilton, Ontario, the other students would likely have known the full story. Other children may have been warned by their parents not to associate with these children who had different beliefs. As Lois Sweet (1997:3) commented, "They were the 'other' personified."

It is tempting to dismiss these cases as anomalies in an otherwise tolerant society. However, in 2022, Josh Alexander, a male high school student in a small community, was expelled from a state-funded Roman Catholic school for taking a public stance in opposition to transgender students using female washrooms (Canadian Catholic News 2024). This expulsion occurred even though his position was consistent with

Roman Catholic teaching on human sexuality. This expulsion has not yet been litigated, but it shows that students continue to be expelled on the basis of religious beliefs.

If indeed, as discussed in the introduction, schools have a significant role to play in socializing students to be productive, participating members of society, one of the values instilled must be respect for others' deeply held religious beliefs. Canada is a multi-cultural, multi-ethnic and multi-religious society with a commitment to practising pluralism. Schools can and should be a place where such pluralism is modelled. The Canadian legal system must continue to support the rule of law even where it applies to minority rights regarding children and the right to religious freedom. The kids deserve this!

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Religious conversion and cultural trauma

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Abstract

Using the lens of cultural trauma, this paper aims to understand the emotional impacts associated with opposition to religious conversion. Following a theoretical discussion of the concept of cultural trauma, the paper analyses comments from eight in-depth interviews of converts to Christianity who have been Christians for at least five years and reside in Bangalore, India, several of whom were minors at the time of conversion. The findings reveal that religious converts face distress and trauma within interpersonal relationships with parents, relatives, friends, and community, which are impacted by their decision to convert. While the four relations seem to experience cultural trauma, the religious convert experiences cultural guilt.

1.   Introduction

Religious conversion has taken centre stage in many discussions in India. Laws enacted in various states have made proselytizing illegal and punishable by law. In Karnataka, the law requires a "payment of a compensation of Rs. 5 lakh (on court orders) to victims of conversion by the persons attempting the conversion, and double punishment for repeat offences" (Parashar 2021).

In *Understanding Religious Conversion*, Rambo (1993:21-22) emphasizes the importance of studying the context in which conversion takes place, to fully grasp the impact that both the micro context ("the more immediate world of a person's family, friends, ethnic group, religious community and neighbourhood") and the macro context ("political systems, religious organization, relevant ecological considerations, transnational corporations, and economic systems") have on conversion. He defines religious conversion as "a process of religious change that takes

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place in a dynamic force field of people, events, ideologies, institutions, expectations, and orientations" (Rambo 1993:5).

The opposition to religious conversion in India can be understood within the *dharmic* framework that shapes the culture and society (John 2017:175-187). The concept of *dharma* is difficult to define, but broadly it entails duties, rules, customs, religion, and appropriate behaviours that are considered morally right. The social and political context also presents a scenario in which religious conversions, especially from the majority to a minority religion, are frowned upon. Kim (2003) describes the tension between the Hindu and Christian communities as stemming from the different meanings that conversion carries for them. Some of these differences pertain to how volition of converts features in the process of conversion, the continuity of religious practices and rituals after conversion, and the structural changes in the socio-economic fabric of the land that conversion entails.

Kim sees the conflict as arising from how conversion affects the socio-cultural makeup of India, pointing out four impacts. The first is the communal nature of conversion, which "encourages different legal systems for different communities" and "separate electoral systems" (2003:4) within the country. Second, conversion disturbs the economically arranged caste system that Indians follow. Third, it clashes with the Hindutva agenda of "making India a Hindu nation" (2003:5). Fourth, Hindus view conversion primarily in "sociological and political terms while Christians view it in theological terms" (2003:5). Hindus also view the presence of Christianity in India through the lens of historical memory of the colonial era and find conversion to be a socio-political ploy (Kim 2003:4-5).

With the rise of religious nationalism in recent years, the opposition to religious conversions is primarily rooted in how conversion tends to dismantle a nationalist view that affects one's legal, economic, ideological and political-sociological identities. Since religious conversions shake these identities, they are seen as a threat to national unity and safety. To better understand how these identities are impacted at the national, social and personal levels, I have used cultural trauma theory to explore the significance of culture for the nation and the community/family, and how this informs the cultural responses to religious converts.

For this purpose, I undertook a phenomenological study that documented the trauma religious converts faced during and after their conversion experience. Using the trauma lens reveals the psychological and physiological impact of religious conversion on the convert and on those close to them. This perspective has not been applied to the phenomenon of conversion. Although studies of religious conversion have explored the conversion event itself, its political impacts, and religious persecution, none have investigated the trauma impact of the conversion journey. This study seeks to fill that gap.

Three in-depth interviews for each participant were conducted using the open-ended interview method. The interview questions revolved around the experiences the interviewees faced that caused them distress or trauma. The interviews were analysed using Interpretative Phenomenological Analysis (IPA). This method enables the researcher to focus on a particular phenomenon – in this case, religious conversion. It creates space for a 'double hermeneutic' (Smith and Osborn, 2003) where the researcher is 'making sense of the participant who is making sense of *x*' (Smith, Flowers, and Larkin 2009:37). Further, this research is idiographic, ensuring that each participant is given a voice before a general statement about the phenomenon is formulated.

Some themes emerging from the study highlight the challenging shifts in interpersonal relationships resulting from conversion. This paper explores the struggles religious converts face as they find themselves at crossroads with their culture.

2.   Cultural trauma

Cultural trauma is a new research paradigm (Woods, 2019) proposed by Ron Eyerman. Since the theory is still in its nascent stages, it remains open to further research on what this term could mean and how it could be applied. Smelser (2004:38) defines cultural trauma as "referring to an invasive and overwhelming event that is believed to undermine or overwhelm one or several essential ingredients of a culture or the culture as a whole."[2] He illustrates this with reference to the Protestant Reformation in England in the 16th century, when King Henry VIII broke ties with the Roman Catholic Church and declared that it had no authority over him. The new movement was a "fundamental threat" to the "integrity and dominance of the Catholic cultural worldview" (Smelser 2004:38). Further, Smelser says that for an event to be considered a cultural trauma, it must be "represented as obliterating, damaging, or rendering problematic something sacred – usually a value or outlook felt to be essential for the integrity of the affected society" (2004:36). He refines his definition as "a memory accepted and publicly given credence by a relevant membership group and evoking an event or situation which is (a) laden with negative affect, (b) represented as indelible, and (c) regarded as threatening a society's existence or violating one or more of its fundamental cultural presuppositions" (Smelser 2004:44).

Eyerman specifies that there is a difference in how trauma is processed psychologically and culturally. A psychological trauma is an emotional wound faced by an individual, whereas "cultural trauma refers to a dramatic loss of identity and

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2   A difference has been made between cultural trauma and collective trauma. Cultural trauma affects a portion of society whereas collective trauma is a "horrific event" that affects society as a whole (Brantley 2022).

meaning, a tear in the social fabric, affecting a group of people that has achieved some degree of cohesion" (Eyerman, 2001:2). In a culture, trauma is relived through the igniting of collective memory by re-narrating events that form the core of the collective identity (Eyerman 2001:1). For this to happen, a process must be carried out by "agents," also called "carrier groups" by Max Weber, who are part of the "collectivity." This group consists of "meaning makers" who are "situated in particular places in the social structure, and [they] have particular discursive talents for articulating their claims." They use "symbolic representations" of things that have happened in the past, present, and future to awaken in society a sense of action and responsibility. This process requires a speaker or a carrier group; an audience, which is the public, which is "putatively homogenous but sociologically fragmented" (Eyerman 2001:12); and a situation, which is historic and cultural.

In comparing cultural trauma to psychological trauma, Smelser uses the psychodynamic lens as proposed by Freud (avoiding "reductionism" and "uncritical analogizing") and argues that just like psychological trauma, cultural trauma too has methods by which it is manifested, particularly in the areas of "affect, cognition, and memory" (Smelser 2004:32). For an event to be considered a cultural trauma, it must be "remembered or made to be remembered." This memory, as mentioned earlier, must be something that affects the "integrity" of the society and "must be associated with a strong negative affect, usually disgust, shame, or guilt." (Smelser 2004:36) Whereas psychological trauma is primarily "intrapsychic," Smelser argues that cultural traumas are "mainly those of social agents and contending groups" (Smelser 2004:38-39). There is also a link between the cultural and the personal, in that the culture gives an individual a personal identity and a threat to culture is also a threat to people's identity. Hence, negative affect becomes "the medium that links the two (cultural and personal) levels" (Smelser 2004:41).

In short, as Alexander (2004:12) argues, cultural trauma involves agents (who are also carriers), an audience, and an event that is cultural and historical. Furthermore, this event (as re-narrated by the agents) creates "negative affect" of shame, permanent and threatening to the culture. In the process of working out this cultural trauma, the social group consists of agents who are divided about the trauma, some wanting to address it and some wanting to avoid it (leading to an "ambivalence" towards it), and hence they are always engaged in a "compulsive" behaviour of examining and re-examining the trauma. Consequently, "cultural traumas can never be solved and never go away" (Smelser 2004:54). This dynamic points to the indelibility of cultural trauma and the inability of the people involved to solve it.

Religious conversion often involves changing practices, such as rituals, customs, and belief systems, including faith in a different deity and the values that accompany that belief system. This necessitates a discontinuity from one's previous way

of life. Rituals and religious practices are usually performed as communities and families; hence, if one member of the group ceases to engage in them, it creates a division or disharmony, which hurts families and communities and their sense of unity. These features form the elements of cultural trauma. However, this paper's focus is on how the expression of this cultural trauma by families and communities affects the individual convert. In this sense, the individual faces a double trauma – one's own experience of the culture as a part of the community and what one experiences from the family and community on account of conversion.

3.   Religious conversion through the lens of cultural trauma

Having delineated what cultural trauma is, I will turn to explicating how religious conversion leads to cultural trauma. For religious conversion to cause cultural trauma, it must meet the three criteria outlined by Alexander (2004:12): (1) the *agents* at play are people within the society for whom changes brought about by conversion cause the most disruption; (2) the *audience* is the people in society and especially the families within which conversion occurs; and (3) the *historic event* can be either the British Raj in India or conversion itself. For an event to be considered traumatic, it has to affect the very identity of the society or even families.

The East India Company and British Raj and their rule over India have left indelible marks in the collective memory of Indians. Although only a few of those who actually experienced the struggle against the British are alive today, in recent years larger-than-life statues of freedom fighters have been erected as symbols of unity and national pride.[3] Although the British Raj has long since ended and the nation has been free from foreign rule for 75 years, the "white man's religion," Christianity and religious conversions continue to impact the nation and its beliefs.

Undoubtedly, the 'collective' or the 'agents' guard against the blotting out of the memories of these struggles from the minds of the people of the land. What aspects of the British Raj, one may wonder, would make it a 'trauma memory'? Although Christianity arrived on the Indian shores with the coming of the apostle Thomas in AD 52, only during the Raj did members of the lower castes convert in huge numbers. "As a result of these political and demographic changes, many advocates of Hinduism began to assert that the growth of Christianity represented a serious threat to the Hindu faith, and could even lead to its extinction, as U. N. Mukherji suggested in his 1909 tract, *Hindus: A Dying Race*" (Bauman 2015:177). Mukherji perceived both Christians and Muslims as belonging to a "foreign" religion "with foreign loyalties, as the primary threat" (Bauman 2015:177).

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3   For example, a statue of Sardar Vallabhbai Patel located near Kevadia in Gujarat was inaugurated on 31 October 2018, and a statue of freedom fighter Subhas Chandra Bose was unveiled on 8 September 2022 at the India Gate.

Bauman details how many elite Hindus in the early 20th century, like Savarkar in 1923, began to view "Indian identity based on *Hindutva,* or Hindu-ness" (Bauman 2015:178). This identity, which began as a cultural marker, eventually came to include a "religious identity" as well. Bauman examines Dayananda Saraswati's (1999) "claim that the attempt to convert another person is itself an act of violence." This voice of displeasure against conversion continues to be articulated in the present through the writings of Ram Swarup, Sita Ram Goel, Arun Shourie, and Ashok Chowgule. These writings may have contributed to an increase in the number of violent acts against converts to Christianity over the past decades.

In his paper "Conversion is an Act of Violence," Swami Dayananda Saraswati (1999) does not link Christianity to the British Raj, but he contends that the act of "aggressive conversion" is itself an act of violence. He laments that the act of conversion has wiped out many cultures, like those of Greece and Mexico, and that "where there should be a sense of guilt and remorse [on the part of those who carry out these acts of conversion] there is achievement and pride." He further remarks, "Humanity cannot afford to lose any more of its existing living religious traditions and cultures" (Saraswati 1999). The growth of non-Indic religions becomes problematic for him, as he makes no distinction between the Hindu religion and culture. For Saraswati, the Indian culture is "intricately woven" with its religion and hence "conversion implies destruction of this entire culture"; Saraswati sees it as a form of "ethnocide." Bauman uses the term "cultural violence" to describe Saraswati's argument, which accuses the Christian missionaries "of attempting to destroy a particular culture" (Bauman 2015:185). Since conversion is viewed as an act of violence, retaliation in the form of physical violence is justified as it constitutes an attempt to protect and preserve the culture and religion of the people of the land.

Despite the debatable nature of the inference that religious conversions are acts of violence against cultures, one may legitimately infer that religious conversion could qualify as a cause for cultural trauma. Alexander et al. (2004) point out that just as with psychological trauma, where an event is necessary to initiate a traumatic response that is in turn expressed through affect, cultural trauma exhibits a similar sequence. The narratives of several participants in this research included comments that Christianity was viewed as a "white-man's religion" on the subcontinent and thus bore the baggage of being linked to the British rule in India and the injured social psyche associated with its memory. Societies with injured cultural memories tend to push back against the past excesses with their own excesses, often engaging in exaggeration and villainizing the enemy within the social narrative, as illustrated in recent movies like *RRR* (2022).

4.   Religious conversions, cultural trauma, and the individual

Rituals, customs, and traditions are pivotal in binding a culture together. The understanding that religion and culture are intertwined in India was evidenced in one participant's narration of the family and community response to their conversion. At the very core of the belief system that frames religio-cultural thinking are the principles of *karma* and *dharma*. Interwoven into this core are caste-identities that rigidly bind these two principles. Although both of these concepts are hard to define, at the popular level *karma* is the belief that deeds in this life carry consequences for the individual that occur in one's next birth. Similarly, *dharma* provides a list of duties that must be performed to result in good *karma*, which enables one to be born into nobility in the next life.

Religious conversion shakes these all-encompassing laws, which define for the community how one ought to live now to influence the next life. *Dharmic* rituals structure community life, giving people a sense that they are safe when these are performed dutifully, and a disruption in these activities leaves their collective future at stake. Understanding these processes enables one to comprehend the unrest that religious conversion can create in the minds of people and society. A *dharmic* worldview is palpable in the opposition expressed by families and communities toward their loved one being converted.

These responses do not leave new converts unaffected. Interview participants narrated the hostile ways in which families, relatives, and communities reacted to the news of their conversion. The opposition stemmed from certain beliefs and presuppositions. Some common themes that emerged were (1) the abandoning of ancestral faith, (2) conversion and the issue of volition, and (3) a shaming mechanism operating in the community.

Each of these themes has deeper religious and cultural underpinnings. As one of the participants (A2) reported, with conversion there are "too many unknowns" concerning the future. For A2, numerous factors were left hanging without a resolution. Given the impact of religious conversion on the community and social relationships, the specific outcome of each conversion experience remains unknown. This uncertainty about how it would affect the family, community, and the nation fills the families with apprehension and a fear of the unknown. Table 1 lists out these findings.

Below, I will discuss forms of opposition that participants mentioned in the interviews.

4.1.   *The abandoning of ancestral faith*

Within the *dharmic* view, people are born into families and into a religion, which cannot be changed. Hence, a good practicing Hindu will follow all the rituals and

Themes Portraying Cultural Trauma	Comments Heard From Parents/ Community	Participants Facing It	Participant's Verbal Response	Trauma Response (Cultural Guilt)
1. Abandoning of Ancestral Faith Fear of having to face the wrath of displeased gods in an embedded world Shame of not fulfilling *dharmic* duties	1. Do you want to leave what your dad and your ancestors have formed, this whole culture and religion that you just want to let go of everything?	A1 (father)	1. a) To see that I was going away from the faith that we believed together as a family. It was extreme.	Guilt
			b) I am not being a good son. What am I putting them through!	Identity of a son shaken. Shame leading to depression
	2. Why do these people go there (to church)? We have our own temples.	P (relatives)	We would hide and go to church	Fear
	3. Why are you not doing (the last rites for your father)? He's not doing, he's a Christian	B (from relatives)	How will I face this type of situation?	Anticipatory anxiety.
	4. She (mother) felt disappointed because the faith of her forefather was not going to be handed down.	D (mother)	I feel kind of helpless, I don't know, I kind of run out of ideas	Helplessness leading to frustration
2. Conversion and the Issue of Volition *Dharmic* beliefs state that our fate is decided and cannot be changed	1. Did they give you money to convert?	D (boss in the office)	This is who I am.	Irked/angry
	2. Someone has converted you.	S1 (parents)	This is really me	Invalidated, Anxiety, Depression
	3. Someone has done black magic over you	B (parents and friends)	This is an emotional critique	Angry, Withdrawal leading to isolation
	4. You have been brainwashed	S2 (mother and friends)	They are trying to put me in a box	Angry
3. Shaming Mechanism of the Community Urge to protect the community from cultural "ethnocide" failure of which causes shame	1.You have become Christian! What kind of people!	R (Neighbors)	I had to leave my hometown. They (his friends) where my whole world!	Anger, Upset, Isolation, Shame, Sorrow at the loss of his world.
	2. If you had been in our own community and following our religion, you would have been married by now.	S1 (relatives)	Guilt-tripping and shame inducing conversations	Anxiety, Fear, Guilt, Shame, Rejection. Falling sick a lot.

Table 1

customs prescribed by ancestors and will teach them to their children. Children show honour and respect to ancestors and parents by adhering to the values and religion passed on to them. A2's father said, "Do you want to leave what your dad and your ancestors have formed, this whole culture and religion that you just want to let go of everything?" The fact that the culture and religion is "everything" makes the act of conversion a form of abandonment of all the sacred wisdom, values, traditions, and customs passed on from generations. A2's father continued, "Society will say, 'How have you brought up this guy? Without values, that he is now seeking another religion?'" One can infer that the father mourned a failure in his *dharmic* duties, which society had assigned to him as a parent, and the shame this failure entailed. The sociological framework of being in a "shame culture" is evidenced here in this statement. In an honour-shame culture (Nida 1954:150) like India, keeping the rituals and customs of the land brings honour to the family, and shame results where they are not adhered. What is missing in this equation is the effects that this dyad has on an individual. When this shame is communicated to the family member who has converted and when this person is accused of being the cause of this shame, a sense of what I call *cultural guilt* seems to result. I define cultural guilt as the *consequent guilt evoked in an individual for abandoning sacred traditional values, beliefs, and customs of a given culture.*

Several variations of cultural guilt emerged in the participants. The first is the guilt associated with abandoning the family's faith, beliefs, and traditions. This refers to the abandonment of a common belief system, with its rituals and customs, that they performed together and that bound them as a family and community. As a key factor that helps distinguish the in-group from the out-group, participation in rituals and customs indicates commitment to the group, which ensures bonding and co-operation between the group members (Watsom-Jones and Legare 2016:42-46). For A2, hearing words of shame from the father was a "very emotional" experience. He further remarked, "To see that I was going away from the faith that we believed together as a family … was extreme." A2 bore the guilt of abandoning his community's belief for a more individualistic choice. In so doing, the convert underwent a process of alienation from the in-group and was left with the feeling of having betrayed the family, the community, and the culture. Within the communitarian culture, this implied the guilt of being a traitor.

Similarly, P endured comments from her relatives (especially her father's younger brother), who wondered, "Why do these people [P, her mother and sister] go there [to church]? We have our own temples." These comments made P, her mother and sister secretive during their visits to church, as they feared that they would be caught. Their conversion eventually led to P's father being behead-

ed by his brother in front of P and her family. This incident has led to severe PTSD in P, with symptoms of nightmares and panic years after the event.

Second, A2 also bore guilt about his role and identity in relation to his father and family. A2's remark, "I'm not being a good son. What am I putting them through?" reflects the guilt associated with his identity as a son. The shame that he had caused his father affected his sense of what kind of son he was, which made him "feel bad." The shame that the father had to face from the community because of his son "seeking another religion" upset A2. These emotions of guilt and shame are typical symptoms of depression and a deep sense of despair.

For B, this guilt was reinforced when he declined to perform the last rites of his father, as they went against his new beliefs. B remembers, "They [his uncles] were murmuring. A lot of murmuring. … 'He's not doing. Why are you not doing?'" And then, "He's not doing, he's a Christian." The fear that this was bound to happen led B to experience years of anxiety as he tried to prepare for this moment. He said that he was praying about this situation and wondered, "How can I face it?" B similarly wrestled with the idea that "I'm not a good son."

Third, cultural guilt entails a shirking of responsibility from carrying the legacy of beliefs and values on to coming generations. A2 reported, "I am the one who is supposed to carry that [culture] from now on to the next generation, what my parents left in terms of their values." A2 recognized that his decision would affect generations to come, and thus he experienced a form of tormenting guilt. As he was the link between past and future generations, his conversion had broken the chain that connected them. In this sense, his conversion had caused a rupture in belief systems and practices, which took a toll on family ties and community standing.

D also recounted this experience with his mother. He reported, "The only thing is that I could see that she was disappointed. … The faith of her forefathers was not going to be handed down, because both my brother and I had become Christians." This frustrated D, who made many attempts to convince his mother to accept his faith with little success. He said, "I feel kind of helpless because … I kind of run out of ideas."

4.2. Conversion and the issue of volition

The belief that a person born into a particular religion or community is bound to the dharma of that group also restricts social thinking about conversion. Viewing the present life as a consequence of the karmic law operating in one's life affects how one understands individual choice or volition. Consequently, converts feel misunderstood when they attempt to explain their choice to convert, as they are often made to believe that they are not fully in their senses. Among the comments made to participants in my study were "Did they give you money [to convert]?"

(D); "Someone has converted you" (S1); "Someone has done black magic over you" (B); and "You have been brainwashed" (S2). All these comments tend to shift the agency of conversion to external forces rather than the individual's choice. This caused a dissonance between what converts believe about their own experience of the choice they made and the beliefs articulated by the family, claiming that they were coerced to believe in a different religion.

Two responses to these allegations emerged in the study. First, there was a psychological response of withdrawal and isolation. B perceived these remarks as an "emotional critique," feeling that people around him were trying to find fault with his decision. B's response was one of "silence," "bearing it," and then "leaving all my friends," leading to isolation. He further observed that he went to church alone, signifying a leaving behind of previous places of worship, which were symbolic of a faith once held, and now seeking a different place of worship where his friends would not join.

A second response to these allegations was the noticeable traumatic effects of invalidation, or the non-acceptance of the narration of events or emotions when expressed (Peter-Hagene and Ullman 2014:1418-1437). Linehan (1993:42) explains, "Invalidating environments [created by caregivers] contribute to the development of emotion dysregulation; they also fail to teach [the person] how to label and regulate arousal, how to tolerate emotional distress, and when to trust her own emotional responses as reflections of valid interpretations of events." In the case of religious conversion, the invalidation would be the non-acceptance of the convert's claim to have changed faiths without any coercion.

S1 felt this non-acceptance of the conversion experience as she continued to struggle to make her parents understand that she had made the choice to convert, being in her right mind and fully aware of the consequences of her choice. She remarked, "How much ever I tell them that it was not somebody else, it was me … they don't get it." This invalidation compelled S1 to state her experiences repeatedly, but with the same results. The emotional impact of invalidation could be either an internalizing of symptoms, which lead to anxiety and depression, or an externalizing of symptoms, which are shown though acts of aggression and violent behaviour. S1 exhibited symptoms of anxiety for having to repeat her explanation to her parents over and over again. "But for them [her parents], it's like if you are an Indian, you have to be a Hindu. Period." This repeated invalidation or non-acceptance of her experience made S1 realize that her parents would probably never "get it" and that this could be a long struggle.

D responded with anger to his boss's comment that "D has now lost his roots." He said, "This was a time when I was growing in the faith myself. So I would feel irked and irritated. Because he would have this way of subtly putting down Chris-

tianity and Christians." He added, "I was a bit irked because he wasn't fully under-standing that it's my own choice and it is my identity that he was invalidating."

4.3. Shaming mechanism of the community

Religious converts face shaming from the community to prevent cultural disinte-gration and "ethnocide" (Saraswati 1999) from occurring. R had to face an angry neighbour shouting at him, "You became Christians! What kind of people!" in front of all his friends. Additionally, the tactic of isolation was used to evoke in the indi-vidual so much remorse as to pressure him to return to the religion of the land.

The impact of shaming and isolating is both psychological and physical. First, both R and S1 felt guilt for hurting the community. R went through a range of emotions, wanting to cry and at the same time wanting to attack the man who criticized him. He felt scared and alone, which was the effect of being isolated. R remarked that he felt guilty "as if I did something wrong to the community." He felt a sense of having committed a grave crime that endangered the community.

While shaming is used with the intent of ensuring that no rupture occurs in the community, the effect on the individual is a deep cultural guilt, as illustrated by R's comment that it was "as if I had done something wrong to the community." The individual feels this guilt inflicted by the community on account of a "crime" committed against it, which leaves the convert feeling alone and isolated. The consequence of this shaming is further isolation and loss, as R had to leave his town and move elsewhere. R said, "I lost my friends and everything. I was upset because these fellows [his friends] were my world!"

The second effect of shame is guilt over the sense of having hurt loved ones, as in the case of S1 with her parents. The larger community had taken upon it-self the task of shaming S1 in public, with the goal of making her reverse her decision and return to the religion of their community and family, asking her repeatedly, "What made you change?" For S1, this was seen as "guilt-tripping and shame-inducing conversations," which were personally devastating for her. The internalizing of these shaming instances had bodily effects, as she reported that she was "falling sick a lot." Relationally, she found that she "couldn't trust people" anymore, which is a sign of traumatic impact.

Guilt is said to have both "affective and evaluative or interpretive compo-nents" (Kubany and Watson 2003:53). The families tend to display deep emotions on account of feeling betrayed by their children. The haunting question, "Why did you do this? Why, Why, Why?" as B recalled, is a painful echo that does not stop resounding and does not have any answers that satisfy or heal the hurt. In guilt, this interpretive component is about the self, that the person should have done something different. In religious converts, although the guilt was present

due to having hurt their loved ones through their actions, their convictions about their new faith did not allow them to go back to their old faith in order to alleviate the hurt. These unpleasant effects have no restitutory action available that could set the wrong right. This could explain why guilt became internalized, causing feelings of anger and bodily symptoms, in S1. As S1 remarked, "When you are put on the spot, it gives you that shaky feeling, because it all depends on the environment that I am in. So sometimes it would make me so angry. So I festered anger a lot in myself. I couldn't trust people. And with all this, I did fall sick a lot." S1 remembers crying within the confines of her own room after such encounters. Her responses included anger mixed with emotions of helplessness.

5. Conclusion

The instances described here provide just a glimpse into how religious conversion affects the individual. The *agents* within a society see religious conversion as a disintegration of their culture, values, and religion, which for them signifies the dying of a race. Cultural identity and a sense of unity and in-groupism fuel the battle to keep the culture from dying. The *audience* is the communities and families who see themselves as the custodians of the culture. The historical *event* here is the British Raj and the subsequent religious conversions. Caught in this triangle of cultural trauma is the individual, who both causes the perceived disruption and is also in the middle of the trauma of cross-pressures, experiencing guilt, anger, isolation, a loss of a world, loss of friendships, and anxiety.

The effects of cultural responses on religious converts have not been studied previously. Understanding these effects provides insight into the phenomenological world of converts and allows us to appreciate their unique position. Although converts may appear to disrupt the cultural milieu of their societies, this is not their primary intent. Recognizing this can inform state policy decisions and enhance inter-religious dialogues.

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Youth and the nones

A challenge to the study and understanding of religious freedom today

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Abstract

This article explores the shifting landscape of religious freedom, focusing on the growing population of religiously unaffiliated individuals, or "nones." It delves into the complexities of this diverse group, which extends beyond atheism to include a range of beliefs and practices. The article highlights the legal and social challenges nones face, particularly the lack of recognition and accommodation within existing religious freedom frameworks. It also examines how inadequate research methodologies contribute to the misrepresentation of nones in policy and public discourse. The article advocates for more inclusive policies and educational efforts to protect the religious autonomy of this group.

1.   Introduction

This article presents a critical reflection on the integration of "nones" – individuals without a specific religious affiliation – within policies governing religious freedom in Latin America. It does not explore specific case studies but highlights the challenges and implications of recognizing and accommodating nones in the Latin American context.

There is extensive literature on the concept of nones. I do not delve deeply here into the contributions of various authors; instead I critique the prevailing theory of secularization and the traditional definitions of religion, arguing for a more nuanced understanding of spirituality that encompasses the diverse experiences of nones. In the Chilean context, the lack of clear understanding of this category at the state level has presented significant challenges. This article em-

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phasizes the importance of guaranteeing the recognition of the "nones" category, as it has profound implications for ensuring the full right to religious freedom.

The article explores the growing demographic of "nones," or individuals without a specific religious affiliation, particularly among the youth, and the implications of this shift for religious freedom. It characterizes the nones as a diverse group that often holds personal spiritual beliefs despite rejecting traditional religious institutions. The discussion critiques the theory of secularization, which posits a decline in religious influence, arguing instead that the nones demonstrate a complex relationship with spirituality that challenges this notion. In the context of Latin America, especially Chile, the article highlights the need for a nuanced understanding of spiritual identities, as the youth increasingly distance themselves from established religious affiliations.

Furthermore, the article emphasizes the importance of recognizing and protecting the rights of the nones within the framework of religious freedom, by means of inclusive policies that acknowledge the spiritual autonomy of individuals and allow for both personal and collective expressions of belief. This recognition is crucial to fostering an environment where diverse spiritual identities can coexist, thus ensuring that the full spectrum of religious freedom is upheld in contemporary society.

2. Characterization of the term "nones"

In recent decades, "nones" have emerged a significant and growing demographic, particularly among young people, that is reshaping the religious landscape. The "nones" are a heterogeneous group that should not be treated as a single entity. They include atheists, agnostics, secular humanists, those who identify as "nothing in particular," and even people who consider themselves "spiritual but not religious" (Breskaya & Arena 2024).

This article focuses on individuals unaffiliated with any organized religion yet who often harbor their own spiritual beliefs and experiences of transcendence. I do not intend to ignore the rights of those who openly acknowledge themselves as atheists, but here I wish to explore the complexities presented by this diversity within a group of individuals who are little understood by governments and societies, as well as underrepresented in censuses and surveys.

In the past, the understanding and visibility of nones was limited, making them appear relatively hidden in society's religious structure (Vernon 1968). Their presence was observed as far back as the 1960s, but they are much more readily identifiable today. Young nones challenge existing structures and freely express their non-affiliation with any specific religious groups but they are still looking for an authentic answer to their existential questions. The existence of

the nones in young generations highlights the need to explore the implications of religious freedom for this group and its significance in contemporary society.

As noted above, the term "nones" refers to individuals who are religiously unaffiliated, and it encompasses a wide range of people, from atheists to those who believe in a spiritual dimension or recognize the existence of God but do not belong to a formal church or religious institution (Thiessen & Wilkins-LaFlamme 2017). Although the characterization of the "nones" varies among authors, there is a general consensus that this group does not necessarily lack religious belief or practice; rather, they are united in their lack of formal affiliation with organized religion. The "nones" represent a diverse spectrum of spiritual and non-spiritual orientations that challenge traditional definitions of religiosity (Hudiyana et al. 2019).

The existence of the nones, both spiritual and non-spiritual, represents a challenge for the study of religious freedom, because the right to religious freedom is not limited only to protecting those people who are affiliated or institutionalized religions. On the contrary, it is about protecting the relationship of each human being with religious claims – the right to believe or not to believe, to change or move between religious affiliations, or to recognize oneself as spiritual but not religious (Bordón Lugo 2020).

Glenn M. Vernon, in "The Religious 'Nones': A Neglected Category" (1968) discussed the implications of the term "none," which, according to his perspective, provides a negative definition by specifying what a phenomenon is not rather than what it is. He contrasts this with the label "independent," used in political contexts to describe those who are unaffiliated with a political party yet still viewed as political actors. Vernon explains that the absence of affiliation with a religious institution does not imply the absence of religious belief or practice. He argues that the term "none" fails to capture the depth and complexity of religious experiences and beliefs among this group, reducing them to a mere absence of affiliation.

W. Y. Alice Chan (2020) delved into the study of nonreligious identity in the US and Canada to understand the experience of living as a religious "none" in contemporary society. Her findings shed light on the multifaceted nature of the nones and emphasized the importance of recognizing the diverse spectrum of spiritual beliefs and experiences within this population. Her findings resonate with those of Madge and Hemming (2016), which revealed that while some young people may view religion as unimportant or irrelevant, others still incorporate spiritual beliefs and aspects of transcendence into their lives in various ways.

The nones incorporate spiritual beliefs or a sense of transcendence into their lives in different ways, such as personal prayer, ethical frameworks derived from reli-

gious teachings, or a general belief in a higher power or purpose. This diversity within the nones challenges the notion that they are devoid of spirituality or religious beliefs, further highlighting the need for a better understanding and recognition of the complexity of religious beliefs and practices within the nones population, even if they do not align with a particular religious institution or tradition (Vernon 1968).

Therefore, it is important to recognize that the term "nones" encompasses a diverse range of individuals who may still hold spiritual beliefs and engage in religious practices on an individual level, even if they do not align with a specific religious institution or tradition.

Within the category of nones, there exists a diverse internal landscape of beliefs and spiritual leanings that defy simple categorization. This cohort not only comprises agnostics and those who describe themselves as "spiritual but not religious" but also encompasses individuals who purposefully avoid any religious designation. Their spiritual lives and philosophical inclinations are personal and distinctive, often shaped by individual life experiences rather than traditional religious frameworks (Pew Research Center 2023).

At a regional level, the complexities of these nones become apparent in different cultural contexts. Few studies have examined this population in Latin America or their needs with regard to religious freedom. We can see, through empirical observation, that this is partly due to the difficulty of identifying or approaching this young population, often due to the high stigmatization that still exists in the region toward non-religious people or those who are disaffiliated from traditional religions, such as the Catholic or evangelical Christian faith.

Moreover, in various censuses and surveys where a question about religion is included, it is vague, is not clearly phrased, or offers limited options, citing traditional religions as possible answers and not allowing respondents to answer according to their specific beliefs. This set of options often reduces a "non-affiliated" orientation to an "atheist" response (Esquivel 2022).

An example of this new area of study in Latin America can be seen in Chile, where the perspective on religion and spirituality among youth represents a challenge to conventional classifications of religion in surveys. As Catalina Cerda (2021) has highlighted, the religiosity of Chilean youth is a "territory yet to be explored," underscoring the diversity and complexity of beliefs among young people, which do not always align with traditional categories of religious affiliation. This insight suggests a need to rethink and possibly expand the way in which we understand and categorize spiritual identities to account for the broad spectrum of beliefs within the nones population.

In recent decades, the number of people without religious affiliation has grown significantly, especially among young people (Pew Research Center 2024).

3. The challenge to secularization theory

Discussing the current religious phenomenon from a broad perspective of social realities presents a challenge to the secularization paradigm. From a theoretical perspective, the secularization paradigm does not explain the youth adherence to non-institutionalized religious processes. As has been noted and will be further developed below, the "nones" do, in many cases, continue to interact with the spiritual dimension or have a relationship with transcendence; their modality of doing so has changed, not disappeared.

Secularization theory refers to the process through which religion loses its influence on various aspects of society, such as culture, politics, and individual behavior. The concept of secularization was first proposed in the 19th century (Hunter 2014) by sociologists (Swatos & Christiano 1999) such as Auguste Comte and Herbert Spencer as a part of the broader intellectual movement known as the Enlightenment. They believed that with the progress of science, education, and modernization, the influence of religion would diminish, leading to a decline in religious belief and practice.

However, the emergence and growing visibility of the "nones," particularly among the younger generations, challenges the assumptions of secularization theory. The presence of individuals who hold spiritual beliefs and practice religion in non-institutional ways contradicts the idea that religion would become obsolete in modern society. This challenges the traditional notion of secularization, exposing the complexity of religious beliefs and practices in contemporary times.

The diversity among the nones is further illustrated by Lois Lee (2014), who showed that people without formal religious affiliation are not necessarily indifferent to religion. Instead, nonreligious individuals actively engage with religious domains, albeit in alternative ways. Lee observed that nonreligious people maintain a complex and active relationship with religion, which impacts them on emotional, social, cultural, and even political levels. This engagement can be manifested in various forms, such as participating in cultural rituals, involvement in community activities that have religious underpinnings, or advocacy within political movements that intersect with religious issues. Such a multifaceted interaction with religion underscores the need for a nuanced understanding of the nones, bridging the divide between religious and non-religious spheres and challenging simplistic classifications.

The existence of the nones, who are not formally affiliated with organized religion but still harbor spiritual beliefs and engage in individual religious practices, highlights the need to reevaluate secularization theory, and, in parallel, scholars and decision makers should analyze the implications of the existence of nones

in the promotion of religious freedom laws and instruments. It showcases that religion and spirituality continue to play a significant role in the lives of many individuals, even outside the bounds of institutionalized religion.

All of these developments prompt us to reconsider the concept of secularization. Rather than disappearing, religious elements seem to be experiencing a resurgence in societies even as they become more educated and advanced. This revival displays mutable, flexible, and deeply personal characteristics within spiritual beliefs. While formal religious structures may appear to be declining in influence, there is evidence of the adoption of a more individualized spirituality closely connected with personal consciousness. This shift has significant implications for human behavior as it suggests that secularization has not eliminated religion but rather transformed its nature (Wilkins-Laflamme 2021).

This trend not only challenges the traditional form of secularization theory, which predicted a diminishing role for religion in modern society; it also raises questions about inclusivity and representation in discussions of religious freedom. Often mislabeled as atheists, the nones represent a diverse and complex group with nuanced spiritual lives that resist easy categorization.

4. Rejection of institutions but not spirituality

The growth in the number of individuals distancing themselves from traditional religious institutions can be attributed to several factors. First, there may be a disenchantment with the organizational structure of religious institutions, as some find them too hierarchical or bureaucratic. Second, doctrinal disagreements or teachings that clash with personal beliefs can lead individuals to part ways with these institutions. Prominent scandals and instances of corruption have also played a role in eroding trust, causing people to seek spiritual fulfillment outside of established religious frameworks.

Furthermore, a desire for personal autonomy and spiritual exploration can make institutionalized religion less appealing, as many prefer a more individualistic approach to spirituality. Cultural shifts toward secularism and pluralism have altered the perceived relevance of religious institutions in some societies, particularly among younger generations who are redefining their relationship to spirituality. Lastly, the internet has provided unprecedented access to a wide array of viewpoints and information, allowing people to explore and question beliefs that were once mediated primarily by religious institutions (Vaughn 2016).

However, this rejection of institutions does not equate to a complete disconnection from spirituality, since many nones continue to hold personal beliefs and engage in spiritual practices, indicating a shift toward a more individualistic and less institutional form of spirituality. This rejection of institutions but not spiritu-

ality challenges the traditional understanding of religious freedom, which often focuses on protecting the rights and practices of organized religions.

This spirituality without religion can be observed in different modalities. This article cannot cover exhaustively all the variations within the nones, but it serves as an example of the different expressions this group has developed in their search for meaning and transcendence.

These practices may include meditation, yoga, connection with nature, and various forms of self-reflection and personal growth. Additionally, some nones may engage in religious or spiritual practices outside of organized institutions, such as participating in New Age or alternative spiritual movements.

Within the diverse spiritual landscape, nones are increasingly turning toward practices such as meditation and mindfulness to find tranquility and self-awareness, offering tools to manage stress and cultivate a present-focused mindset (Pew Research Center 2024). Alongside these mindfulness practices, yoga has emerged as a prominent activity (Yoga Alliance & Yoga Journal 2016). Those who are non-religiously affiliated often seek yoga's comprehensive benefits, viewing it as not just a physical exercise but also a spiritual experience that fosters inner peace and a deeper connection to oneself.

The very essence of nature also resonates deeply with nones. A considerable segment of this demographic feels spiritually energized by the natural world. The spiritual qualities attributed to mountains, rivers, and all living creatures offer a profound sense of awe and a connection that surpasses conventional religious boundaries (Pew Research Center 2024).

Community service is another avenue through which nones feel spiritually fulfilled. Engaging in acts that benefit others solidifies a purposeful existence and nurtures bonds within society, echoing the intrinsic values of nones. Creative outlets like painting, music, dance, and writing are also integral to the spiritual journey of nones, allowing for self-expression and exploration of one's spiritual path.

Lastly, many nones retain some forms of spiritual practices from the religion in which they may have been raised. They may have developed an eclectic spirituality, taking elements from certain religions or traditions and personalizing them into a mixture of spiritualities that identify them, creating a blend of belief systems that resonate personally (Cusack & Kosnáč 2017). This diversity and mixture of beliefs within this population makes it difficult to understand them or to develop initiatives to guarantee their religious freedom.

On the other hand, some nones, specifically the spiritual but unaffiliated, often actually retain the values and traditions of the religions in which they were raised. However, they disaffiliate or leave their communities or attend services less frequently. Many, due to feeling distant from their tradition or not being "religious

practitioners," often identify as nones. They do not do so out of a lack of belief in a God or a religion or tradition, but because they do not view their religious identity as aligned with the institutional one. This is the result of some of the causes described above, such as corruption and distrust in institutions, among others.

For nones, transcendence may not be linked to a specific god or religious doctrines, but to personal and subjective experiences of connection, awe, and purpose.

5. Changes in religious demographics among the youth

Since the Universal Declaration of Human Rights, new generations have had greater freedom to express their opinions, criticisms, and even their affiliation or non-affiliation with institutionalized religions. Changes in the modern world and the widespread development of new religious movements, non-institutionalized beliefs, and spiritual practices have allowed today's youth to develop a new religious reality, prioritizing their individuality over collectivity. This developing phenomenon is challenging, given that although we have greater freedom in many regions of the world, even in those considered democratic, religious stigma toward the non-affiliated remains a notable and sensitive scenario in many places.

Challenging or questioning religious institutions remains a discomforting threat in many social and family environments; however, more people, especially young people, can now comfortably identify as nones or without a religious affiliation. This trend is more readily observed in Western cultures.

Globally, younger generations are increasingly identifying as nones, distancing themselves from established religious affiliations. The Pew Research Center (2012) has documented this phenomenon extensively, revealing a marked rise in the number of young adults who classify themselves as unaffiliated with any religion. This shift reflects a transforming religious demographic, with substantial growth in the non-religious sector among youth in developed nations such as the United States, Canada, and several European countries.

Other regions, including Latin America, show parallel trends. Research indicates that the younger Chilean population is moving away from traditional religious identities, thereby introducing challenges to the typically used classifications of religious affiliation. The religious and spiritual beliefs among this demographic are diversifying, suggesting that conventional religious categories may no longer be sufficient to capture the complexity of these emerging spiritual landscapes (Pew Research Center 2024).

In the Latin American religious sphere, there is a marked transit between faiths, a phenomenon poignantly captured by Bravo Vega (2021). His examination of the intricate dynamics of Chile's religious evolution reveals a significant

transition from traditional religious institutions in favor of individually tailored spiritual journeys. This shift manifests itself through a range of expressions, from an increase in the number of individuals embracing Pentecostalism to a growing segment of the population identifying as religiously unaffiliated or reflecting a more personal and less institutional spirituality.

In the Chilean context, the fluid movement across different faiths and the expansion of the evangelical movement demonstrate the broader transformation of religious practices and the redefinition of spiritual identities outside the traditional structures of religion (Vega 2021). This shift is prompting a reevaluation of what constitutes religious affiliation, with a call to acknowledge the varied ways in which faith and spirituality are experienced and expressed in contemporary society. As young people continue to explore and redefine their beliefs, the concept of religious freedom takes on new significance.

Governments will face significant challenges in this new scenario where the "nones" are transforming the religious landscape of societies. Their existence and recognition will affect how states interact with this non-institutionalized religious phenomenon. The relationships between the state and institutionalized religions are, in some scenarios, fluid or distant, but they are easy for decision makers to identify. However, in the case of the "nones" or disaffiliated youth, there are specific needs related to the multidimensionality of religion that must be addressed with a broad perspective. The challenge is to avoid reducing them to a population of non-religious individuals who do not need protection, but rather to recognize them as subjects of rights and equally entitled to religious freedom.

6. Religious freedom implications for the nones and youth

Religious freedom is a fundamental human right that allows individuals and communities to follow their conscience in matters of faith and belief without undue government interference or societal pressure. It embodies the liberty to choose one's religious affiliations, to change one's religion or beliefs, to publicly or privately practice a chosen religion, to express religious beliefs through worship, teaching, practice, and observance, and, equally, the right to non-belief.

This concept is enshrined in international law, including documents such as the Universal Declaration of Human Rights, and is a foundational principle for many democratic societies. Religious freedom includes the notion that no person should be persecuted or disadvantaged because of their faith or lack thereof. In essence, it upholds the individual's ability to seek spiritual truth as they see fit and to live in accordance with their convictions (Fox 2021).

However, implementing religious freedom can be complex. It requires balancing the right of individuals to practice their religion with the rights and freedoms

of others, ensuring that one person's expression of religious freedom does not impinge on the freedoms of another. As societies become more pluralistic, protecting this balance becomes increasingly challenging but ever more essential.

Religious freedom encompasses far more than the freedom to attend worship services or a maintenance of separation between religious institutions and the government (Petri 2020). It is a nuanced and expansive concept that intersects with many aspects of individual and collective life. Respecting religious freedom means recognizing the right to convert from one religion to another, to express one's beliefs openly, and to incorporate those beliefs into daily life, including education and the workplace. It also entails freedom from coercion and discrimination on the basis of one's faith or beliefs, as well as the right to conscientious objection, allowing for moral decision making without punishment.

A comprehensive exploration of religious freedom underscores its interconnection with other human rights, drawing attention to the societal and political significance of enabling a diverse tapestry of faiths and beliefs to coexist harmoniously. Ensuring that these various dimensions of religious freedom are protected and promoted becomes an essential aspect of a just and equitable society, reflecting its commitment to human dignity and freedom of conscience (Petri 2020).

Religious freedom encompasses an individual's right to form and interpret their relationship with spirituality and the concept of transcendence as per their personal will and beliefs. Importantly, this right to individual spiritual autonomy does not exclude the possibility of congregating in groups or associations. The "nones" who choose not to identify with a particular religion clearly illustrate this notion. While their spiritual journey may occur primarily outside the bounds of traditional religious institutions or communities, nothing precludes them from coming together with like-minded individuals to form communities that reflect their shared values and beliefs. This dual capacity for both personal reflection and collective association encapsulates two key elements of religious freedom. This individual and yet potentially collective dimension of spirituality among the nones acknowledges the human right to pursue personal belief systems while also affirming the freedom to collaboratively express and explore those beliefs with others if they so choose. This nuanced understanding of religious freedom thus safeguards the comprehensive spectrum of spiritual existence, from solitary contemplation to communal engagement.

The phenomenon of the "nones" highlights the significant shift from collective religious experiences to individual spirituality. While traditional religious experiences and communities often manifest collectively in churches or faith groups, the "nones" emphasize the importance of personal precedence in spirituality. These individuals, who choose not to affiliate with a specific religion or commu-

nity, embody a personal approach to spirituality that is primarily independent (Scheitle et al. 2018).

This emerging phenomenon challenges not only the theory of secularization but also the very concept of religion. It opens up the possibility that religion and spirituality can be viewed from both a collective and individual perspective. This means recognizing how individuals can construct their own spirituality and cultivate belief or non-belief without the need to attend a physical place or have a sense of congregation (congregational leaders, collective practices, etc.). The "nones" illustrate that spirituality can be deeply personal, shaped by individual experiences and understandings, rather than being confined to traditional, institutionalized forms of religious expression. This shift necessitates a broader understanding and recognition of diverse spiritual expressions in contemporary society.

One important challenge for the expansion of the "nones" category is that it is often confused with atheism. In many Latin American countries, major surveys do not include the category of "no religious affiliation," but they do include categories such as atheists or agnostics. For example, the National Administrative Department of Statistics (DANE) in Colombia and other polling firms in Latin America often overlook "nones" in favor of focusing on atheists or agnostics. This conflation of terms can lead to processes of invisibility, stigmatization, and even social and state persecution due to the lack of clarity about the term "nones" (Espinosa 2023).

The challenges for the religious freedom of nones extend beyond mere acknowledgment as individual spiritual agents; they also face issues of invisibility and potential stigmatization, which compromises their rights. The term "atheist" is often mistakenly applied to nones, a conflation that oversimplifies and misrepresents their diverse beliefs and spiritual nuances. Unlike atheists, who reject the concept of deities, many nones may harbor beliefs in a higher power, the soul, or an afterlife, as Vernon (1968) highlighted.

The frequent inadequacy in the methodology of research and surveys addressing the phenomenon of nones and their beliefs diminishes the visibility of their actual beliefs in public discussions and scholarly discourse (Burge 2020). This simplification can have negative repercussions, such as social marginalization; nones who are not accurately represented may find themselves emotionally and cognitively estranged from both religious and secular communities. As noted by certain scholars, the sense of dislocation that comes from moving away from religious institutions can be as disorienting for nones, just as it is for evangelicals undergoing a transition away from established churches (Vega 2021).

The overlooking of nones' needs in religious freedom discourse can lead to several consequential issues, notably the lack of precise data for state agencies. Without accurate information from censuses, surveys, and studies, states may not fully

grasp the religious dynamics within their jurisdictions. This gap in understanding can result in ineffective public policies that do not account for the diversity among the category of nones, which may include unaffiliated believers. As a result of this omission, nones could be excluded from important social dialogue spaces where their lack of institutional representation may hinder their contribution.

Latin American states should develop and promote studies and censuses that accurately identify the "none" population within their territories. This will enable the development of public policies that protect their beliefs and accommodate their needs. Specifically, states should consider creating spaces such as non-religious oratory rooms or neutral areas where individuals can practice their beliefs or engage in spiritual activities without religious affiliation. By addressing this gap in research and policy, governments can better support the diverse spiritual and existential needs of their populations and ensure that the nones are not overlooked or marginalized.

Furthermore, this scarcity of reliable data impacts educational policies. A limited understanding of the religious landscape can obstruct the creation of educational programs that cater to a pluralistic society – a society that respects both religious minorities and the searching and divergent perspectives of young people identifying as nones. Educational initiatives need to be informed and inclusive, reflecting the complexities and variations of contemporary religious experiences.

The challenges extend into legal and policy-making arenas as well. When nones are not appropriately recognized in data collection, this can lead to their marginalization in policy deliberations. This exclusion risks neglecting their spiritual needs and rights, perpetuating invisibility in public and political areas. Addressing these issues necessitates the adoption of more inclusive frameworks that acknowledge the vast array of religious identities and preferences. Only then can societal structures and policies truly reflect the rich and varied religious tapestry of our time.

7. Conclusion

This article has explored the complexities of religious freedom within a modern context, emphasizing the growing segment of the population identifying as non-affiliated, or "nones." Through this lens, we have uncovered the dynamic interplay between individual belief systems and societal structures. The article highlights the significance of acknowledging and respecting the religious autonomy of nones, which encompasses not only the freedom to reject traditional religious affiliations but also the freedom to explore and engage with spirituality in diverse and personalized ways.

The relevance of this discourse becomes especially important when we consider the implications for younger generations. As the proportion of youth identi-

fying as nones continues to rise, it becomes increasingly important to understand their relationship with religion and spirituality. Their perspectives provide critical insights into shifting paradigms of belief and community, signifying a departure from conventional religious practices and a move toward more fluid and eclectic expressions of spirituality.

The call to recognize the religious freedom of the nones encompasses a call to action for policymakers, educators, and community leaders, who should design frameworks that are inclusive and representative of this diversity. This includes improving the ways in which data are collected and interpreted to reflect the nuances of belief among non-affiliated individuals, thus informing better public policy, educational curricula, and social support mechanisms.

For the youth, this understanding can translate into more supportive environments that honor their spiritual quests and encourage their social participation. The inclusion of their voices is crucial to foster environments where spiritual exploration is not bound by convention but is supported by a rich variety of resources and communal opportunities.

Continued attention and advocacy are needed to ensure religious freedom for nones. By recognizing and accommodating the spiritual preferences of nones, and by integrating the insights of younger generations, societies can move toward a more inclusive and equitable future – one in which all individuals, regardless of how they identify spiritually, have their freedoms safeguarded. This is a fundamental component of a just and harmonious society.

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An Evangelical Perspective

Religious Freedom Series 8

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Citizenries enjoying freedom of religion failing to follow through towards moral and social freedom

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Abstract

The citizenries of some countries that already enjoy freedom of religion fail to use that freedom effectively to rid their societies of crime, violence and anomie. This paper examines Venezuela and South Africa as two case studies. Although both countries have experienced significant political unrest, given the similar values shared by the majority of their populations, their citizenries should have engaged in dialogue with their compatriots to establish common moral ground. Upcoming generations should be guided to use their freedom of religion to engage with compatriots of other religious persuasions, thereby contributing to greater religious tolerance, understanding and morally justifiable behaviour.

Keywords

Inter-and intra-religious dialogue, morality, moral education, religion, South Africa, religious freedom, values education, Venezuela, violence, violent societies.

1. Introduction and central theoretical statement

In most cases, strife and violence between groups of people within countries can be traced to political, social, economic, moral, religious and other differences that have detrimentally affected their social fabric for extended periods of time. In many cases, two of which are discussed in this article, the violence has become systemic and part of their social fabric.

We believe countries that enshrine religious freedom in their constitutions should, in principle, be in a favourable position to encourage their populaces to engage in inter- and / or intra-religious dialogue for the purpose of attaining a better understanding of other religions. This interaction should, in turn, contrib-

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ute to greater mutual understanding, peace and morally justifiable behaviour. This friendly dialogue is possible because most, if not all, religions share much the same or similar moral values. In this manner, great strides could be taken towards creating a better understanding of political, economic, ethnic, and – in particular – ideological, religious and worldview differences.

We flesh out this contention herein. First, by way of illustration, we look at two countries that have experienced extreme social violence in the recent past: Venezuela and South Africa. There are many countries around the globe in which freedom of religion and belief is guaranteed in their constitutions but which nevertheless have to contend with violence and unrest (e.g. Honduras and Mexico in Latin America; Nigeria, Ethiopia and Eritrea in Africa). We use South Africa and Venezuela here as cases where inter-religious or inter-faith dialogue could go a long way to eradicate such violence. We acknowledge that such dialogue would not completely eliminate the violence, crime and unrest, because of other socio-political conditions. However, inter- and intra-religious dialogue offers a way for citizenries to transcend morally the differences that seem to cause much of the unrest and strife. We then discuss the key religiously rooted ethical and moral values that religions tend to share, though they are variously formulated. Finally, we argue that violence, crime and anomie could be assuaged to some extent by exposing upcoming generations to inter-religious moral education.

2. Two countries that stand out as harbouring violent citizenries

Two countries situated in different parts of the world currently seem to suffer under the burden of violence: Venezuela, at the northern end of South America, and South Africa at the southernmost tip of Africa. According to the World Population Review (2023a, 2023b, 2023c), these two countries are among world's most violent societies. Both were among the 11 countries with the highest homicide rates in 2018 (World Population Review 2023a, 2023b, 2023c). The Venezuelan 2024 Numbeo Crime Index stood at 82.1, and its Overall Criminality Index at 6.72. South Africa's for the same year stood at respectively 75.5 and 7.18. Venezuela and South Africa counted among the four countries with the least favourable Crime Index and Overall Criminality, the other two being Papua New Guinea with 80.4 and 5.72 respectively, and Afghanistan with 78.4 and 7.1 respectively (World Population Review 2024).

2.1. Violence in Venezuela

In 2018, Venezuela ranked first with a homicide rate of 36.69 per 100,000 people. Its rate of serious assaults stood at 6.51 per 100,000 (World Population Review 2023a). According to the Global Peace Index of the Institute of Economics and

Peace, Venezuela ranked 12th-lowest in the world in 2021 with a Peace Index score of 2.934 (higher scores represent less peace; for instance, Iceland's Peace Index score was 1.1). The Peace Index gauges the presence or absence of violence, from the simple fear of it to actual violent acts. Its indicators cover a wide range of topics, from military conflicts and political instability to homicide rates and levels of violent crime (World Population Review 2023b).

In 2022, Relief Web (2023) concluded, "Although homicides have decreased, [Venezuela] still has the highest murder rate in Latin America, with 40.9 murders for 100 000 people … violence remains one of the main risks for Venezuelans." School bullying also seems to be increasing (Dominguez & Dugarte 2017). The fact that the country is staggering under huge economic problems adds to the complexity of the situation (Flóres & Becerra 2019:186).

A United Nations fact-finding mission identified widespread patterns of systematic violence and brutal crimes against the populace by the government, the armed forces and the police. These actions have led, according to the UN mission, to a severe humanitarian emergency, with millions of Venezuelans unable to access basic healthcare and adequate nutrition. The violent actions "include brutal policing practices, abject prison conditions, impunity for human rights violations, and harassment of human rights defenders and independent media." Human Rights Watch's World Report (2022) stated, "A special police force, and others have killed and tortured with impunity in low-income communities, instilling fear and maintaining social control. … There has been no meaningful justice in Venezuela for the victims of extrajudicial killings, arbitrary arrests, and torture committed by security forces with the knowledge and acquiescence of high-level Venezuelan authorities." In view of the above assessments and the dismal state of education in the country, Venezuelans Flóres and Becerra (2019:186) concluded, "This country is now among the most violent and lawless around the world. People without values neither education will have a society lacks of respect, tolerant and love."

2.2.   *Violence in South Africa*

"Violence is prevalent in South Africa, which has one of the highest homicide rates in the world," according to Campbell (2019:n.p.). In 2018, South Africa ranked second in the world with a homicide rate of 36.40 per 100,000 people, only slightly behind Venezuela. However, its serious assault rate was much higher than that of Venezuela, at 293.55 per 100,000 people. South Africa also had the fourth-highest incidence of rape (72.10 per 100,000) and was ninth in robberies (331.7 per 100,000), 15th in sexual violence (87.90/100,000) and fifth in kidnappings (9.57/100,000) (World Population Review 2023a). South Africa's score on the 2021 Global Peace Index was 2.344 (World Population Review 2023b).

South Africa is also regarded as particularly unsafe for women. According to World Population Review (2023c), its women's danger index for 2021 was 771.82 per 100,000, highest in the world. Only 25 percent of women in South Africa felt that it was safe to walk alone at night, the lowest percentage of any country. South Africa also ranked worst for intentional homicide of women. The country had an appalling 16.95 knife-related deaths per 100,000 people in 2019 (World Population Review 2023c).

Heinecken (2020) explains the high level of violence in contemporary South Africa in terms of the country's long-standing history of violence. Violence was used as a tool of power and governance by European colonists, and then later in the apartheid dispensation, to repress and control the indigenous people. Those in opposition to the apartheid policies of the National Party government who took power in 1948 also resorted to violence to overthrow the regime, and they now find it difficult to put an end to the culture of violence that has become ingrained in the citizenry's social fabric. The current problem in South Africa, three decades after the advent of democracy, is that those in power have failed to take the necessary measures to improve the protection of social and economic rights, or the rights of women and children, foreigners and environmental activists (Human Rights Watch 2022b), as well as to prevent the widespread and constant killing of farmers (Visser 2023:9).

3.   The call for inter-and intra-religious dialogue

The violent situations in these two countries cannot be ascribed to any single outstanding factor such as, for instance, systematic religious persecution, economic exploitation or ethnic cleansing. The entire gamut of human factors seems to be playing a role in the crime and violence in both countries: physical, emotional, social, economic, labour, educational and political, to mention a few (cf. Resane 2021:1). The heavy-handed policies and actions of recent regimes in Venezuela seem to have fanned the flames of violence by causing many social and economic problems, thereby alienating citizens and pushing them towards crime, violence and emigration. The situation in South Africa can be partially ascribed to the fact that the government currently in power has been failing for the last three decades to act decisively against crime, lawlessness and violence.

The brief depictions above indicate that the citizenries of these two countries – and, by implication, others that are similarly afflicted around the world – lack social and especially moral cohesion. It is as if the people in such situations live near to one another but are far away from each other spiritually, socially and particularly morally or ethically. The rampant acts carried out in these nations are not only against the law but also against widely shared moral norms and values. Instead

of working to create common bonds between the citizens, these immoral acts pull them apart and ruin any possibility of reaching national moral unity.

The citizens of both these countries enjoy freedom of religion as a human right, enshrined in their respective constitutions. According to the Fearon fractionalization index, Venezuela has a religiously relatively homogeneous population (Fearon score of 0.135, where 0.0 indicates that all the people belong to the same religion and 1.0 would indicate that no two randomly selected persons belong to the same religion) (Fearon 2003; Alesina et al. 2003). This means that it should in principle be possible for Venezuelans to engage in dialogue based on a widely shared belief system about the moral imperative of getting rid of the crime and violence in their country. As will be seen below, a few efforts have been made in this regard, though with minimal success.

South Africa, on the other hand, has a relatively diverse religious population (Fearon score 0.8603). An inter-religious or inter-faith dialogue between opposing and violent parties will arguably be more difficult because of the greater religious diversity, but should nevertheless be pursued to eradicate the current wave of social violence and crime. A dialogue of this kind has been sporadically conducted, but with little success, as will be discussed below.

In light of our concurrence with those who postulate a close link between religion, ethics and moral values, such as Frame (2008:5), we maintain that through persistent inter-religious, inter-faith, and intra-faith dialogue commonly shared core values could be discovered and employed for the purpose of overcoming the social, economic and political divides that exist in citizenries, thereby bringing about a more peaceful future. Through such dialogue, the citizens of these two countries, and of others that are similarly afflicted, could discover common moral values, such as the Golden Rule, on which to base their quest for peace, mutual understanding and calm.

4. Commonly shared moral values upon which to build a value-based approach to life

The citizenries of countries such as Venezuela and South Africa lack more than mere social cohesion; they lack *moral* cohesion. In other words, the various sub-sections of their populaces adhere to quite different and even conflicting sets of moral values. This is nothing strange, as Scheepers and Van der Slik (1998:678) observed; people and parties involved in moral conflicts derive their positions from different worldviews. Ways must be found to help different groups in the populace understand that peace and stability, and the resolution of economic, political, historical, ideological and even religious differences within a country and a society, should be sought by peaceful and morally justifiable means.

According to Scheepers and Van der Slik (1998:679), empirical research has shown that "religious characteristics are the strongest supporters of moral attitudes. A person's religious views as well as his or her religious involvement affect their views and behaviours also outside of the religious realm." In view of this statement, we are convinced that even secularists can participate in inter-religious dialogue, since secularism can be regarded as "a substitute or alternative religion" (Van der Walt 2007:228).

Our conviction, namely that an inter-religious, respectively intra-religious dialogue aimed at discovering commonly shared moral values is not only feasible but should be actively pursued by people of different religions, is in diametrical opposition to the view held by Ridley (1996:191ff). He quotes anthropologist John Hartung, who argued that "most religions were developed by groups whose survival depended on competition with other groups." As a result, "all good group-selectionists" tend to be "severe to the out-group [and] moral to the in-group" (Ridley 1996:192). Hartung seems to regard the Christian injunction to love all people as an exception, and he regards this teaching as "an invention of St. Paul" who lived in exile among the Gentiles, and "started with the idea of converting rather than exterminating the heathen" (Ridley 1996:192).

We agree that religion can indeed be a dividing factor and can be discriminatory in theory and practice, but in essence, if we accept its bona fides as expounded in believers' respected holy books and in other writings, most religions seem to share values that, if properly adhered to, will lead to peace and stability. In taking this stance, we distance ourselves from the Malthusian view that life is unavoidably a constant struggle for existence and competition, as well as from the Hobbesian dictum of *bellum omnium contra omnes*. Our standpoint is based on the view that the discovery of a number of commonly shared moral precepts (for instance, versions of the Golden Rule) amongst different religions, despite disagreements about doctrine and metaphysical beliefs, seems to offer *prima facie* evidence for common moral ground among people as a reality (Donovan 1986:368).

We are convinced that through inter-religious dialogue, with a focus on widely shared moral precepts, we could discover, even in the most divided and violent societies, a number of shared moral values on which their members could build a more peaceful society. The challenge, therefore, is to persuade anti-social enemies and opponents to engage in such an inter-religious / intra-religious discourse. This is required because as citizens of our particular country we all share a similar fate (Miller 2013:223). It is possible, according to Donovan (1986:370), for people who hold quite divergent views and beliefs about "the way the world is" to act side by side in situations of common concern. According to Donovan

(1986:372), the United Nations' Universal Declaration of Human Rights can be seen as an example of how widely differing individuals and groups can reach a standpoint "without theological or ideological justification, yet … reflects ethical norms defined by common consent." McKay and Whitehouse (2015:465) go so far as to say that both morality and religion are largely arbitrary in that they are not coherent natural structures. This, in their opinion, makes it difficult to see connections between them. According to them, "the relationship between religion and morality expands into a matrix of separate relationships between fractionated elements" (McKay & Whitehouse 2015:465). Thus, some aspects of "religion" may promote some aspects of "morality," just as others serve to suppress or obstruct the same or different aspects. We maintain that even if this were indeed the case, efforts to reach common moral ground are within the reach of violent and conflicting individuals and groups.

The discussion in the following section focuses on how various religions around the world, some of them also present in countries afflicted by violence, anomie and crime, tend to share the same or similar moral values. We do this for two purposes. First, the inter-religious dialogue between antagonistic parties should focus on the values shared by all religions, although variously formulated. In doing so, the current violence in their countries could be ameliorated. Second, in the subsequent section, we examine the possibility that education in countries plagued by violence could focus on such widely shared moral values, thereby equipping future citizens to be in agreement as far as their adherence to shared moral values is concerned.

5.   Common moral ground among various religious orientations

We restrict our attention to the core values of four mainstream religions around the world: Judaism, Christianity, Islam and secularism (we treat the last of these as a religious orientation for the reasons mentioned above), the recognition and application of which could lead to greater moral fortitude, and thereby to peace in violent societies. We concentrate mainly on those values that embody love, concern, empathy and compassion for other people – all arguably potential contributors to peace and the avoidance of violence – and not on the entire ethical value systems of the various religions.

Space does not allow a discussion of more than the moral value systems associated with the abovementioned four religions. There is no doubt, however, that most other religions, such as Buddhism, Hinduism, Sikhism, Jainism, Confucianism, Zoroastrianism and Baha'i, uphold moral values that are in many ways compatible with those discussed below (Vigil 2008:199; Revision World Networks 2018). Moreover, philosophers who did not necessarily align themselves with any

particular mainstream religion formulated a view on the Golden Rule. Rousseau, for instance, formulated it as "Do unto others as you would have them do to you," and Kant as "Act only on that maxim by which you can at the same time will that it should become a universal rule" (Comte-Sponville 2005:8, 9).

Judaism celebrates the Torah as the basis of all ethical teaching. Based on this starting point, people are called upon not to act only out of self-interest without a commitment to the common good, and not to focus only on self-esteem, thereby losing sight of the need to care for others as well. Only one thing will bring lasting happiness: making life better for others. People survive only by caring for others (Sacks 2021:2-3). Sacks (2021:17) is adamant that "when there is no shared morality, there is no society." Anomie, in his opinion, is the absence of a shared common good. A society with a strong, shared common moral code is a high-trust place, Sacks (2021:19) contends. Morality is born when individuals focus on other people and not on themselves. Sacks (2021:59) agrees with most ethicists that people learn to focus on other people and on the common good through subtle interaction with family, friends, peers, teachers, mentors and all other people with whom they come in contact. They develop empathy, sympathy, kindness and reciprocity through such interactions.

The key ethical rule of Christianity is to love your neighbour as you love yourself. This injunction is known as the Golden Rule, based on Matthew 7:12, Luke 6:31 and Galatians 5:14. According to Stoker (1967:251), this principle means that each person should take loving care of the interests of others. Jesus proposed an ethic of renunciation, the downgrading of one's own worldly concerns, and greater emphasis on humility, loving and caring (Baggini 2020:17, 85, 86, 93). According to Van Aarde (2020:11), an ethics of radical inclusivity would mean the absence of discrimination with regard to gender, ethnicity, nationality or age. To be inclusive of other people requires respect and treatment of them with a heart of love, to speak of and to them as Christ would have spoken to and about them. According to Hoppe (2020:82), "Christians ... follow this rule to honor and obey Jesus – the only one who has ever followed the Golden Rule perfectly. ... [They] follow it out of thanksgiving that they are already golden in God's eyes because of Christ's work on the cross."

According to Davids (2018:671), it is not possible to discuss the Islamic view of morality and of moral values without taking into account the starting point provided by the Quran in chapter 16.92: "Truly, God orders justice and good works." The *Sunnah* or the "walked path" (McDowell & Brown 2009:102) states, in line with this principle, "Not one of you is a believer until he desires for his brother what he desires for himself" (Vigil 2008:199). According to the Quran, a person's behaviour should be guided by values pertaining to justice, human well-being,

the social good and defensible social relations. It also emphasizes traits such as tolerance, courage and social ethics such as humility and self-sacrifice, as well as ethical concepts such as good and evil, justice and oppression, patience and kindness (Ramadhan et al. 2021:2). According to Davids (2018:686), social violence can be avoided if a person (a Muslim) also interacts with others (non-Muslims). In doing so, misunderstanding of others, others, their views and actions can be avoided. To interact with other people could mean having to deal with disagreement and criticism. She concludes that when Muslims follow this principle, they enact their roles as humans in society in acknowledgement of their commitment to God and His creation.

From the point of view of many Western secular thinkers, ethics is a set of informal social mores based on consensus, due to the fact, according to Bazalgette (2017:1), that empathy is "a wonderful quality that nearly all of us share." Nussbaum (2012:166) refers to this quality as empathetic imagination. All people, irrespective of religious orientation, possess the ability to like, love, respect, help and show kindness. All people also have the responsibility to provide to others what they expect for themselves (Pinker 2019:3-4). Morality, says Haidt (2012:xii), is the capacity that makes civilization possible. Human beings, even in tribal communities, interact with other individuals, and during such interactions they learn from their parents and/or by trial and error, by copying whatever is the most common tradition or fashion among adult role models (Ridley 1996:180-181; Haidt 2012:10). Paley (2021:165) agrees that people tend to adopt their principles from their peers and other group members. He also insists that, despite religious and other differences, "morality glues us together; it affects how we act towards other people. Morals bind us into cooperating groups with other humans, ... and [are therefore] beneficial" (Paley 2021:17, 42), in that, in many cases, they lead to compassionate action (Bazalgette 2017:6). The pursuit of an ethic of care and empathy remains a key challenge, in particular with respect to those who do not share one's own religious background. When we encounter people whose religious orientation differs from ours, says Nussbaum (2012:165), we ought to focus on the ethical virtues of generosity, kindness and love, leaving aside for the time being the issue of religious truth.

We conclude with a statement by Vigil (2008:206): "If the golden rule is a 'least' rule and at the same time the 'greatest' common rule religions understand as being in God, then clearly the question of religion itself does not come into it. ... Religious dialogue itself should be introduced in the spirit of the golden rule." Hoppe (2020:82) concurs: "Do unto others as you would have them do to you. ... Most world religions teach [this rule]. Even most atheists agree with it. It's the closest thing that our world has to a universal moral code."

6. Inter- and intra-religious dialogue is a *conditio sine qua non* for the eradication of violence and for the promotion of peace – but is often neglected or overlooked

It was encouraging that, despite the seriously adverse political and social conditions prevailing in Venezuela, in 2020, representatives of the Catholic Church as well as of various Protestant, evangelical, and Jewish organizations created the Inter-religious Social Forum of Venezuela (*Foro Interreligioso Social de Venezuela*). This group was constituted to align and strengthen the capacities of various religious and social organizations for the purpose of "confront[ing] the humanitarian crisis, pursu[ing] peace, and reconstruct[ing] the country" (Outreach Aid to the Americas 2023). Although this forum was erected with good intentions, it never became operational due to the prevailing social and political difficulties in the country.

Also in June 2023, an interfaith dialogue, jointly organized by Soka Gakkai International-Venezuela (SGIV), the United Religions Initiative and the Luis Dolan Chair at the Central University of Venezuela, was held at the Venezuela Peace and Friendship Cultural Centre in Caracas. Various religious leaders and scholars, including SGIV Vice-General Director Gustavo Cabrera, spoke on topics such as peace, spirituality and coexistence (SGI-USA 2023). The emphasis on bringing about peace in the turbulent social and political conditions – much of which have resulted from the government's oppressive policies and tactics – in Venezuela can be lauded.

As far as South Africa is concerned, inter-religious or inter-faith dialogue has occurred only sporadically, such as when representatives of numerous faith groups gathered at the Parliament of the World's Religions in 1999 for the purpose of "dialogue and action" (Bamford & Rice 1999:n.p.), or during discussions in media talk shows and in the daily press (Roux 2016:307-321; Willemse 2021:1). As Resane (2021:1, 9) remarked, "South Africa can be a unified diversified society living in peace if dialogue is given a chance ... [there is a] need for a theology of dialogue to intervene as a measure of bringing harmony into the situation." Human Rights Watch (2022:n.p.) concluded that "South Africa failed to take meaningful measures to improve the protection of social and economic rights." Even the Moral Regeneration Movement, instituted in 1996 (Moral Regeneration Movement 2018), has stopped functioning and has, for all intents and purposes, disappeared from the scene. Saunderson-Meyer (2016) predicted its demise already in 2016, stating that the ideals of the movement were "laudable but irretrievably doomed."

The situation in both of these countries is such that the entrenchment of the right to freedom of religion and belief in the constitution is, in practice, not sufficient to bring about peace in its citizenry. Many conditions in Venezuela impede the free exercise of this right and also prevent any fruitful inter- and intra-reli-

gious / inter- and intra-faith dialogue. Space does not allow a detailed discussion of how the current socio-political conditions in Venezuela impose this limitation on fruitful dialogue. However, the Observatory of Religious Freedom in Latin America (2024) has affirmed that government and societal practices have made exercising the right to religious freedom very difficult. The government's constant monitoring and sanctioning of all forms of opposition, and of everything perceived to be in opposition to it and its policies, render this type of dialogue very difficult, if not totally impossible.

South Africans have experienced similar problems with inter-religious and inter-faith dialogue due to widespread social unrest and high levels of crime and violence. They have, however, not experienced the same levels of negative intervention from the government. Although there is a high level of mutual respect among the different religions in South Africa, at least at the senior leadership level, this has not significantly filtered down to society in general. The *South African Policy of Religion and Religious Instruction* (RSA 2003) provides sufficient scope for inter-faith dialogue in schools, but it has so far proved to be at best only a partial solution to the social problems with which people have to contend. As argued in the next section, it remains important to encourage children from a tender age to engage in inter-religious and inter-faith dialogue.

7. Inter-religious dialogue should begin early, with early childhood education

As pointed out by Haidt (2012:5-7), children can understand and master moral values from a very young age, through interactions with their parents, caregivers, peers and other people. Moral education, therefore, should begin at a very young age at home, and also in school, already in the early childhood education phase, in the context of subjects such as elementary social studies, ethics education, moral education, values education, civic education, life skills or life orientation. Exposing learners from a very tender age to these fields of study will hopefully enable them to master, in due course, the values that are basic to morally justifiable behaviour and social interaction (Nguyen 2018:13, 21). According to South African moral values education expert De Klerk-Luttig (2023:21), teachers in a well-functioning education system can fill a moral gap that parents might have left in the upbringing of their children. One way in which this can be done is for the teachers to serve as morally reliable and responsible role models (Brits 2022:9).

School education in Venezuela is in such turmoil that a concerted programme of values or citizenship education could not be effectively put into practice up to this point. The vast majority of Venezuelan children are enrolled in school, and

they should have been exposed to moral education in a bid to lower the levels of violence, crime and anomie in the country. In the three-year period ending in 2021, around 1.2 million Venezuelan learners dropped out of the school system, and hence they did not have any meaningful exposure to moral education in school (Marques 2023:n.p.). The number of school-age learners who did not attend the free schools increased to 557,327 in 2019, according to a 2019 UNESCO study (Langlois 2023:n.p.). Moreover, nearly half of all adults have had no secondary education, and many have received no formal schooling at all. The possibility of exposing learners to moral education is also very small in that most schools suffer from poorly trained teachers, and in that on average only half the mandated days of instruction are available due to holidays and strikes. Furthermore, many schools have closed due to poor economic conditions, with teachers quitting to find better-paying occupations elsewhere (Flóres & Beccara 2019:183). Poor learner attendance can also be ascribed to a lack of water and food at school and at home, one of the side effects of Venezuela's current economic crisis (Langlois 2023:n.p.). The humanitarian crisis has caused more than five million Venezuelans to flee the country since 2015.

Probably because of all these shortcomings in the education system, including the lack of a moral education programme in primary and secondary education, and to promote his own political philosophy centring on socialism, former President Hugo Chávez launched the Bolivarian Missions system (Duffy 2015:652, 660). Even though values of solidarity and humanity are being taught, however, the Bolivarian Education Missions programme has an overtly political agenda, namely to construct an alternative socialist democracy (Duffy 2015:662).

South Africa's national *Curriculum and Assessment Policy Statements* (CAPS) (Department of Basic Education 2011) provide for two subject fields in which moral education could be taught in schools. In the Life Skills subject field for very young learners (Grade R to Grade 3), provision is made for teaching about values and attitudes (CAPS 2011a:9). Learners in the intermediate phase (Grades 4-6) are to be taught values such as social well-being, positive relationships, and respect for the rights of others (CAPS 2011b:8). Learners in the first three grades of the senior phase (Grades 7-9) are to be educated about values such as self in society, quality of life, and the maintenance of relationships and good communication. A significant part of the curriculum is devoted to "health and safety issues related to violence" (CAPS 2011c:22). The curriculum for the grades 10-12 focuses on the inculcation of values centred on the development of the self in society, social and environmental responsibility, and democracy and human rights (CAPS 2011d: 12-25). No reference is made in the CAPS, as far as we could determine, to the need for inter-religious or inter-faith dialogue to help in eradicating the current violence, crime and anomie in South Africa. "Values education" and "peace education" do not appear in the indices of two widely used

textbooks in this learning area (Jordaan & Naudé 2021; Nel 2019). The alarming aspect of the situation in South Africa is that, even though learners have been exposed to the school subject Life Skills and Life Orientation since 2011, the country's levels of violence, criminality and anomie have steadily risen.

8.   Concluding remark

As stated at the outset, the core claim of this article is that since most if not all religions share much the same moral values, in particular the Golden Rule of compassionately caring for others and their interests, an inter- / intra-religious dialogue should be conducted for the purpose of lowering the levels of crime, violence and anomie. In countries that enjoy constitutional protection of religious freedom, of which Venezuela and South Africa are examples, violence could be assuaged to some extent if the perpetrators thereof could be persuaded to become more knowledgeable of the moral values shared by most religions. Not only should inter-religious dialogue about commonly shared, religiously based moral values be encouraged in violent societies, but upcoming generations also be taught from a very young age how, why and when to engage in such dialogue.

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Gender identity and the protection of ontological difference through the autonomy of religious associations

Janko Vorster and Shaun de Freitas[1]

Abstract

This article critically examines the intersection of gender identity, religious associational autonomy, and the evolving legal landscape in liberal democracies. Focusing on the clash between transgender rights and the religious beliefs held by these associations, it navigates the deep-rooted beliefs and assumptions underlying the transgender phenomenon. The article advocates for the protection of the autonomy of religious groups by considering international law, the principle of subsidiarity, the limits of law, and the inherent values that permeate these groups. Emphasizing the communal nature of religious associations, a holistic and integrated perspective is argued for. Ultimately, this article advocates a nuanced approach that respects diverse beliefs on gender identity against the background of communities of faith.

1. Introduction

In many liberal democracies, legislative and judicial endeavours regarding transgender identity (or transgenderism)[2] have undergone substantial development, especially during the past decade. For example, there has been a significant development of legal issues related to transgender individuals through judicial ac-

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2   For the purposes of this article, the term 'transgender' refers to "someone who identifies as the sex opposite of that of their birth – that is, their natal sex. Someone who identifies as nonbinary is not, within this definition, transgender. They are best described as gender diverse" (Parkinson 2023:13).

tivism in Europe. In this regard, the European Court of Human Rights (ECtHR) has played a seminal role (Van der Vleuten 2020:282-283; Holzer 2022:8-9; Van den Brink & Dunne 2018:40-41). The establishment of gender identity recognition norms has led to a host of legislative developments throughout Europe; as of May 2022, 39 states in the region had implemented measures to provide legal recognition for transgender persons (TGEU n.d.). These developments were not limited to Europe; the ECtHR's rationale for legal gender recognition was adopted by the United Nations Human Rights Council and the UN High Commissioner for Human Rights (UNHRC 2008). A further indication of the contemporary relevance of matters related to gender identity is the exponential growth of interest in transgender persons that has occurred within the medical profession in the last two decades (Sweileh 2018:18-19). Accompanying these developments has been an increase in the number of people identifying as transgender, with Kenneth Zucker noting that recent studies on transgender health tend to define "transgender" much more loosely than in the past (Zucker 2017).

According to Patrick Parkinson, "Issues about gender identity have become lightning rods for furious disagreement in Western culture" (2023:10). On the other hand, discrimination based on religious convictions regarding gender identity has received limited scholarly attention (Parkinson 2023:12).[3] In this regard, the issue of the rights of transgender individuals as weighed against the rights of religious associations requires further investigation. What should the law say in cases of a clash between the rights claimed by the transgender person and the doctrines held by a religious association? As Helen Joyce has pointed out, this new transgender movement demands not only that people should be allowed to self-identify as transgender or nonbinary (or any other descriptor), but that others be compelled to accept these people's beliefs about themselves (Parkinson 2023:33).[4] The debate is actually about requiring others to identify and treat the subject as a member of the sex they claim to be (Parkinson 2023:33).

This article argues for the protection of the autonomy of religious associations against undue state interference in the guise of well-meaning anti-discrimination rhetoric. Religious associations need such protection when challenged, for example, by transgender individuals seeking membership or employment, where such individuals are unwilling or unable to abide by a given association's

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3   Parkinson explains that an attribute of the new transgender movement "is a demand that people should be regarded as the sex with which they identify, irrespective of whether they have commenced a journey toward medically assisted transition, or ever intend to do so, and irrespective also of whether they have diagnosed gender dysphoria" (2023:24).

4   See Parkinson (2023:25-30) for an elaboration of the main tenets of this movement, which include gender as personal discovery, rejection of the gender binary in favour of a more fluid understanding, medical gatekeeping, affirming gender identity, and a belief that conversion therapy should be criminalized.

essential beliefs on gender and sex. The first main part of the article presents background information regarding the transgender phenomenon, emphasizing transgenderism as grounded in a specific ontology. This in turn places transgenderism on a plane that competes with other differing ontological paradigms on matters pertaining to conduct and the body; some of these differing paradigms are embodied in the essential doctrinal tenets of religious associations. Building on this discussion, the second part of the article outlines compelling justifications for safeguarding religious associational autonomy, drawing on international law, the principle of subsidiarity, the limits of law and the permeated ethos approach.

2.   (Trans)gender identity and belief

The content of the recent sociological concept of "gender" (for example, whether it is mutable, malleable or even binary), is ontological in essence and thus can vary across different ontological and normative contexts. The transgender phenomenon of the 21st century is therefore inextricably connected to questions of ontological morality, although these are often disguised as matters of settled objective fact. For example (as further discussed below), some presume an established consensus that the concepts of sex and gender ought to be compartmentalized and separated, and that these categories are mutable and subject to varying degrees of personal choice. Yet these statements do not belong to the realm of objective fact; they are theoretical, moral, ontological and normative claims that have come to be perceived as objective facts. To demonstrate this point, one needs simply to look to the emergence of these ideas in the 1950s and their subsequent development in modern culture.

The man widely recognized as the first to distinguish between sex as biological reality and gender as social construct in the modern mode was New Zealand psychologist John Money (Williams 2020; Klein 2012:19; Stoller 1968), who in his work with intersex children (children with indeterminate genitalia – to be distinguished from children with gender dysphoria)[5] theorized that socialization into a "gender role" and not biological sex was the main determining factor in the establishment of adult "gender identity" (Williams 2020:4; Hodson 2019). Money applied his theories in an experimental fashion to the raising of intersex babies, with varying levels of success (Williams 2020:4; Gaetano 2017:11-15). The results of his experiments were quite controversial – some failed experiments resulted in

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5   According to Parkinson (2023:13), gender dysphoria refers to an incongruence between natal sex and gender identity that is deeply distressing. Parkinson (2023:19) refers to "the profoundly troubling disconnect between outward manifestation of genitalia and inward reality" that results in gender dysphoria, saying that such a condition "requires (or at least justifies) hormonal and surgical treatments that have the effect of bringing a person's external appearance and genitalia more into concordance with their subjective gender identity."

patient suicides – but this did not deter him or later feminist scholars from continuing to employ this theoretical gender-sex distinction (Gaetano 2017; Marchiano 2019). As Joanna Williams puts it, "Money's experiments help locate the emergence of a transgender identity within the medical profession" (Williams 2020:4). Williams goes on to quote Nathan Hodson, who described how the emergence of the distinction between sex and gender was enabled by new medical techniques:

> It became possible to conceptualise 'gender identity' as dislocated from biological sex when new medical technologies for the first time made it possible for doctors to change the bodies of those born with indeterminate genitals and to assign them to a sex ... the availability of the treatment appears to have essentially created the demand. (Hodson 2019:108)

The emergence of the distinction between sex and gender was enabled by new medical capabilities. However, the advent of this distinction would eventually, largely through second- and third-wave feminist writings from the 1970s onwards, take on a life of its own, eventually creating the orthodoxy experienced today (Klein 2012:12; Williams 2020:5). The theoretical distinction between sex and gender that originated in the clinical treatment of intersex conditions has thus opened the floodgates for what commentators would come to call "gender ideology" (Dialogue of the Holy Father 2016).

The early distinction between sex and gender first employed by Money in the 1950s was popularized in the 1970s by leading second-wave feminists (Klein 2012:12; Williams 2020:5). These feminists in turn used the distinction between sex as a biological reality and gender (or, in this case, specifically "gendered role") as a social construct to critique the imposition of what they assumed were man-made and socially enforced gendered expectations on females (Williams 2020:6).[6] It is important to reiterate that "'gender role' as invented and imposed construct" was then – and still is now – not an objective observation but a critical-theoretical presumption intended for use in criticising sex stereotypes.

Then came third-wave feminism and post-structural feminism (drawing from the ideas of the post-structuralists), which advocated the abandonment of certainty relating not only to gender but also to biological sex (Klein 2012:12; Williams 2020:5-6). Building on the post-structuralist foundations laid out by the likes of Jacques Derrida and Michel Foucault, post-structural feminists such as Helene Cixous and, most prominently, Judith Butler developed the body of ideas that constitute the basis of contemporary "gender ideology" (Derrida 2001, 2016;

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6   See, for instance, the most influential book by second-wave feminist Germaine Greer (2019).

Foucault 2005, 2013, 2019; Cixous 1975; Butler 2002, 2011).[7] Butler's works *Gender Trouble: Feminism and the Subversion of Identity* (1990) and *Bodies That Matter: On the Discursive Limits of Sex* (1996) are widely recognized as the foundations of contemporary theories on the deconstruction of sex and gender (Klein 2012:13). Butler's theory of "gender performativity" attempts to do away with the objective status of biological sex as opposed to socially constructed gender by arguing that biological sex itself is socially constructed, and that sex is thus not a separate nor more foundational concept than gender (Butler 2002:17). Butler's theory is of such a nature that many legal scholars dealing with proximal issues either agree with or prefer not to engage with the theory's arguments.[8]

This historical review demonstrates how the distinction between biological sex and social gender, developed in the 1950s for the treatment of intersex conditions, came to popular attention in the 1970s through the critical works of second-wave feminists. Finally, from the 1980s onwards, third-wave feminists argued against this distinction, but in the opposite direction. Before Money, sex and gender were both presumed to relate to a biological reality; after Butler, both sex and gender were said to be socially constructed. Parkinson (2023:30) comments:

> Neither the belief that gender identity is different from natal sex nor the belief that gender is fluid can be validated or falsified by science. The first is essentially a belief about subjective understanding versus objective reality, and about the nature of human sexual identity. The essence of who I am is who I consider myself to be rather than how, in a physical sense, I am made. The idea that gender is fluid is also a belief. It begins from the premise that gender is something different from biological sex. Previous generations would have regarded the two words as interchangeable when describing the binary nature of humankind.

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7   Post-structuralism emerged in the late 1960s as a challenge to structuralist paradigms in philosophy, linguistics and other fields that were prevalent at the time (for example, Saussure's structural linguistics). Leading theorists included Jacques Derrida and Michel Foucault, among others. Derrida is considered a founder of post-structuralist thought. In works including *Of Grammatology* (1967/2016) and *Writing and Difference* (1967/2001), Derrida developed concepts such as deconstruction, *différance*, and the instability of meaning to undermine structuralism's notions of binary oppositions and static structures. Foucault problematized structuralist ideas through exploring discourse, power and the socially constructed nature of knowledge. In *The Archaeology of Knowledge* (1969/2013) and *Discipline and Punish* (1975/2005), he examined how historical systems of thought are intimately tied to power dynamics and subjectivities. Post-structuralists emphasized the unstable, fragmented nature of language and meaning over structuralism's stable signs and signifiers. They focused on how knowledge and "truth" are tied to their sociohistorical contexts rather than reflective of fixed structures (Derrida 2001; Foucault 2005). This argument challenged essentialist and universal claims while accounting for power and ideology. Post-structuralism thus revolutionized philosophy and theory, paving the way for later developments like post-structural feminism, queer theory, and postmodern/post-identity theories around embodiment, performance, and social construction of identity, gender and sexuality (Cixous 1975; Butler 2002, 2011).

8   See Visser and Picarra (2012) and Sloth Nielsen (2020), all of whom agree with Butler's theories as a starting point.

Therefore, claims related to the mutability of sex or gender (the claims underlying the transgender phenomenon), such as "Gender and sex are completely unrelated," "Biological sex is irrelevant," or "Gender can be fluid and is a choice," are not statements of objective, indisputable fact but ontological claims about the nature and meaning of sex or gender.

Transgender ideology stems in part from a dualistic anthropological view that separates the immaterial mind/spirit from the physical body, which is seen as inert matter. This mind-body dualism results in an understanding where one's internally felt sense of gender identity is prioritized over one's biological sex classification as male or female (Congregation for Catholic Education 2019:11). This prioritization of gender identity, as an attribute of the mind, above physical or biological sex classification reflects a liberal, individualistic ontology. Within liberal democracies, a philosophy that prioritizes individual rights and autonomy is dominant. According to this viewpoint, the rights of religious or other groups are considered derivative of the rights of constituent individuals. As such, individual rights and autonomy – including one's right to determine their own gender identity – may be misunderstood to take precedence over group rights and autonomy, such as those of a religious association. In other words, the mind-body philosophical separation underlying transgender ideology correlates with a politically and legally dominant, overly individualistic liberal framework that elevates individual rights, gender identity exploration and self-determination above religious rights, the content of which cannot be fully appreciated in only individualistic terms (Aroney & Parkinson 2019:14-15).[9]

Since the domain of religious associations includes the formation and preservation of distinct religious, ontological moralities, and since the pluralistic liberal state must by definition include different moral communities (implying an inclusion of different ontologically derived moral views on sex and gender), it follows that the negation of religious associations' opposition to the new transgender movement is manifestly illiberal and anti-pluralistic. The characterization of the new transgender movement as a belief system confirms that the non-religious also ascribe to beliefs that they wish to advance on important moral matters. The predominant climate within liberal democracies exhibits a recurring tendency toward concealing faith-based foundations of non-religious views on moral issues

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9   See also Aroney and Parkinson (2019:27), who add, "As a consequence, liberal social ontologies run the risk of imposing a secularising model of the relationship between the individual, the group and the state that is not neutral among religions and cultures." In this regard, the authors refer to Jocelyn Maclure and Charles Taylor, who "distinguish between a pluralist secularism that endeavours to strike a proper balance between moral equality and freedom of conscience and what might be called a monist secularism which seeks to emancipate individuals from religion and foster civic integration through enforced secular liberalism."

and toward understanding reason (and science) as separate from (and superior to) that which is religious. In contrast, recognizing the transgender movement as a belief system places religious beliefs on equal footing with non-religious beliefs where claims for protection are concerned. Consequently, this latter observation strengthens the case for the protection of religious beliefs, in that liberal democracies should inherently stand for equal treatment of all beliefs, which should be consistent with their concern to embrace diversity.

Exemptions awarded to the religious regarding views or convictions on the nature of sex and gender should therefore not be rejected in favour of skewed and partisan views that such exemptions belong to the 'exception to the rule' type of thinking, or that the civil authorities have already gone the extra mile to accommodate such views, as if religion is some type of departure from the normal.[10] Rather, such religiously grounded views should be viewed as equal in stature to other, non-religiously grounded opposing views and therefore eligible for inclusion in civil discourse.[11] This then implies that the civil authorities should not force religious associations to support the phenomenon of transgenderism or gender identity, a phenomenon that is inextricably linked to what the transgender person believes to be moral conduct but which clashes with the moral convictions held by many religious associations.

Building on this discussion, the next section provides further arguments in support of the protection of the autonomy of religious associations regarding beliefs or convictions related to the meaning of sex and gender (and related be-

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10　Aroney and Parkinson (2019:24) similarly argue that anti-discrimination laws that deal with issues of faith by means of exceptions assume that legislatures have given religious associations "a right to discriminate," in the sense that discrimination carries an altogether negative connotation and is therefore unlawful. Nevertheless, Aroney and Parkinson comment that "as the UN Human Rights Committee has pointed out in relation to Articles 2 and 26 of the ICCPR, 'not every *differentiation* of treatment will constitute *discrimination*, if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant'" (2019:24). Since no association can exist without the capacity to define its terms of association, it is necessary to accept that a religious association is for members who adhere to and abide by the precepts of the relevant religion, which may include tenets related to conduct regarding matters of sexual morality (Aroney and Parkinson 2019:25). This understanding excludes the need for a legislative right to discriminate on specified grounds. Rather, Aroney and Parkinson assert, the religious association has "a positive right to appoint leaders, employ staff or admit members who adhere to the beliefs and principles of the organisation, with autonomy for those voluntary associations to set the conditions for membership of the community, or employment in the religious organisation, as the case may be" (2019:25).

11　Although it is not the focus of this article, we do not wish to imply that the religious believer who opposes views in support of gender identity (or the new transgender movement) has no access to scientifically based arguments in support of his or her stance. For example, medical science shows that sexual dimorphism (that is, the sexual difference between men and women) can be established within the fields of genetics, endocrinology and neurology. Genetics, for example, confirms that male cells (which contain XY chromosomes) differ, from the very moment of conception, from female cells (with their XX chromosomes) (Vatican, Congregation for Catholic Education 2019:13). This observation does not exclude recognition that a very small proportion of babies are born with ambiguous genitalia or have hormonal or chromosomal attributes that differ from the norms of what it means to be male or female (Parkinson 2023:31-32). However, says Parkinson (2023:32), these variations do not comprise a third sex.

liefs such as whether the mind, and therefore the individual's choice, should be viewed as separate from the body).

3.   International law, subsidiarity and the limits of law

There is widespread recognition of the right to freedom of belief in international law.[12] Also, the importance of religious associational life in manifesting religious freedom has been duly recognized in the decisions of the European Court of Human Rights (ECtHR).[13] Therefore, we must be cognizant of international human rights law that supports the protection of associational freedoms. Aroney and Parkinson (2019:19-20) argue that to achieve consistency between legislative anti-discrimination policies and the full range of human rights that should be recognized and protected, such policies should equally recognize and respect the communal aspects of the international human rights standards and their associated jurisprudence.[14] Therefore, international law affords protection to the autonomy of religious associations, and this protection is aligned with the principle of subsidiarity, which is foundational to understanding the autonomy of religious associations in plural societies.

Subsidiarity relates to the view that communities should not deprive smaller communities (or individuals) of the opportunity to exercise their own functions (Benson 2022:434). For John Finnis (2016:134), the principle of subsidiarity means that "it is unjust for a higher authority [for example, the civil authorities or civil law] to usurp the self-governing authority that lower authorities [for example, the family or religious associations], acting in the service of their own members, rightly have over those members." Finnis also relates this principle to "the requirement of justice."[15]

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12 This is already obvious from the wording of those provisions of the Universal Declaration of Human Rights (1948) (UDHR), the International Covenant on Civil and Political Rights (1966) (ICCPR) and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981) (DEID) that guarantee freedom of belief, "either individually or in community with others and in public or private." This associational aspect can also be gleaned from complementary provisions which guarantee freedom of association, such as Article 20 of the UDHR and Articles 22 and 27 of the ICCPR. The DEID itself expands on the communal aspects of freedom of belief so as to explicitly include, *inter alia*, the freedoms to faith-related assembly, faith-based teaching and the appointment of community leaders; see DEID Article 6.

13 Of special relevance is the often-cited case *Hasan and Chaush v Bulgaria*, para. 62. Also see *Fernandez Martinez v Spain*, paras. 127-128.

14 Aroney and Parkinson (2019:6) cite Michael Helfand's reference to "the new multiculturalism" which counters individualistic liberalism and which finds support in the associational aspects of international human rights law. Also, support by the courts, in a number of liberal democracies, for the protection of the autonomy of religious associations reflects a convincing degree of common practice (see for example, Ahdar and Leigh 2013:375-89, 425-26). Iain Benson's doctoral thesis, "An associational framework for the reconciliation of competing rights claims involving the freedom of religion" (2013), presents valuable insights on the protection of the autonomy of religious associations.

15 The authors also regard as insightful, regarding subsidiarity, Finnis' reference (citing from his celebrated work *Natural Rights and Natural Law*) to Pope Pius XI's view of subsidiarity in his encyclical letter *Quadragesimo Anno* (1931). "Just as it is wrong to withdraw from the individual and commit to a group what private initiative and effort can accomplish, so too it is a wrong ... for a larger and higher association to arrogate to itself functions which can be performed efficiently by smaller and lower associations. This is a fixed, unchanged and most weighty principle of moral philosophy. ... Of its very nature the true aim of all social activity should be to help [*subsidium afferre*] members of a social body, and never to destroy or absorb them" (Finnis 2016:134).

Subsidiarity, explains Iain Benson (2022:434), "arises from the need for good governance" and constitutes beginning from the bottom and moving upwards instead of *vice versa*. Subsidiarity should not be viewed as a "block" but rather as "a check on command and control hierarchies" (Benson 2022:434, 436). Benson (2022:439) adds:

> The ideas of civil society, associations, and what we might term 'local governance' are important related background notions in any discussion of subsidiarity. Each category may be understood as forms either of homogeneity or of diversity. If we conceive of human beings as parts of a whole merely, without associational or mediating aspects, then we will miss the importance of diversity. On the other hand, if we view human beings as merely individuals, then the question of what binds them together becomes pressing. Both civil society and local governance raise questions of how human beings relate and whether life is viewed as organic or as technological, quantitative, and mechanistic. Civil society and devolved local governance emerge out of conceptions of society that give preference to the organic and diverse rather than the mechanistic and homogenous.[16]

The principle of subsidiarity is deeply linked to the understanding that law inherently contains subjective moral elements. Despite claims often found in legislation and case law that law can remain neutral regarding foundational ontology, such neutrality is, in reality, irreconcilable with law's nature. Without negating the relevance and importance of law for the ordering of society, law should caution against unnecessary or arbitrary enforcement of its inherent predispositions when dealing with the freedoms exercised by members of a religious association. Such inherent predispositions could, for example, result in claims (to varying degrees) of an overly rigid distinction between church and state, that 'the secular' is neutral regarding belief, that there is a distinction between reason or science and religion, that there is a distinction between equality and religion, or that the public good excludes religious concerns. Moreover, law should caution against the current climate of viewing law as an end in itself and, in the process, warding off any higher (or other) sense of normative importance (Berman 1979:354).

The underlying problem is that where there may be substantive differences in views on what morality requires related to forms of conduct such as gender

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16 Benson further states, "The commons, properly understood, is that realm of existence in which different moral traditions and languages of meaning, not always understood or accepted by those outside the group, can coexist rather than be unnecessarily interfered with by laws and 'systems' that tend toward coercion" (Benson 2022:453; also see 440-441). In addition to this, a reading of the following substantive works in support of the protection of freedom of religion (including the freedom of religious associations) are strongly suggested: Horwitz (2011); Inazu (2016); and Deagon (2023).

identity and sexual orientation, the views held by the civil authorities may reign supreme (Calo 2011:517; Berman 1983:557). Views held by the governing authorities regarding certain matters of moral worth should not be enforced across all of society. In this regard, religious associations frequently hold moral convictions in contrast with the views held by the governing authorities, and these convictions require protection. The advancement of diversity and, in turn, democracy calls for the inclusion of various views regarding certain matters of moral worth, as long as gross human rights violations or substantive violations of the public order (or public morals) are not committed in the process.

4.   The permeated ethos approach

Two prominent theoretical approaches have been used to define the parameters for protecting the autonomy of religious associations: the doctrinal core approach and the permeated ethos or organic approach. According to the doctrinal core approach, a religious association may be segmented into religious and non-religious individuals, or into members and non-members, all of whom constitute the religious association and contribute to its functioning. In this regard, a religious association is viewed primarily as an employer with a largely religious purpose; it consists partly of a religious community and partly of non-religious (or not necessarily religious) administrators, maintenance workers, and so on who perform work for the organization. The doctrinal core test, as initially developed in Canadian human rights jurisprudence in the 1970s (Benson 2013:146-148), was borne out of a necessity to distinguish between employment roles in a faith-based school by looking at the functions performed by a teacher (aside from teaching, a teacher was initially understood to also function as a role model for students, and thus a lifestyle requirement was not unfounded) as opposed to a secretary (a secretary was understood only to perform clerical work and answer inquiries). The problem with seeking such distinctions in non-educational contexts is obvious: the distinctions made in the initial tests are based on the assumption that the institution in question has faith-based education as its main mission. Where employment is unrelated to teaching doctrine, the test's assumptions do not hold; the mission of a faith-based care home, for example, is not faith-based education but care founded on a Christian morality (Esau 2009:403-404).

As both Benson and Esau note, the purpose of a faith-based care home, unlike that of a faith-based school, is not to teach. Therefore, one cannot distinguish by subject taught or duty to act as a role model; instead, one must ask whether a caretaker who rejects the faith-based care institution's doctrine can reasonably be expected to be able to provide full, faith-guided care to those in their charge (Benson 2013:148). Is it not unreasonable to assume that

recipients of care in a Christian care home may receive a lesser standard of care if their caretakers are unwilling or unable to be part of the community of believers whose principles the care home purports to uphold? A care home with a mission to provide care in accordance with the Roman Catholic faith should not be expected to employ non-Roman Catholic caretakers who may affirm ideas about sex and gender that are contrary to Catholic doctrine, as this would be seen as leading someone into sin; in such an institution's eyes, such affirmation would not constitute proper care. This analysis points to a clear blind spot in the doctrinal core test. As Benson (2013:148) points out, "This has diminished the respect for religious associations as a whole, subjecting non-educational projects to a test suitable only in an educational setting." Even in an educational setting, the administrative staff, even though they are not directly responsible for teaching, should not be viewed as separate from the encompassing religious ethos of the institution where they serve, such as a private Christian or Muslim school. This insight suggests an alternative to the doctrinal core approach, which is referred to as the organic or permeated ethos approach.

The organic approach views the doctrinal core approach as not affording sufficient respect to the nature and purpose of religious associations, the goods they provide (to their members and to society at large), or the important role they play in facilitating a truly diverse society by constituting varied conceptions of the good life (see Benson 2013:155; De Freitas 2012:267-268; Esau 2000, 2009). The permeated ethos approach, Benson explains, focuses on the nature of the association (or the workplace). In this regard, one must examine whether the association is permeated by religious practice; if so, then, according to Benson, it is unnecessary to examine specific job duties (Benson 2013:145). The permeated ethos approach contends that although a religious association may be an employer, it is first and foremost a community of religious believers, and that employment of even a janitor or secretary arises out of the need to enrich and sustain such a community of believers, together with the spiritual leader(s) and other congregants (Benson 2013:149). The organic approach assumes that the primary end of a religious association is to constitute a community of believers who, regardless of their station and through their shared beliefs and communal interactions, enliven in one another a sense of deep meaning that informs their identity and is integral to their experience of human dignity (Esau 2000:734).

As an illustration, let us consider the implications for a transgender secretary (we can call her Ms B, formerly Mr A) who is employed by a church? Those interacting with Ms B, whether members of the church (or outsiders), would be required (according to Ms B) to address her according to her preferred gender identity, be-

cause doing otherwise would offend her human dignity.[17] However, this would present difficulties. Must members admit something that is contrary to their beliefs when addressing this person? According to the permeated ethos approach, these members should not admit something that is contrary to their beliefs, as reflected in the central tenets of the religious association to which they belong.

As another example, consider a transgender janitor (call her Ms D, formerly Mr C), who would reasonably be expected to clean bathrooms. Would the courts expect a Catholic church or faith-based school to allow Ms D to work within the bathroom of her professed gender, even though the religious association in question and its members – who likely will be among those using the bathroom – do not recognize her new gender identity? Again, it would not require ill intent from either party for a religious association in such a position to understand itself as needing either to terminate Ms D's services or have her behave in a way contrary to her gender identity (i.e. require her to present as male). In all these scenarios, the doctrinal core approach does not seem to provide the necessary framework to address the burden placed on the affected religious associations.

5.   Conclusion

This article has addressed potential challenges faced by a liberal democracy in preserving meaningful and substantive diversity regarding transgender identity and religious associations against the background of ontological difference. It is imperative for any society that considers itself democratic to allow for the protection of various ontological convictions regarding sex and gender and to therefore prohibit the enforcement of the convictions of some against others who strongly oppose such convictions. Instead, we have advocated a respectful approach to the communal nature and ontology-preserving purpose of religious associations in the context of convictions related to transgender identity.

Allowing religious associations to abide by their views on gender identity should not be confused with allowing adverse treatment because of gender identity – for example, bullying, ridicule, or mistreatment. In the words of Patrick Parkinson (2023:36), "Clearly, disagreement about whether gender is fluid, whether sex is merely assigned at birth or observed from the genitalia, or arguments about language such as whether sex and gender should be so sharply differentiated, cannot justify adverse treatment of people who identify as transgender, gender diverse, or nonbinary." Nevertheless, it is another thing entirely to impose ontological views related to specific forms of conduct on people who differ in their ontological views

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17   It is assumed that Ms B was appointed prior to full realization and affirmation of her gender identity, with no misrepresentation occurring when the contract was concluded. The same applies to Ms D in the subsequent example.

regarding the morality or immorality of such conduct. Denying protection to religious associations regarding clashes that may occur between such associations and the transgender movement would be contrary to the prescriptions of international law and the expectations set by liberal democracies in support of pluralism, which in turn are inextricably related to the principle of subsidiarity and the limits of law.

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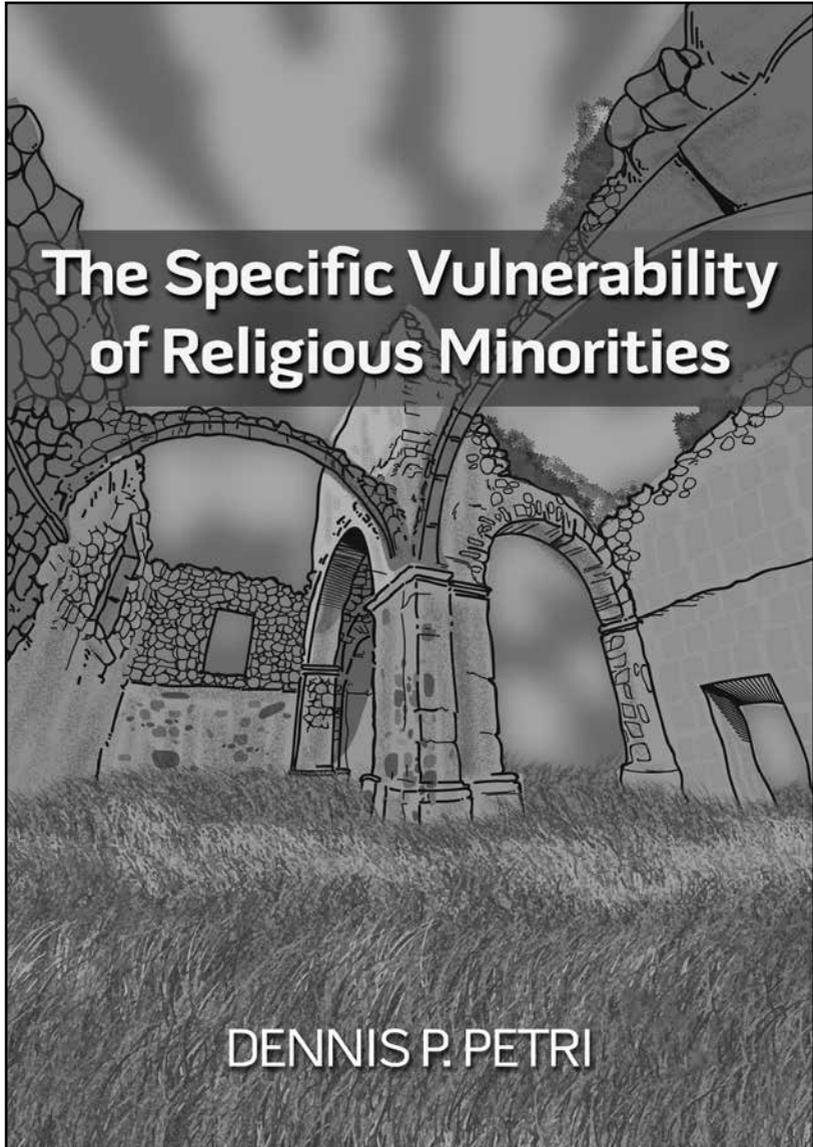
Same ingredients, another recipe?
Religion-related legislation and policies in Soviet and post-Soviet Georgia and their implications for religious minorities today

Tatiana Kopaleishvili and Jelle Creemers[1]

Abstract

This article articulates similarities and differences regarding policies on religion and religious minorities in contemporary Georgia and the country's early Soviet era. A comparison between developments in legislation and state apparatus shortly after 1921 (during the Soviet occupation) and 1991 (the restoration of independence) uncovers the policies and mechanisms limiting religious minorities in Georgia today, including the setting up of a State Agency for Religious Issues in 2014, as echoes of a painful past. In contrast to the Soviet regime, however, the main carrier of the dominant ideology responsible for this situation today is not the state itself, but the Georgian Orthodox Church.

1. Introduction

The public management of religion is a crucial and difficult element in any democratic development. Geographically and historically placed on the crossroads between Western Asia and Eastern Europe, Georgia has had a diverse religious landscape for many centuries. The country is majority-Orthodox (83.4 percent) but also has historically had a range of religious minorities: Muslim 10.7 percent, Armenian Apostolic 2.9 percent, as well as Roman Catholics, Yazidis, Protestants and others totalling 3 percent (Geostat.ge 2016:12). Since its independence in 1991, Georgia has been struggling to establish a balanced polity and protect the civil rights and freedoms that are essential for its democratic development (Gavtadze et al. 2020).

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Human rights advocacy organisations and researchers alike have critically evaluated the management of religious diversity by recent Georgian governments. In particular, the setting up of a State Agency for Religious Issues (SARI) in 2014 has been considered a "reproduction of the experience in post-Soviet countries, which implied the existence of a centralized, powerful unit of the executive government with the purpose of establishing control over religious organisations" (Mikeladze et al. 2016:60). Authors analysing the formation of the Georgian national identity in the past and today also frequently point to a problematic similarity between Soviet and post-Soviet realities, in that the ideological marketplace is monopolised by one state-sanctioned ideology, which negatively affects religious minorities. Aydıngün (2013) explains, "The Soviet nationalities policy used ethnicity (*ru. national'nost*) as the main badge of belonging and as the main tool for categorizing people while creating an ethnic hierarchy. This was one of the main reasons for the exclusion of minorities in the Soviet period. Today, the legacy of that policy is the main reason for the ethnification and nationalization of religion in all of the post-Soviet republics, including Georgia." In a 2014 article, Mathijs Pelkmans argues that when discussing religious freedom in Soviet or post-Soviet contexts, one needs to look at the concrete effects on particular groups and individuals of both religious freedom and its opposite, religious "unfreedom."

This article builds on these insinuations and aims to shed light on legislation and policy development regarding religion in post-revolutionary independent Georgia, placing it firmly in socio-political context. We demonstrate that the establishment of the SARI was not a surprising development, but fits well in a series of echoes of Soviet management of religion. To compare developments in religious governance between independent Georgia and early Soviet Georgia a century ago, we make use of academic sources, legislative documents, original archival material[2] and data from recent advocacy reports by organisations working on the protection and promotion of democratic values in Georgia, most notably the Social Justice Center (SJC) and the Tolerance and Diversity Institute (TDI). Particular attention is given to those who self-identify as evangelical Christians in Georgia.[3]

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2   Archival material comes from the Central Archive Fonds of Contemporary History in the National State Archive of Georgia in Tbilisi (CACHG) and from the Archival Division of the Autonomous Republic of Adjara in Batumi (ADARA). Key collections used were those of the Central Council of the League of Militant Godless of Georgia (R-1547) (1927-1946) and of the Representative of the Council of Religious Cults of the USSR in Georgia (R-1880; R-977) (1946-1990).
3   The common denominator of "evangelical Christian" is used among others by Baptists, Pentecostals, Seventh-Day Adventists and members of the Evangelical-Lutheran Church. This small, diverse and understudied minority is still considered by some to be "sectarian and betrayers of the [Orthodox] faith", notwithstanding their two-century presence in the country (Kopaleishvili 2014; Kiknadze 2008, 208; Gogoladze 2014).

The article is structured as follows. First, similarities in the political contexts of contemporary Georgia (since 1991) and Soviet Georgia (following 1921) are briefly introduced. Then, similarities in formal declarations on human rights and religious freedom are identified, revealing the regimes' ideological underpinnings. Next, the structural empowerment of the ideological carriers and the consequent power abuse and use of violence against (dissident) religious actors are described. Finally, we explain how the regimes sought to contain religious life through registration policies and the setting up of agencies for religious matters. The key points of the analysis are summarised in the conclusion.

2.   Similar political contexts amidst rapid change of regimes

Twice in the last century, in 1921 and in 1991, Georgia has experienced a painful rupture involving great social and political upheaval. Along the way, the country's religious self-definition has shifted from a mono-religious (Russian Orthodox) reality under tsarist rule to a political assertion of religious pluralism via the unlikely intermediate step of state-imposed, militant atheism. Interestingly, both radical changes were initially received positively by the country's religious minorities.

2.1.   Two radical regime changes

The radical changes that occurred early in the 20th century involved the replacement of tsarist rule in Georgia by a Soviet regime after a short yet historically crucial three-year period of socialist independence (Kenchoshvili 1991:8). As soon as the Bolsheviks solved their internal difficulties in Russia and were able to pay attention to Georgia, the Red Army invaded the capital and brought the country back into the Russian hemisphere. This happened on 25 February 1921, three days after the first constitution of democratic Georgia was adopted. The Georgian government fled to France and the Sovietization of Georgia started. This event buried the idea of independence for 70 years and forcibly imposed an atheistic government on a historically Orthodox state.

When in 1991 the communist yoke was finally broken and independence was regained, the nation-state underwent a second radical shift, seeking to turn itself into a Western-style liberal democracy. The move to independence is now understood against the backdrop of perestroika in the Soviet Union, which led to anti-Soviet demonstrations in the streets of Georgia's capital, Tbilisi. After the massacre of peaceful demonstrators on 9 April 1989, the processes leading to independence became irreversible. In a referendum on 31 March 1991, 98 percent of the population of Georgia voted for independence and democracy. On 9 April 1991, Georgia announced its separation from the USSR (Matsaberidze 2008; Gagua 2016).

2.2. *Initial positive response from religious minorities*

In both tumultuous periods, minorities in Georgia initially greeted the change as positive. In the first period, they hoped that Soviet rule would bring freedom from autocracy and the Orthodox Church (Songulashvili 2015:106). Even before the Soviet invasion, the appeal of 1918 "To all sectarians of the USSR," written by so-called (and self-defined) sectarians of 11 villages in Georgia, glorified the October Revolution and the Red Army as the defender of the interests of "labourer sectarians." It called on all other sectarians to support the new government and its ideals (CACHG, F. R-1547, Inv. 1, File 5, 1927:3, 4).

Seventy years later, after the overthrow of Soviet power and the liberation from strict control over religion, religious communities started to enjoy a freedom that their members had never seen before. The religious revival that accompanied the collapse of the USSR brought churches from underground into the open marketplace, where they could worship openly and conduct activities without any hindrance (Corso 2007; Songulashvili 2015:229). But as we will see, the subsequent policy- and country-building processes left religious minorities disappointed again.

3. Formal declarations of democratic values and their ideological underpinnings

Soon after the revolutions, both regimes laid down democratically worded, foundational legislative texts. There are obvious contrasts in the processes that followed the rapid shifts, yet each one made a strong formal statement of the importance and protection of religious freedom.

3.1. *Early Soviet declarations on religious freedom*

The first Soviet decree appraising democratic values was issued on 20 January 1918, entitled "Freedom of conscience, church and religious societies." Starting with the phrase "Religion is the private matter of every citizen," it declared the separation of the church from the state and of the school from the church (Pupol and Korbova 1957, I:371). Early Communist leader Vladimir Lenin considered the absolute separation of religion and state directly related to socialist ideology: "The state should not have anything in common with religion, [and] religious associations should not have anything in common with state power. ... The complete separation of church and state is a requirement of the socialist proletariat of the modern state and the modern church" (Szubtarski 2013:67).

But Soviet legislation was ambiguous from the very beginning in its declarative statements about building a secular state. Although the 1918 decree is reminiscent of the French separation decree of 1905, Sawatsky (1978:159) points out

that it is "uniquely Soviet." While formally declaring freedom of conscience, it differed from Western models because it implied deprivation of legal status for all religious societies. It also differs from the Constitution of the First Republic of Georgia (1921), where relevant provisions established the principle of secular separation of state and church. However, this principle fundamentally diverged from the hostile attitude towards religion exhibited by the Soviet Union, which was based on the doctrine of political atheism rather than secularism. Potapova called this state "equal lawlessness" (*ravnoe bespravie*) (Potapova 2014b). Subsequent laws gradually limited the rights left for religion; "in practice, they provided unlimited opportunities for the non-procedural elimination of public beliefs and institutions" (Szubtarski 2013:69).

Gsovski indicates the fundamental difference between this decree's operation and a Western idea of separation of church and state by comparing it to the US context. There, the separation emerged from the struggle for religious freedom and tolerance and was designed to protect faith and to allow for more freedom and development of the church. In contrast, the Soviet decree aimed to undermine the "very existence of the church" and to facilitate the death of religion (Gsovski 1955:11).

3.2. Independent Georgia commits to core democratic values

In 1991, the Act of the Restoration of State Independence of Georgia declared its commitment to core democratic values as follows:

> The Republic of Georgia, striving for a dignified position in the world community of nations, recognises and ensures equally all the fundamental rights and freedoms of individuals, including national, ethnic, religious and linguistic groups, envisaged by international law, as required by the Charter of the United Nations, the Universal Declaration of Human Rights, and international pacts and conventions.

The 1995 Constitution of Georgia confirmed freedom of religion and belief and equality for all regardless of religion; it also declared the independence of the Georgian Orthodox Church (GOC) from the state (Articles 9 and 19), rendering Georgia a secular state (Ministry of Justice of Georgia 2019; Chitanava et al. 2014:11).

Yet the constitution also contains the seeds of a problematic relation between religion and state in Georgia. Article 9 adds that "the state recognises the special role of the Georgian Apostolic Autocephalous Orthodox Church in the history of Georgia … . The relationship between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia is determined by a constitutional agreement" (Ministry of Justice of Georgia 2019). It has been argued that this article

aimed to combine the choice of a democratic state with an attempt to pay tribute to the past (Keskin 2017:45). The term "endorsed church model" has been aptly used to describe this state-church relationship (Chitanava et al. 2014:11).

4. Ideological underpinnings

In early and fundamental legislative texts, both the Soviet regime and independent Georgia recognised the independence of church and state and formally subscribed to religious freedom. However, subsequent legislation as well as the developmental trajectory of the religious policies demonstrated the different ideological underpinnings and the consequent particular interpretations by the regimes of these key secular values.

4.1. Ideological underpinnings of Soviet legislation

The problematic nature of legislation built on the 1918 Soviet decree is obviously linked to its underlying Marxist-Leninist ideology. On this basis, the Bolsheviks aimed to construct a state without social inequalities. Religion was considered a superstructure in society, which helped to justify social exploitation. Fighting against (organised) religion and making atheism and materialism prospective standards for the popular mentality therefore became an integral part of Soviet policy on religion (Gsovski 1955:15). Soviet atheism was considered the only true atheism in the world, since other forms denied religion only in theory but not in political practice. Soviet policy thus radicalised the Marxist attitude towards religion, moving it from a theoretical sphere to the plane of practical politics (Stepanova 2014:68).

The Soviet model of creating a fully atheistic society has been described as an extreme, forceful version of secularisation distinct from Western secularisation, which is seen as a natural consequence of modernisation (Stepanova 2014). Soviet citizens were given freedom of conscience, but legislation was tightened and anti-religious initiatives of the government were intensified. In the 1936 constitution, the gap between believers and atheists grew because the constitution ensured freedom for anti-religious propaganda while simultaneously replacing "freedom of confession" with "freedom to practice religious rites." Fighting the remnants of religion thus ranked as a leading public concern and received legislative support. Church-state separation in the Soviet model ultimately and explicitly aimed at the eradication of religion in order to replace it with an atheistic ideology.

4.2. Ideological underpinnings of independent Georgia's legislation

The special attention given to the GOC in Georgian legislation was also affected by the implicit search for an ideological underpinning to strengthen the newly established political reality. The ideology that came to replace atheism was a Geor-

gian religious-nationalist discourse, enabled by a strong religious resurgence in the last decades of the 20th century.

The time of inception of this religious resurgence is a matter of scholarly discussion. In terms of genesis, some would argue that it started shortly before Georgia gained independence. When anti-Soviet sentiment began to intensify in Georgia in the 1980s, the GOC became a new ideological pillar and a symbol of opposition. The struggle for independence from the Soviet regime thus went hand in hand with the promotion of Orthodox Christianity (Keskin 2017:39). When Georgia gained its independence, the GOC was already considered a guarantor of the survival of Georgian identity (Kekelia et al. 2013:53).

Other authors, meanwhile, focus on the presidency of the first leader of democratic Georgia, Zviad Gamsakhurdia (1990-1992), during which the GOC became "the embodiment of Georgian nationhood" (Aydıngün 2013). In his inaugural speech, Gamsakhurdia called Georgia an Orthodox Christian country with "has a traditional union between church and government" (Crego 1994). He considered all other religions a threat to Georgian morality (Keskin 2017:40) and thus paved the way for Orthodoxy as the normative faith. This sentiment was not solely his own and remains present in Georgian society today (Narsia 2018).

Looking for the cause of this religious resurgence, Kekelia points to society's need for a certain cultural continuity. Sovietization forcefully disrupted Georgian Orthodox culture, and when the ideological pressure weakened, society returned to its preceding culture in a more aggressive and aggravated form (Kekelia et al. 2013:27). This development, Kekelia and others argue, was also spurred by the preceding century spent under the yoke of tsarist Russia. Repressive policy towards the GOC (including its loss of autocephaly in 1811) and the intensive Russification during the 19th century layered on the Soviet period and intensified the desire to regain cultural continuity (Kekelia et al. 2013:18).

Groundwork for the religious-nationalist ideology, others argue, was also laid by the USSR's national policies. Soviet national policy as described in Stalin's work "Marxism and the National Question" was based on the principles of national federalism. The Soviet Union was a forceful coalition of nationalities aiming to create a new dominant civic value, a new citizen: the *homo sovieticus* (Dundua et al. 2017). Pelkmans describes Soviet national politics as an attempt to keep pre-Soviet identities in "cold storage." When the Soviet experiment failed, post-Soviet countries returned in their state-building processes to the only thing that had remained in their collective memories – their national identities (Pelkmans 2006). Being Georgian didn't mean being Soviet any longer. The strong push to link national identity to some ideology led to a religious nationalism, expressed in the widely spread formula, "To be Georgian is to be Orthodox."

Ideologies on which nation-states are built have cause-and-effect connections, even if they vary in essential ways. These features also directly affect the rights and position of religious minorities in their territories, as will be discussed below.

5. Structural empowerment of ideological carriers

Ideologies do not just sail on an emotional wave, like a war cry opening the battle for radical societal change. They remain main motivators of state policies, notably on religion and religious groups. For decades, the Soviet state had nurtured an atheistic ideology, strengthening and embedding it in people's minds. In post-Soviet Georgia, the national government has elevated the GOC to the rank of a political actor on an equal footing with itself. Through this gradual empowering, Georgia has been shaped as a country characterised by religious nationalism, where a dominant ideology again marginalises religious minorities.

5.1. Gradual empowerment of anti-religious forces in Soviet Georgia

Early measures strengthening the new ideology in Soviet Georgia were enabled by the decrees of 6 and 15 April 1921, adopted by the Revolutionary Committee of Georgia. Church lands were nationalised and religious education in schools was completely banned. As part of land reform, the clergy were given a choice: either give up their ministry in exchange for a plot of land or continue wearing the cassock but be economically bankrupt (Kveselava 1979:77). In the same month (28 April), the state secularised the registration of marital relations, thus disconnecting religion from family relations. These decrees delivered a severe blow to the economic power and societal influence of religious institutions, and religious individuals were socially and economically marginalised.

The replacement of religion with the new communist ideology did not remain limited to the legislative and public policy level. According to Lenin, "It is harder to fight against the influence of priests than against the old legislation" (Lenin 1969:38:208). For this purpose, the Central Committee of the Communist Party adopted a special "Program on Antireligious Propaganda" in 1921, immediately after the publication of the April decrees. It stressed the need to confront religious "superstitions" with scientific approaches. The government actively welcomed all possible promotional activities: disputes between atheists and clergy, public lectures, atheist groups in public institutions and schools, and more. Special propagandistic literature was published and widely distributed, aiming to spread scientific atheism and to disarm religion by representing it as a refuge for the inferior, a remnant of the oppressive regime, and an opponent of rational thought. Volunteer organisations were set up to fight against religion and raise a new atheist generation. The most striking example was the League of the Militant

Godless, which existed for about 20 years from 1927 to 1947 (CACHG, F. R-1547 1927; Metreveli 2014).

Szubtarski (2013:70) concludes, "The Soviet state became not only a non-religious and secular state, removing religious elements from public life, but also very actively anti-religious." The launched activities were, however, not always so effective. According to Powell (1967), Soviet propaganda did not persuade religious believers but was "highly functional" for the atheists themselves and therefore for the party.

5.2.   *Gradual empowerment of the GOC in independent Georgia*

In post-Soviet Georgia, atheist ideology was quickly replaced by a strong religious-nationalist discourse. As discussed above, the legislative space for this new discourse was already prepared in the 1995 constitution. Seven years later, it was broadened in a constitutional agreement between the state and the GOC – the so-called Concordat. This document was inspired by similar agreements signed between the Vatican and other states (Keskin 2017:45), but it differs significantly in that the GOC is a legal entity within the state and not an independent subject of international law like the Vatican (Metreveli 2022:46). The agreement gave the GOC political power similar to that of the secular government.

The strong relationship created between the GOC and the Georgian state under this Concordat has no analogy in international law. Its problematic status can be seen most clearly in comparative perspective (Mikeladze et al. 2016). The Social Justice Center (SJC), a Georgian human rights NGO, has identified ten key problematic areas in the Concordat from a legal standpoint. The main objections include: (a) the high normative status of the text and the uniquely difficult procedure for its amendment or abolition; (b) superior legal protections and provisions given to the GOC, including tax and other benefits; and (c) the explicit authority given to the GOC to interfere in or dictate various aspects of public and social life. No such memoranda were signed with any other religious community (Mikeladze et al. 2016:27-29).

The enactment of this agreement facilitated a drastic empowerment of the GOC. For more than ten years, the GOC was the only religious organisation to receive state funding. Presented as a partial compensation for damages incurred during the Soviet regime, annually increasing amounts were allocated to the GOC in the state's central budget, by local governments and even by the President's reserved fund (Mikeladze 2013:82). Although the monasteries and churches as well as ecclesial ruins and land plots were already restored to the GOC by 1990, the Georgian Patriarchate continues to receive large-scale real estate from the state on a regular basis (Lomadze et al. n.d.). In February 2020, the Parliament of Geor-

gia again considered transferring more property to the GOC, now in the form of forests located around the monasteries and churches (SJC 2020).

The GOC's unique status leads to a highly problematic asymmetry when compared to that of other religious communities. Moreover, the previously mentioned restitution policy awarded the GOC religious buildings which previously belonged to other (Armenian Apostolic, Roman Catholic, Muslim, Evangelical Lutheran and Jewish) religious communities. Some of these have been seeking the restitution of their properties since 2010, without success (Chkheidze 2014:20). The country's current taxation policies add further to the asymmetry. The 2011 tax code states that religious activities cannot be considered economic activities and should therefore enjoy tax benefits. But the benefits are granted only to the GOC and its activities, not to other religious communities (Chkheidze 2014:79, 80). These imbalances have strengthened the GOC's position of virtually untouchable political and religious power.

6.   Ideologically fuelled power abuse and violence

The ideological grounds for the legislative asymmetries in early Soviet and post-Soviet regimes proved to be fertile soil for various forms of violence towards those who did not fit in. A key difference can be observed in the implementers of the violence. In the Soviet state, the government persecuted religious dissidents, openly pursuing its agenda of physical and social elimination of all religious groups. In independent Georgia, the state did not openly attack religion, but it chose to remain silent and inactive when radical groups or elements acted aggressively towards minority groups, motivated by a religious-nationalist sentiment.

6.1.   Anti-religious violence in Soviet Georgia

In the early Soviet Union, anti-religious discourse came to endorse violence very quickly. Religion and church had to be defeated as pillars of capitalism and the bourgeoisie that were impeding the progress and construction of a new state. Already in 1922, Vladimir Lenin wrote to Molotov[4]:

> I come to the unconditional conclusion that it is precisely now that we must give the most decisive and merciless battle to the … clergy and suppress their resistance with such cruelty, that they will not forget this for several decades. The more representatives of the reactionary clergy and reactionary bourgeoisie we manage to shoot on this occasion, the better (Lenin 1922).

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4   Molotov Vyacheslav (1890-1986) – a statesman and diplomat who served as foreign minister and the major spokesman for the Soviet Union at Allied conferences during and immediately after World War II.

The general public sentiment towards religious and other unwanted groups rapidly became hostile. Aggression often targeted religious properties. Over just two years (1922-1923), about 1,500 Orthodox buildings are said to have been destroyed in Georgia (Anchabadze and Gelashvili 2005:25). Reports on the League of Militant Godless describe how their activists moved beyond verbal propaganda and intellectual debates to violence. Memos from 1929 mention the confiscation of valuable church assets in the Catholic village of Eshtia and in Eko Komsomol, and of church premises in the villages of Dzhigarsheni and Khando. In other villages, young people broke windows, vandalised churches, stole jewellery and trampled icons (CACHG, F. R-1547, Inv. 1, File 5, 1929).

The Soviet regime also actively repressed religious individuals and communities from its very establishment. On the first day of the occupation of Georgia, a so-called "Extraordinary Commission" (CheKa) was established to fight against counter-revolutionaries and all "unwanted elements." This body was responsible for grave forms of repression and religious leaders were among their early victims. In its first years, the Georgian Orthodox Church was targeted. Patriarch Ambrosi Khelalia was arrested for writing an open letter to the International Peace Conference in Genoa in 1922, asking for the withdrawal of the Soviet army from Georgia. After a show trial, he was sentenced to seven years in prison (Songulashvili 2015:101).

Other religious leaders were also targeted. In 1927, the founder of the Georgian Baptist congregation in Georgia, Ilia Kandelaki, was killed. Richard Mayer, a senior Lutheran pastor, was sentenced in 1930 and executed in 1933. In 1932, 300 representatives of a Pentecostal congregation were placed on a ship in Poti and taken to an unknown destination (Chachibaia n.d.). In 1937-1938, called the Years of Great Terror, violence against "politically unreliable individuals," many of them believers, became particularly bloody. According to incomplete estimates, 14,372 people were shot and 14,679 were relocated in these years ("Stalinuri Siebi Sakartvelodan" 2013). In 1941, due to the outbreak of World War II, 23,850 ethnically German Lutherans were evicted to central Asia and Siberia (Papuashvili 2018:139). A similar fate befell the Muslim population of the southern, Muslim-populated region of Georgia, known as Meskheti-Javakheti, in 1944. Although they were not the first or primary target, religious minorities also suffered severely from Soviet anti-religious violence.

6.2.   Violence against religious minorities in independent Georgia

Against the background of growing religious nationalism, in post-Soviet Georgia all non-Orthodox religious groups progressively became targets of aggression. What started in the 1990s as individual acts of violence grew from 1999 to 2004 into organised and open acts of aggression (Corley 2003a; 2004).

The role of the Orthodox clergy in creating this violent atmosphere is undisputed. Amy Spurling, a freelance journalist based in Tbilisi, pointed to an early letter from the Orthodox patriarch to President Shevardnadze about cults "flooding the country" and the subsequent development of an anti-sect hysteria (Spurling 2004). Local priests organised people to physically prevent minority churches from holding services by blocking the entrances of the church buildings, assaulting members or threatening to kill the leaders (Corley 2003b). The most illustrative escalations were violent attacks led by the defrocked (but still active) priest Basil Mkalavlishvili in 2002-2003. He stirred up crowds to burn thousands of "Baptist Bibles," picket Pentecostal churches and beat up their leaders. The most targeted group were the Jehovah's Witnesses (JW vs Georgia, 5 March 2007; JW vs Georgia, 17 January 2017). In 2002, the Jehovah's Witnesses filed a total of 618 criminal complaints with the European Court, including 125 alleging assault and battery, plus others that involved property damage and destruction of religious literature (Spurling 2004). The government together with the GOC largely played a role of silent observers. Even though the parliament officially "expressed extreme concern" and condemned the violent actions (Parliament of Georgia 2001), some politicians publicly endorsed and supported the attacks. Violence also penetrated schools, where children were mocked by peers and teachers because of their religious identity (Mikeladze et al. 2016:105). If complaints were filed, victims did not receive adequate response from the national courts (Corley 2004).

After finally being sentenced in 2004, Basili Mkalavlishvili continued to justify his actions in a religious-nationalist spirit: "I was defending the motherland and the faith of our fathers" (Spurling 2004:221). The relation of these actions to the rising religious-nationalist discourse was also evident in slogans used during the attacks, such as "They are trying to take our national identity," "They are fighting against Orthodoxy," and "Sectarians, get out of Georgia!" (Corley 2003, 2004). While physical violence is not as frequent anymore, members of religious minorities face verbal assaults and discrimination up to this day (Batumi City Court, 16 June 2017; ECtHR, 30 November 2023). Recent reports on religious discrimination provide ample examples of continuing humiliation of both adults and children (Mikeladze et al. 2016:118).

7. Double containment (of violence and of minority religious organisations) by registration

In both the Soviet and post-Soviet approaches, one can observe a shift from policies which involved or condoned aggression to a pattern of containment. In Soviet Georgia, the persecutions were eased at the outbreak of World War II. This event forced the Soviet leadership under Joseph Stalin to revise its anti-religious

policy and mobilise all layers of the society for the war. A similar tendency can be observed in post-Soviet Georgia, where the 2003 Rose Revolution played a crucial role in defusing the intensity of particularly aggressive acts. The sentencing of Mkalavlishvili, the defrocked priest mentioned above, was also a symbolic act that illustrated the government's changed position towards minorities and towards undisguised aggression (Corley 2005).

In both periods, the registration policies concerning religious groups have gone through a similar pattern of development. After a period of legislative limbo when groups were left without a legal status, governments made up their minds about how they wanted to interact with religious groups, and relations and policies were stabilised. In post-Soviet Georgia, this process involved a series of legislative reforms. In examining international practice, researchers observe two roles that the state may choose in relation to religious groups: either facilitator or supervisor (Meladze 2012). At the stage of stabilization of the registration policy, the Soviet authorities chose the role of supervisor, whereas the post-Soviet legislation moved towards a facilitation model, albeit with great effort.

7.1.   Registration of religious organisations in Soviet Georgia

At the first stage of the formation of the Soviet Union (starting in 1918), registration of religious organisations was not mandatory (Savinskiy 2001:2:68). Soviet governments simply deprived them of legal status and made them equally illegal (Potapova 2014a). This outlaw status gave the state free rein to shut churches down, which had clear effects in Georgia. According to incomplete data, in 1921 there were 2,757 religious institutions in the country (counting not only independent religious institutions but also existing units or "parishes" of these entities). By 1923, about 1,107 of these institutions, or 40 percent, had been closed or turned into clubs or warehouses (Kveselava 1979:74, 77). Clergy were deprived of their civil rights and religious communities were disqualified from eligibility to own any land or property. Parishioners had to sign a special contract with full personal liability to obtain the place of worship that their religious community previously owned (Gsovski 195:18).

In 1922, the period of absolute legislative limbo for religious organisations ended. A law governing registration of religious organisations was adopted, and the government transitioned to a "registering" or "permissive" policy (Potapova 2014a). By 1929, the government finalised its position on the status of religious associations. Legal religious activity was held to a minimum and was possible only under the condition of registration (Kuroedov and Pankratov 1971:10). A resolution on religious associations was adopted, which demonstrates that the state now took on the role of supervisor. Worship services could be conducted only af-

ter registration was granted. The procedure was long and bureaucratic, involving a three-step process with frequent refusals (see Articles 5, 6 and 7 of the law). The registered groups were not permitted to operate any activity other than worship services; for instance, social, commercial or humanitarian activities, including providing financial aid to members, were not allowed (Article 17). Any outdoor activity or gathering outside the registered religious building was prohibited as well. Only adults could be members of the community (Article 3). If a representative of the supervisory authority found violations of the law, the group's registration could be cancelled (Article 43) (Kuroedov and Pankratov 1971:19).

The strict yet unpredictable registration policies made religious community life very vulnerable. On 8 December 1955, the Baptist Evangelical Christians in Rustavi received different answers from two different institutions in response to their application for registration: a refusal from the city council and a request to wait from the Council for Religious Cults in Georgia. Without a clear answer, the congregation continued to gather. After waiting a year and receiving no reply, the believers submitted a new application for registration on 12 December 1956. But on 23 December, the authorities came on a Sunday morning and disbanded the meeting, making the present members sign a declaration admitting that they had violated Soviet legislation by gathering without a registration. They were told to apply for permission to register in Moscow and that in the meantime they should attend the registered congregation in a neighbouring city (CACHG, F.1880, Inv. 1, File 29, 1956a:8, 9). This manipulative model remained intact until the end of the Soviet period.

7.2. *Registration of religious organisations in independent Georgia*

In contrast to the Soviet model, the registration policy in Georgia today is a positive example of how the government has managed to overcome the temptation to use registration as a weapon. Any religious group in Georgia can register as a legal entity under public or private law[5], or it can continue its activities without any registration. This quite flexible model is adapted to the needs of religious minorities, but it went through a painful evolutionary process before being finalised in 2011.

From 1991 to 1997, the status of religious associations remained undefined (Meladze 2012:78) and religious minority groups functioned in complete legislative limbo. After the adoption of the civil code in 1997, religious organisations gained the option of seeking registration as a Legal Entity of Public Law (LEPuL). Howev-

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5   A Legal Entity of Public Law (LEPL) is created by the state to perform public functions or provide public services, and its actions are governed by public law. Before 2011, only the Georgian Orthodox Church (GOC) could attain this status among religious organisations. In contrast, a Legal Entity of Private Law is established by private individuals or organisations for private purposes, such as business activities, and operates under private law regulations.

er, this option was suitable only for large organisations; registration for relatively small religious communities proved impossible. In fact, only the GOC was granted this status. Simply avoiding legal status as a church and interacting directly with the government as private persons created many complications in terms of representation, construction of religious buildings, taxation, and other matters.

In the lawsuit "Citizen Nikolai Kalutsky against the Parliament of Georgia," the pastor of a Pentecostal church in Tbilisi came under attack due to its lack of appropriate legal status. Despite a series of adversarial actions by radical groups against his church, the police refused to initiate a criminal case due to the plaintiff's lack of legal status (Citizen Nikolai Kalutsky v. Parliament of Georgia 2005). As non-registered organisations were still threatened with administrative penalties for avoiding registration in legislation inherited from Soviet times (Meladze 2016:81), some looked for alternative ways to become legally represented and tried to register as a humanitarian organisation or foundation with the status of a nonprofit legal entity. But when the Jehovah's Witnesses community attempted to do so in 2001, describing their religious purpose openly, the court annulled their registration on the grounds that religious organisations could obtain only the status of LEPuL (Meladze 2016:82). Others therefore simply avoided mentioning their religious aims.

It took ten years and three attempts for the Parliament of Georgia to enact the current law on registration. Each time, the GOC opposed granting other religious groups equal status. During the first attempt in 2002, three legislative proposals were presented in the parliament; each of them sought to permit religious organisations to register as LEPuL with minor differences in details. The GOC, however, demanded that religious organisations be divided into three categories: (1) the privileged religion (only the GOC), (2) traditional religions (Catholicism, Islam, Judaism, Armenian Apostolic Church), and (3) others, which were to be strictly controlled, potentially including complete prohibition of their activities (Meladze 2016:84). As the stakeholders could not reach an agreement, the legislative initiative was postponed.

The next attempt to amend the law on registration for religious minorities and eradicate the legislative asymmetry occurred in 2005, following the Rose Revolution. The new parliament removed Article 199, which stipulated administrative fines for the unregistered groups, from the civil code and made it possible for religious organisations to register as non-profit Legal Entities of Private Law, not public law (Tsintsadze 2007). While this change opened up a pathway to official registration, it did not eradicate the problem of asymmetry, as some religious organisations wanted to seek public status like that of the GOC and as the status of an entity of private law was not fully compatible with their type of religious

activities (Heinrich-Böll-Stiftung 2011). This was particularly the case for the Catholic Church, the Armenian Apostolic Church, the Evangelical-Lutheran Church and the Evangelical Baptists, each having deep historical roots in the country and thus property and property claims.

In 2011, the third legislative round concerning registration finally resulted in a law enabling religious minorities to register as LEPuLs. The Council of Religions, which was formed after the Rose Revolution under the Public Defender's office and brings together representatives of 24 religious associations, played a positive role in this process. Due to positive collaboration and by keeping the GOC far from the negotiation table, registration as LEPuL became possible for religious organisations that could claim an "historical link with the country" and for all religions recognised by members of the European Council (Gavtadze et al. 2020:39). While still not perfect, this legislation was a huge step forward. The changes were not welcomed by the GOC, and the hearings in the parliament took place against the background of a demonstration led by GOC priests (Civil Georgia 2011). The press centre of the Patriarch published a letter opposing adoption of the "dangerous" law and calling for a referendum on the issue (Rekhviashvili 2011). Despite this opposition, the parliament adopted the law in an expedited manner (within five days). The amendments in the civil code gave religious organisations more freedom to choose their preferred status, but the process negatively impacted relations between the GOC and the ruling party and may even have contributed to the political turnover in 2012 (Civil Georgia 2011).

8.   State agencies for regulating religion

A final element of state-religion relations in current Georgia, which in the light of the above considerations can be considered an echo of Soviet management, is the establishment of a special agency to deal with religion and religious organisations. Although both Soviet and current agencies have positioned themselves as defenders of the rights and interests of religious communities in the country, the outworking of their policies is not viewed so positively by the subjects of those policies – especially minority religious communities.

8.1.   The Soviet Council on Religious Affairs

In 1943-1944, a Soviet agency was created to deal with religion, comprising one department to deal with the Orthodox Church and another for "religious cults." In 1965, the two structures were merged into the Council on Religious Affairs (hereafter the Council; Soskovets 2008:162). This body aimed to supervise and control the implementation of Soviet legislation in relation to religions. It was also tasked with working on legislative projects, mediating between religious organisations

and the state, maintaining records on the religious communities and bringing to justice those people who violated the law (Kuroedov and Pankratov 1971:3-4). The body reported directly to the Council of Ministers of the USSR. Its establishment was regarded as a "timely and right" development for the state's policy towards religion (Sovetov and Odintsov 2005), allowing it to bring order to the confusing and outdated legislation regarding religion and to cooperate with religious communities in the context of World War II (Petrov 2013:282). It also gave the USSR the image of a democratic country with adequate religious liberty, which helped to increase Soviet influence in the bordering Eastern European countries (Songulashvili 2015:164).

The main novelty implied by the Council's creation was that the state recognised the right of religious communities to exist and be organised. The Council actively supported many petitions from religious centres, allowing the opening of religious buildings, the organisation of congresses and councils and the publication of religious literature. It allowed the restoration of the Patriarchate of the Russian Orthodox Church in 1943. A few months later, the All-Union Council of Evangelical Christians-Baptists (AUCECB) was established under the auspices of the Council (Songulashvili 2015:156-158; Bichkov 1989:233). At the end of February 1945, the Soviet government decided, at the Council's recommendation, to grant deferments from conscription for religious reasons to a variety of religious adherents (Sovetov and Odintsov 2005). This support, however, was granted selectively and only under certain conditions. Religious denominations were classified and placed in a hierarchical ranking, and the Council cooperated only with those organisations listed as loyal to the Soviet state and willing to collaborate with its initiatives. Some religious organisations were excluded as politically or socially dangerous.

The Council actively introduced a merger policy, under which Georgian commissioners were instructed to direct new groups to join previously registered communities rather than allowing them to register separately (ADARA, R-977, Inv. 1, File 7, 1946:7, 8). Hence, Pentecostal churches were merged into Baptist unions because of their similarities and certain religious activities, such as speaking in tongues and foot washing, were discouraged (Sovetov and Odintsov 2005).

The Council's work also implied marginalisation and control of religious community life. In particular, the location of a religious building was a matter of high concern. Building or renting a place of worship without the commissioners' approval was not allowed (ADARA, R-977, Inv. 1, File 7, 1946:10). Centrally located religious buildings were displaced to the outskirts of cities, and concentrations of religious communities in one area were avoided (ADARA, R-977, Inv. 1, File 7, 1946:8). Church choirs were not allowed to organise public concerts (ADARA,

R-977, Inv. 1, File 7, 1946:5) and any publishing without explicit permission was prohibited (ADARA, R-977, Inv. 1, File 7, 1946:12). Pastors were expected to report in detail about all guests visiting the church or about their visits abroad (CACHG, F.1880, Inv. 1, File 29, 1956b:29,30).

The Council worked in a typically Soviet bureaucratic and controlling manner. Its commissioners forwarded vital information related to decisions regarding registration (ADARA, R-977, Inv. 1, File 7, 1946:11). They monitored the flow of money in the religious communities, which included control of taxation. And they kept a close eye on ideology as preached in the church. Although the Council officially had no right to interfere in the internal life of the religious community, its structure or its beliefs, the commissioners could scrutinise sermons for compliance with Soviet legislation and report alleged breaches. They also closely monitored the integration of new ministers and evaluated their loyalty to the government, providing "patriotic education" if needed. The commissioners did not hesitate to abuse their power by unreasonably cancelling a registration or imposing fines on religious ministers (Maslova 2005:152-53).

8.2.   *The State Agency on Religious Issues in independent Georgia*

The "Georgian Dream" party, which came to power in 2012, was driven by a strong desire to compete with the previous government by presenting itself as more democratic in terms of protecting human rights. In this spirit, it sought to take concrete steps towards improving religious policy. One of its first novelties was the formation of the State Agency on Religious Issues (hereafter SARI) (Government of Georgia 2014).

SARI initially defined its mission as "the establishment of a coherent religious policy based on national experience and on the requirements of modernity, serving the country to return to its rightful place in the contemporary civilized world." To implement this mission, it developed recommendations regarding religious management to the government "based on professional studies and scientific analyses in the sphere of religion" (SARI n.d.). This involved building up expertise and gaining insight about the religious palette of the country through data collection, the mapping of religious buildings, and other activities. As a centre of expertise, SARI also seeks to raise public awareness of Georgia's religious diversity by holding training sessions for students, media and clergy on the protection of human rights and by launching exhibitions, among other activities (SARI 2020). While its mandate thus focused on preparatory policy work and the collection and distribution of religion-related information, the agency's direct access to the executive government and its centralised nature soon made it a strong and exclusive political actor.

SARI's growing influence raised suspicion among religious communities and NGOs, evoking parallels with its Soviet predecessor (SJC 2015). The agency functions directly under the highest government authorities. The Prime Minister appoints its chairman, and SARI reports directly to the Prime Minister. This direct relation could serve religious minorities well if the agency would demonstrate strong concern for balancing religious policy in Georgia. However, it appears that SARI's policies have come to align more closely with the state's desire to monitor religious groups, especially those considered potentially dangerous. Some NGOs contend that SARI's creation was triggered by several worsening conflicts with the Muslim diaspora, which the government failed to resolve (Mikeladze et al. 2016:58). The focus on security rather than on protecting religious rights could already be seen in SARI's 2015 strategic document on the development of religious policy in Georgia (SARI 2015).

A second reason for suspicion of the agency arose from questionable decisions regarding cooperation with religious communities themselves. Rather than working with the previously mentioned Council of Religions, which has functioned as a conversation partner of the government since 2005, SARI has set up a new Interreligious Council (SARI n.d.). Representation of the minority religious communities on this new council has been limited and its influence on religious policy strategy decisions has been rated as "nominal" (Mikeladze et al. 2016:84).

A third controversial development since SARI's establishment has been the opening up of government funding for minority religious communities. In 2014, the government issued the decree "On establishing rules for implementing certain measures for partial compensation of damages caused during the Soviet totalitarian regime" (Decree 117). To execute this decree, SARI selected four religious groups (Islamic, Jewish, Roman Catholic and Armenian Apostolic) as recipients of compensation. The agency stressed that the Georgian state is not a successor of the Soviet regime and therefore does not have an obligation to pay compensation, but said that this regulation aims to serve the "development, unification and peaceful co-existence of the religious communities in the country" (SARI 2020:98). The allocations of these "compensations" (totalling 1,750,000 Georgian lari, or about $650,000 USD, in 2014) are decided and monitored strictly by the agency, in stark contrast to the annual funding given to the GOC. Exactly what is being compensated remains unclear, as is the rationale for the financial distribution.

This new funding policy has provoked a new stream of criticism, even though it may seem a generous gesture by the state to support religious organisations other than the GOC. NGOs have pointed to the lack of clarity in the selection criteria. To justify its selection of the four abovementioned groups, SARI has said that

only religious organisations registered as LEPuLs were chosen. This justification does not align with the compensation discourse, though, as other religious groups were also severely persecuted by the Soviet regime (Gavtadze et al. 2020:57). The four selected confessions were then required to set up new representative organs to handle these funds, reminiscent of the former policies under Soviet management of religion. How to establish such organs was not self-evident, particularly for the pluriform Islamic community, which unsuccessfully challenged this policy in a lawsuit (Constitutional Complaint N750 2016).

Fourth, SARI has taken on a particular role with regard to the construction, remodelling and location of religious buildings. As Georgian legislation did not have separate regulations for the construction of religious buildings, the agency took it upon itself to write recommendations for such building projects (SARI 2020). This involvement has also been criticised by NGOs and described as inefficient and obscure. By placing itself between religious groups and the state authorities, the agency has complicated the process of obtaining building permits and added bureaucracy. Local authorities increasingly consider SARI's recommendation an obligatory document, requesting that the agency issue a permit at every stage of a construction project. To avoid this bureaucratic morass, religious organisations frequently conceal the real purpose of a building in the documents they submit or register a building project through a private individual (Mikeladze et al. 2016:124).

In 2018, SARI attempted to introduce a Law on Religion, which would regulate "the registration of religious groups and their legal status, rights and obligations, activities, financial and property matters, religious education and other issues" (Corley 2019). The idea was strongly criticised by the Public Defender's office and organisations defending human rights in the country. Minority religious groups were also very suspicious of this initiative, as it suggested that the state could define a religious organisation and grant or deny registration on that basis. After a series of meetings of the Council on Religious Affairs under the Public Defender's office, 20 religious groups signed a common statement opposing the idea of a Law on Religion, pointing to the "high risk of legislating a hierarchy of religious communities, imposing certain restrictions on their activities, and creating barriers to registering religious communities" (Corley 2019). Despite this negative recommendation, the government formed a working group, which began drafting a proposed law. However, the process has been stalled since June 2019 due to a government crisis following unrelated protests.

9.   Conclusion

The establishment of SARI in 2014 and its subsequent early activities have received much criticism from religious minorities, human rights organisations and foreign observers alike. Although the agency itself considers its existence and

work in line with similar governmental institutions in modern, secular, democratic Europe, critics consider it a return to Soviet mechanisms of monitoring and repression of religion – particularly of religious minorities. Our comparison of early Soviet Georgian and early independent Georgian dealings with religion has shown that the establishment of SARI should not be viewed as a strange or sudden development. Rather, it is part of a series of echoes of early Soviet patterns of institutionalisation and policy-making concerning religion.

There are clear differences in religious governance between the two early periods of post-revolutionary nation formation compared in this paper. Whereas the Soviet regime was overtly anti-religious in both its discourse and activities, and aggressive and violent in its treatment of religious subjects, subsequent governments of early independent Georgia have sought to bring religious governance in line with democratic standards. However, this effort has been successful only to a limited extent. Of the developments and policies mentioned above, the current registration policy for religious organisations in Georgia seems to have best attained this aim of just, democratic governance. In other matters, minority religious organisations continue to experience discrimination and are in constant need of support.

The current strong religious-nationalist discourse and the influence of the Georgian Orthodox Church on national politics have been pinpointed as the main reasons for these undesirable developments. In a way, the Soviet state was less discriminatory towards religious organisations and activities, since all groups were severely restricted. In contrast, modern Georgian legislation and government policies give a privileged place to the GOC, which puts all other religious groups in dark shadows. Additional legislation cannot easily cure this asymmetry, as it is firmly fixed in the Constitution and the so-called Concordat.

A smooth, rapid shift from a totalitarian regime to the establishment of a fully functioning democracy is not easy. Both consciously and (more often) unconsciously, earlier choices and deeply engraved patterns are repeated rather than adapted. So what can we expect in the future? A simple retrospective view of the development of the early Soviet state in Georgia might cause us not to have much hope. Although the Soviet stance towards religion was not always aggressive, the strong imposition of atheistic ideology relegated religious subjects and communities to unenviable positions for many decades. There is, however, some hope as well, mainly due to the gap between officially declared values and lived realities concerning religious freedom in current Georgian politics. This gap keeps Georgia in the category of semi-democratic countries – and, as such, it highlights the country's politically very vulnerable situation (Djuve et al. 2018). But it also recognises that the dominant ideology is being challenged (particularly by local NGOs) and that therefore a road to change remains open.

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97 members of the Gldani Congregation of Jehovah's Witnesses and 4 Others v. Georgia. 2007. Application No. 71156/01, (ECtHR, 3 May).

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Noteworthy

The noteworthy items are structured in three groups: annual reports and global surveys, regional and country reports, and specific issues. 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 produced by Janet Epp Buckingham.

Annual Reports and Global Surveys

2023 report on international religious freedom

US Office of International Religious Freedom, 26 June 2024
https://www.state.gov/reports/2023-report-on-international-religious-freedom/
This report is submitted annually by the US Department of State to Congress. It is a searchable website that covers the religious freedom situation in nearly 200 countries and territories and describes strategies to promote religious freedom around the world.

2024 annual report

USCIRF, 1 May 2024
https://tinyurl.com/mte68w6s
This annual report documents developments during 2023. It recommends that 17 countries be designated Countries of Particular Concern and that 11 more be put on the State Department's Special Watch List.

Peace and freedom of religion or belief

UN Special Rapporteur on Religious Freedom, 18 July 2024
https://tinyurl.com/h9rxty94
The Special Rapporteur considers the relationship between the rights to peace and to freedom of religion or belief. One of the distinct observations of the report is that freedom of religion or belief creates the conditions, motivations, rationales and movements for peace to emerge, strengthening conflict prevention, peacemaking and peacebuilding.

Globally, government restrictions on religion reached peak levels in 2021, while social hostilities went down

Pew Research Center, 5 March 2024
https://tinyurl.com/ykx52c3y

This is the 14th in a series of annual reports by the Pew Research Center analyzing the extent to which governments and societies around the world impinge on religious beliefs and practices.

Freedom of religion or belief in a turbulent world
Platform of Freedom of Religion or Belief Worldwide, April 2024
https://tinyurl.com/ue746cby
This report is an academic analysis of freedom of religion or belief in select non-EU countries in 2022.

Regional and Country Reports

Afghanistan: Country update
USCIRF, 7 August 2024
https://tinyurl.com/d5p73z7e
Under de facto Taliban rule, Afghanistan has experienced a continual and significant decline in religious freedom conditions.

Burma: The persecution of Christians in Burma
Chin Association of Maryland, January 2024
https://tinyurl.com/yj8uas8y
CAM's 2023 annual report investigates and documents the persecution of religious minority groups in Myanmar, especially since the 2021 coup, and particularly events that occurred during 2023.

Cuba: Repression and resistance – a return to hardline tactics
Christian Solidarity Worldwide, 14 March 2024
https://www.csw.org.uk/2024/03/14/report/6186/article.htm
The number of documented cases involving violations of freedom of religion or belief (FoRB) in 2023 remained steady, around 622, as compared to 657 in 2022. CSW observed a return to hardline tactics.

India: Hate and targeted violence against Christians in India
Evangelical Fellowship of India, Religious Liberty Commission, 21 March 2024
https://tinyurl.com/439w5zs3
The year leading up to the general elections of spring 2024 saw an unfortunate increase in divisive rhetoric and inflammatory language. Data from the EFI Religious Liberty Commission (EFIRLC) shows an alarmingly steep rise in the number of violent incidents against the Christian community, climbing from 413 in 2022 to 601 in 2023.

India: Policy brief
Open Doors, 3 May 2024
https://tinyurl.com/2s4dxft5
There has been an escalation of violence, social ostracism, property destruction, hate speech, disruption and condemnation of peaceful non-Hindu religious activities, and false accusations of "conversion" activities. Mob violence against Christians where victims report severe injuries and often death, along with property looting and destruction, is concerningly on the rise.

Nicaragua: Country update
USCIRF, 28 June 2024
https://tinyurl.com/3nnnafr9
This country update summarizes Nicaragua's repressive legal framework, the Ortega-Murillo regime's religious freedom violations against the Catholic and Protestant communities, and international efforts to hold violators accountable.

Nigeria: A case for Nigeria's Country of Particular Concern status
International Christian Concern, 10 July 2024
https://tinyurl.com/5n8bactk
This report thoroughly examines Nigeria's poor state of religious freedom and makes a case for its CPC status. The clear documentation and evidence laid out in this report demonstrate how Nigeria meets the legal threshold for CPC status under the International Religious Freedom Act of the USA.

Nigeria: Country update
USCIRF, 9 August 2024
https://tinyurl.com/n6chf993
This country update addresses the government's use of blasphemy laws and Sharia codes in several states. The report also examines the role of violent nonstate actors in restricting religious freedom in Nigeria and explains how the government has responded to the violence.

Nigeria: Countering the myth of religious indifference in Nigerian terror (10/2019 - 10/2023)
Observatory of Religious Freedom in Africa, 29 August 2024
https://tinyurl.com/9use9mtj
This report documents the widespread violence against religious communities in parts of Nigeria over a four-year period. Many civilians live with high levels of fear and insecurity.

Nigeria: No road home: Christian IDPs displaced by extremist violence in Nigeria
Open Doors International, International Institute for Religious Freedom, World Evangelical Alliance, 1 September 2024
https://tinyurl.com/3uvs9f2m
This report results from interviews conducted with Christian IDPs in Nigeria and includes recommendations for how to provide practical assistance as well as government policy changes. It calls for an international commission of inquiry.

Saudi Arabia: Country update
USCIRF, 1 August 2024
https://tinyurl.com/yc3kbhub
The Saudi government continues to implement particularly severe restrictions on FoRB and imposes harsh penalties upon individuals who deviate from the state's singular interpretation of Sunni Islam. Religious minorities and women are often the primary targets of these FoRB violations.

Sri Lanka: Country update
USCIRF, 27 June 2024
https://tinyurl.com/3xdsvftd
This country update provides an overview of the current religious freedom conditions in Sri Lanka and key observations from USCIRF's trip in October 2023, such as religiously motivated land disputes, registration challenges, and the use of discriminatory legislation to target and detain religious minorities.

Sri Lanka: Fading Beliefs: Addressing the lacunae in the right to religious worship in Sri Lanka
Verité Research and the National Christian Evangelical Alliance of Sri Lanka, 28 May 2024
https://tinyurl.com/6pjc2phr
This is a comprehensive report on the challenges churches face in Sri Lanka in maintaining houses of worship. It documents attacks against churches. It also makes policy recommendations to facilitate establishing and maintaining places of worship.

Turkey: 2023 human rights – violation report
Association of Protestant Churches (Turkey), 26 June 2024
https://tinyurl.com/232bzxa2

This annual report documents the increasingly difficult situation for Protestant Christians in Turkey. They are subject to hate crimes, they cannot find places to worship freely, and foreign missionaries have been expelled from the country.

Turkey: Country update
USCIRF, 26 July 2024
https://tinyurl.com/3wymkazj
This country update outlines how Turkish religious nationalism has contributed to restrictions on freedom of religion or belief and explains the violations religious minority communities and secularists in Turkey continue to face. The report also notes attacks by nonstate actors on the basis of religion.

Yemen: Policy brief
Open Doors Canada, 30 July 2024
https://tinyurl.com/5c8z5wjr
This report finds that religious minorities in Yemen are particularly vulnerable to rising sectarianism and religious extremism. It makes four recommendations to stop the continuous and severe violations of fundamental rights of Yemenis.

Specific Issues

Misinformation and disinformation: Implications for freedom of religion or belief
USCIRF, 8 August 2024
https://tinyurl.com/bdtvcnba
This fact sheet addresses how governments spreading false claims about religious minorities represent a global challenge to freedom of religion or belief (FoRB). It uses China, India, Iran, Pakistan, and Russia as examples.

Protection of religious sites during armed conflict
USCIRF, 14 May 2024
https://tinyurl.com/4j5px5ba
This issue update provides a summary of international humanitarian law's protections of places of worship and religious sites. It also examines cases in which parties to conflicts have targeted houses of worship and religious sites, including the Burmese civil war, the Israel-Hamas conflict, the conflict involving the Nigerian government and U.S.-designated entities of particular concern, the Sudanese civil war, and the Russian invasion of Ukraine.

How society cares for the dead – a matter of human dignity!
Justicia et Pax, July 2024
https://tinyurl.com/39yv5sm2
This report makes recommendations on the need to ensure that the dead are cared for in a manner that is appropriate to human dignity in order to respect the rights of the next of kin, and to avoid placing the normative foundation of society at risk. Recommendations are addressed to the international community, national, regional and local authorities, as well as the church and religious communities.

Parental rights: Your rights and duties as parents
Alliance Defending Freedom, May 2024
https://tinyurl.com/bdfn9rue
This booklet helps parents understand their rights as parents and equips them to defend these rights in the face of increasing autonomy of children.

Secularism: Militant secular worldviews as state religions
International Institute for Religious Freedom, 18 March 2024
https://tinyurl.com/yckfs2uh
Thomas Schirrmacher gave this address at the R20 Princeton Conference on the Universal Declaration of Human Rights, held in conjunction with the 75th anniversary of the adoption of the UDHR by the United Nations General Assembly. It was subsequently published as a report by the IIRF.

Universal Periodic Review: UPR toolkit on freedom of religion or belief
IPPFoRB, 12 September 2024
https://tinyurl.com/4z3vpe7r
This toolkit provides resources for Parliamentarians to engage with the UPR process at the United Nations to promote FoRB.

Book Reviews

Faithful Disobedience: Writings on Church and State from a Chinese House Church Movement

For almost 20 years, Wang Yi has been one of the most active Chinese Christians on the Internet. He is also one of the best-known contemporary representatives of the non-state-approved Protestant churches in China. His arrest in December 2018 and the detention of the entire leadership and several members of the Early Rain Church in Chengdu, which he founded, attracted attention in the international press and criticism by North American and European diplomats.

Wang Yi represents a new generation of Chinese Christians in so-called "house churches" that meet openly, rather than underground, and publicly defend their stance against the government's restrictive religious policy. In their theological argumentation, they draw on classical theologians of the West and seek dialog with global Christianity. It is therefore not only very welcome, but indeed high time that these texts have been made accessible in both English and German. The editors have done an excellent job of providing background explanations so that even readers with no particular prior knowledge of the church in China can understand the texts in their context.

The anthology begins with an introduction by the editor, which dedicates a substantial section to helpful clarification of the term "house church." In contemporary China, this is not a synonym for small underground gatherings but refers to a specific theological tradition. The presentation of both the house churches and Wang Yi's personality is differentiated, and the editors consciously distance themselves from uncritical heroization.

The introduction is followed by a timeline of important events in China's political and church history.

The main part of the anthology contains 22 texts (sermons, lectures, excerpts of interviews and public statements), divided into three thematic sections. In addition to 15 texts by Wang Yi, we find contributions from four other church leaders and two important joint statements by pastors of influential house churches in China. Each text is preceded by a short introduction containing essential background information.

Part 1 ("Our House Church Manifesto") presents the common ground of the various house churches, namely their historical and theological roots that lead

them to refuse to join the officially recognized umbrella organization of Protestant churches (the so-called Three-Self Patrtiotic Movement) because it is controlled by the government.

The texts in part 2 ("The Eschatological Church and the City") convey an impressive picture of the challenging theological and pastoral issues that witnesses to the gospel must confront in the face of state repression. Wang sees the development of a healthy ecclesiology as the great need of the contemporary church. Like many other leaders of contemporary house churches in China, he draws on the two-regiment doctrine of the Reformation and particularly Calvinist theology to develop an ecclesiology that is characterized by a dualistic conflict between church and state.

This conflict becomes even clearer in part 3 ("Arrest and the Way of the Cross"), which deals with theological and pastoral questions of Christian life in the face of imminent arrest. It contains, among other things, very personal texts in which Wang reflects theologically on the limits of obedience to the authorities and offers a spiritual perspective on suffering.

A conclusion by the editor, a glossary with detailed explanations, references for further reading, and (only in the English edition) a general index and Scripture index conclude the anthology.

This book is an important contribution not only to a theology of persecution, but also to intercultural theology and political ethics in general. The texts can be read individually and provide challenging thoughts on church-state relations, persecution and suffering by theologians who write from personal experience.

One weakness of the book is that the editors do not comment on Wang Yi's negative, even condemnatory attitude toward Chinese Christians who remain within the state-imposed Three-Self Patriotic Movement. His black-and-white portrayal of these churches over against house churches is not shared by all house church leaders and does not do justice to reality.

Meiken Buchholz, associate professor, Freie Theologische Hochschule, Giessen, Germany; Fjellhaug International University College, Oslo, Norway

Religious Appeals in Power Politics
Peter S. Henne
Cornell University Press, 2023, 208 pp., ISBN: 9781501770500, US $130.00 (hardcover)

For some time now, scholars have accepted the importance of religion as a relevant factor in international relations. In *Religious Appeals in Power Politics*, Peter Henne does not waste any time repeating this important point but constructively discuss-

es how religion manifests itself in a very specific area: the use of religious rhetoric by states. As Henne argues, religious appeals should be considered a strategic foreign policy tool at the same level as economic sanctions or the threat of military force, since they have the power to either cement or undo international coalitions, with decisive consequences. Along the way, he provides clarity on a phenomenon that had been largely taken for granted, filling a real knowledge gap.

The frequent use of religious rhetoric by states, both domestically and internationally, is widely acknowledged. Through carefully selected case studies, Henne shows under what conditions religious appeals, whether connected to a specific religion or concerning religious values in general, can influence key international events. He distinguishes between expected and unexpected effects of religious appeals. The expected effects are the mobilization of domestic publics and the persuasion of leaders, which are more likely to be successful if the wielder of the religious appeals has credibility (understood as moral authority) and if the appeal is accompanied by material incentives for the target, within the context of ideological crises. However, playing the religious appeal card can also be dangerous. The unexpected effects may be more diffuse, redirecting back on the wielder, increasing tensions in crisis situations, and creating uncertainty regarding policy initiatives.

Henne's message is nuanced. He acknowledges the role of religion and its complexity, and he is very transparent about the limitations of his research design. He emphasizes the relevance of considering religious appeals in foreign policy, finding evidence that they are important, though he does not quantify their use or impact. Henne strikes a balance between those who deny religion's influence and those who exaggerate it. Rather, he discusses under what conditions religious appeals are likely to be successful or have an impact. His nuanced findings may be challenging for readers unaccustomed to such balanced arguments. Ultimately, the impact of religious appeals is uncertain but real and often disruptive.

Some assumptions may seem obvious, but Henne does a masterful job of validating them through three larger case studies (Saudi Arabia and the "Islamic Pact," the US and the global war on terrorism, and Russia in what it considers the "Russian world") and a selection of smaller ones. The purpose of the book is theory-building and advancing understanding, but each case study is valuable in itself, combining primary and secondary sources, including archives and interviews. In each one, Henne carefully addresses potential counterarguments from skeptics of his theory, thereby strengthening his claims.

The main contribution of *Religious Appeals* is to provide useful language for nuanced analysis of each case. In doing so, Henne advances the discipline, offering nuances, complements, and even correctives to mainstream theories of international relations. He argues that religious appeals should be incorporated

into research and scholarship on international relations, suggesting that religion should be considered a factor in security studies and recognized as a foreign policy tool rather than merely a belief or motivation. This work encourages a dialogue between the fields of political science and international relations, bridging research on religious moral authority and its translation into foreign policy.

The book, which presupposes an expert level of understanding of international relations theory, explores the niche of religious appeals in crisis situations, but the scope of Henne's theory extends beyond crises. Of particular interest, at the end of his book, he reflects briefly on the use of religious freedom by the US Administration. Trump emphasized building broad coalitions to defend religious freedom, but his harsh rhetoric against Muslims and the focus on aid to Middle East Christians led to credibility issues, exacerbating tensions internationally. Domestically, it made religious freedom an increasingly partisan issue, which Henne expects will hinder future coalitionbuilding.

In an excellent section on policy recommendations, which deserves to be longer, Henne raises the issue of policymakers' lack of religious literacy, a concern this journal also addresses.

Overall, Henne's book is an excellent contribution that sheds light on an understudied dimension of foreign and religious diplomacy. It could have devoted more attention to the role of non-state actors, particularly faith-based groups, in domestic and international arenas, but this gap can be addressed in future work.

Peter Henne is not only an original scholar but also an excellent writer. I wish more political science books were written so eloquently.

Dr Dennis P. Petri, International Institute for Religious Freedom and Latin American University of Science and Technology

Freedom of Religion and Religious Pluralism
Md Jahid Hossain Bhuiyan and Carla M. Zoethout (eds.)
Leiden: Brill, 2023. 311 pp., ISBN: 978-9004504974, €171.00

Protecting both the freedom of religion and belief (FoRB) and social cohesion in an age of widening religious and non-religious pluralism has become a key concern for politicians, researchers and representatives of religious communities in both Western and Asian societies. Increasing political tensions and geo-political conflicts in the modern era demand careful, sober approaches to protect the rights of people who espouse various traditions, values and beliefs.

Bhuiyan and Zoethout's edited volume sheds light on various contexts and thematic fields in which religion, politics, law and jurisprudence intersect. The editors are renowned scholars of international, constitutional and public law.

Bhuiyan is a Humboldt Postdoctoral Fellow at the Max Planck Institute for Comparative Public Law and International Law in Germany; he earned his PhD in Australia and previously taught law in Bangladesh. Zoethout is head of the Department of Constitutional Law and Jurisprudence at Open University in the Netherlands and also teaches at the University of Amsterdam. Of the 17 authors represented in the book's 14 chapters, six are from Asian or Australian contexts, six from Europe and five from the US.

The book is a tremendous resource on often-neglected aspects of FoRB, such as the function of public legislation on religions and the need for more training of politicians, judges and advocates in both religious and legal literacy. It will be useful to scholars specializing in religion, citizenship, and migration studies and also as a reference volume for courses on law, religion and human rights. The book has three parts: "Religious Freedom from the Perspective of Religions," "Concepts and Dimensions in Religious Freedom and Religious Pluralism," and "Issues in Religious Freedom and Religious Pluralism."

Part one includes three detailed studies of FoRB as understood within major religious traditions: Neelima Shukla-Bhatt on Hinduism, Muhamad Ali on Islam and S. Mark Heim on Christianity. Although Ali's essay does review, in great detail and very accurately, the different lines of thought and teaching within the Quran and in subsequent Muslim tradition, it surprisingly omits discussion of more recent Muslim initiatives related to FoRB, such as the 2017 Marrakesh Declaration on the protection of religious minorities in Muslim-majority societies, which was formulated by 300 Sunni and Shia leaders from all over the world. The Muslim saying that "there's no compulsion in religion" remains an unresolved issue in many Muslim-majority societies today. This issue could have been further discussed with regard to the interpretation of the 1990 Cairo Declaration on Human Rights in Islam.

One very interesting though potentially controversial chapter is on "Religious Freedom as a Human Right" by Swedish professor Göran Gunner. His main point of departure is the observation that FoRB entails people's right to express *any belief*; therefore, he rightly argues for keeping in view the broad spectrum of understandings and convictions to which individuals may subscribe. Gunner also rejects the negative interpretation of freedom of religion that prevails in secularist circles, which would imply "freedom *from* religion in the sense of not having to encounter religious expressions in the public life. All this indicates a deviation from the international interpretation and entails a violation of the right" (87). In the light of recent, provocative Scandinavian cases, such as those related to burning the Quran, Gunner's discussion of the relationship between the issues of defamation of religion and FoRB is of value. He stresses, on one hand, that "the

right to freedom of religion or belief, as enshrined in relevant international legal standards, does not include the right to have a religion or belief that is free from criticism or ridicule," while on the other hand "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law" (87).

The book includes two other chapters that address the tension between free expression and civil discourse: Luca Farrow and Paul Hedges on "Protection against Religious Hatred" and Peter Cumper and Tom Lewis on "The European Court of Human Rights and the Challenge of Balancing the Rights to Freedom of Expression and the Protection of Religion/Belief under the ECHR."

The volume offers a wide range of insights on the historical and current relationships between human rights and FoRB. It expresses critical views of some states' requirement that religious communities must become registered, because of a conviction that freedom of religion should not be made dependent on state recognition of a religion. The articles are well-written and readily understandable by non-experts; therefore, the volume can be recommended to a broad audience.

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Website: https://www.rcsd.hu-berlin.de/en

Law and religion in a secular age
Rafael Domingo
Washington: Catholic University of America Press, 2023, 332 pp., ISBN: 978-0813237299, US $75.00

As stated on the dust jacket, this book "aims to be a valuable antidote against the dominant legal positivism that has cornered public morality, the defiant secularism that has marginalized religion." To that end, the chapter titled "Law and Morality: One Hundred Years of Solitude" alone is an intellectual tour de force, critiquing all the major thinkers from the last 100 years and culminating with a summary of where they all stand. This chapter alone is a must-read.

Which brings me to an interesting issue. All the chapters in this book have been previously published elsewhere. It is therefore a compilation of Domingo's scholarship in recent years. But who is Rafael Domingo, and why buy the book if you can get the articles elsewhere?

Domingo is a Spanish legal historian and law professor at the University of Navarra. He wrote some of the articles in the book when he was a visiting professor at the Emory Law and Religion Center, and he counts John Witte Jr, the faculty director of that center, among his mentors.

The book's purpose is to bring together in one collection articles that were originally written for different publications in a variety of contexts. The first section contains chapters on the relationship between spirituality and law. The second section presents six biographies of people Domingo finds interesting in the realm of law and religion. These include Oscar Romero and Pope John Paul II, so they are not all lawyers.

The author clearly writes from a Roman Catholic perspective. Though I am a Protestant, I find the Roman Catholic tradition rich with writings on topics of interest to lawyers, including social justice. The Catholic Church has produced many thinkers on the relationship between religion and the state, some of whom are covered in this volume.

The first three chapters offer excellent insights into how and why spirituality is important for law. As Domingo shows, spirituality animates law and gives it force and legitimacy. He also presents a robust discussion of understanding God and his importance for humans, and therefore for legal systems. Those looking for ways to express a rich understanding of how spirituality, God and morality can infuse law will find it in the Body-Soul-Spirit metaphor explicated in chapter 2.

Chapters 4 and 5 focus on protecting freedom of religion or belief. Chapter 4 addresses the challenge presented by secularists that religion does not require special protection but is sufficiently protected by other human rights such as freedom of association. In chapter 5, Domingo counters arguments by Ronald Dworkin and Brian Leiter that religious freedom should not be privileged in secular democracies. These, along with chapter 6 (which is the intellectual tour de force mentioned above), provide rich theoretical arguments against aggressive secularism.

Natural law is the focus of chapter 7. There has been a significant resurgence of interest in natural law in the law over the last several decades, as a counter to the abuses inherent in positive law. It remains to be seen whether natural law can be an antidote to legal positivism or if it will be marginalized to religious theorists.

Chapter 8 treats canon law, a Roman Catholic legal system, and is thus of limited relevance to non-Roman Catholics. The biography chapters constitute the remainder of the book.

I recommend this book to lawyers, legal academics and those engaged in politics. It is imperative for Christians to have an arsenal of arguments to counter secularism. I have been writing about the secular West for many years and have not seen much argumentation that can gain traction in the face of the relentless push to marginalize religious arguments in the public square. Unless Christians can make arguments that resonate in society, they will find their religious perspectives excluded.

Prof Dr Janet Epp Buckingham, Professor Emerita, Trinity Western University and Director, World Evangelical Alliance Geneva Office to the UN

Blood Entanglements: Evangelicals and Gangs in El Salvador
Stephen Offutt

Blood Entanglements, which at times reads like a novel in the travel memoir genre, is a unique and fascinating book that crosses disciplinary boundaries. It could have been written only by an author comfortable in two very different fields – religious studies and organized crime – that are usually not in conversation with each other. Offutt arrives at several counterintuitive conclusions, such as finding that evangelicals and gangs in El Salvador share many commonalities in terms of internal organization, funding, rituals, and transnational networks.

Offutt builds on previous studies showing that conversion to evangelical Christianity, if genuine, is the only way for gang members to disengage from their gang. The author convincingly shows that there is much more to the relationship between evangelicals and gangs than this "morgue rule exception," which he affirms is waning a little. Offutt shows that both evangelicals and gangs have grown rapidly in El Salvador while sharing the same social environment characterized by poverty, disintegrating families, a failing state, and many other types of vulnerabilities. Moving beyond the haven thesis, which describes how evangelicals traditionally isolate themselves from society, Offutt proposes that religions don't evolve in a vacuum but are influenced by their surroundings, which they also act upon. Offutt calls this "the entanglement thesis," which he applies to describe the multiple interactions between Evangelicals and gangs in the poorest areas of El Salvador.

After a comprehensive and very informative overview of both the history of Protestantism and gang violence in El Salvador, Offutt describes the structural socio-economic conditions that make churches and gangs attractive to the people of struggling lower-class communities in El Salvador. This is only the beginning of the entanglement he describes.

Offutt goes on to show that churches and gangs also share many organizational parallels, the same cosmology, which contains elements that go back to the precolonial era that have shaped the worldviews of both social groups, as well as similar rituals. This claim may seem counterintuitive, but both evangelicals and gangs are shaped by the same socio-political context and have common beliefs in God, the battle between good and evil, angels and demons, miracles and witchcraft. The entanglement between evangelicals and gangs is also part of almost all families, since they have members in both groups, and some individuals are even in both groups at the same time. Evangelicals and gangs further share many economic ties as a result of inhabiting the same neighborhoods and engaging the same marketplaces.

Offutt further argues that both evangelicals and gangs play leadership roles in their communities, and that they compete for local authority. He shows that when evangelicals stand in the way of the gangs, they become vulnerable to threats. This includes any effort to keep youths away from gangs or to get people to convert out of a gang. In my own fieldwork in Mexico, Colombia, and El Salvador, I identified similar patterns. I have argued that these kinds of threats constitute religious freedom violations because they effectively restrict the freedom of religious groups to conduct their ministries. Offutt never uses this term, but he does refer to persecution.

The pattern I described in the previous paragraph is in reality much more nuanced. Offutt describes scenarios where gang members, out of deference to God, intentionally leave churches alone or ask evangelical ministries to help in educating their children. Some gang members are sensitive to pleas by pastors not to harm certain people. Offutt devotes extensive discussion to the very elaborate coping mechanisms, based on their soft power and moral authority, employed by church leaders to respond to the threats posed by gangs.

Offutt devotes a chapter to the ways in which both gangs and evangelicals take on traditional roles of the government, such as guaranteeing security, establishing and enforcing rules, or providing basic social services, which cause restrictions on Christian ministry. My own research in northeast Mexico yielded similar findings: criminal organizations hinder church activities through the robbery of church property, extortion, protection rackets, boundary-crossing restrictions, and curfews, all of which has the practical consequence of restricting Christian ministry, and therefore also constitute religious freedom violations in my view.

Cynics may argue that the parallels between gangs and churches that Offutt presents are based on a confirmation bias. But the empirical evidence he produces is the result of a research project that stretched over eight years, in which the author conducted a total of 143 interviews, 74 different ethnographic activities, and had countless informal conversations and personal observations. The depth of Offutt's fieldwork gives his findings a robustness and nuance rarely found in similar work. The evidence establishes persuasively that there is much more to the relationship between gangs and evangelicals than is commonly assumed.

As a scholar, Offutt isn't afraid to offer policy recommendations. He calls for a more informed and religiously literate approach to churches, so as to engage them effectively in addressing the gang issue while also protecting them. His argument makes the implicit point that secular organizations and most gang experts cannot fully address the gang problem because they don't grasp the religious intricacies exposed in his book.

In 2019, hardliner Nayib Bukele was elected president of El Salvador on a platform that included a promise to eradicate gangs. However, Bukele's policies are

not likely to make this book obsolete. Offutt doesn't seem convinced that Bukele's hardline strategy has worked, even though the incarceration rate of supposed gang members has increased dramatically. Offutt acutely observes that the social conditions that were favorable to the growth of gangs are still present. Moreover, Bukele's policies have created a new problem: churches and evangelical NGOs reaching out to gang members are increasingly viewed with suspicion by the state security apparatus and are readily seen as collaborators with the gangs, creating yet another religious freedom challenge because it effectively snuffs out an important part of Christian ministry. (This is reminiscent of the suspicions surrounding the work of faith-based groups in Colombia with FARC and other guerrillas.)

El Salvador may be a very extreme case. Many patterns identified by Offutt will be applicable to other similar contexts, but others won't. What is groundbreaking about Offutt's book is that it provides a transferable framework that should inspire similar studies in other contexts. It can also spark reflections on how evangelicals interact with their social environment, as Offutt himself suggests. I wholeheartedly recommend this book to anyone interested in the complex relationship between religion and organized crime in Latin America.

Dr Dennis P. Petri, International Institute for Religious Freedom and Latin American University of Science and Technology

Beyond a Reasonable Doubt: Did the Islamic State commit genocide against Christians in Iraq?

Áquila Mazzinghy
Bonn: VKW, 2023, 404 pp., ISBN 978-3-86269-267-5. Available at: DOI: 10.59484/VRPI5861

In *Beyond a Reasonable Doubt*, Áquila Mazzinghy evaluates whether the actions committed by the Islamic State in Iraq and the Levant, or *ad-Dawlah al-Islāmiyah fi'l-ʿIrāq wa-sh-Shām* (ISIL/DAESH), against Christians in Iraq between 2014 and 2017 constituted genocide and/or persecution as a crime against humanity as these crimes are understood in the Rome Statute. The book seeks to interpret ISIL/DAESH's actions against Christians in Iraq from a legal, as opposed to a political/policy or sociological, point of departure.

The book reflects its genesis as a doctoral thesis. Consequently, the introduction contains explicit sections detailing the problem statement, significance, main and subordinate research questions, study objectives and a separate literature review.

Before canvassing various violations perpetrated by ISIL/DAESH, chapter 1 considers the origins and subsequent power of ISIL/DAESH in Syria and Iraq, as well as its eventual defeat by a global coalition comprised of various actors. ISIL/DAESH's

transformation "from a proto-State structure into a [global] terrorist network" is addressed next (97-98). The discussion also considers international efforts to hold ISIL/DAESH fighters accountable, including Security Council Resolution 2379 establishing an investigative team to this effect. An impressive volume of empirical evidence is collected. Notably, this evidence is not limited to genocide and persecution nor are the identified crimes always shown to have specifically targeted Christian victims. In several cases, the discussion ostensibly includes a victim group broader than the research question purports. Such evidence thus reveals neither genocidal intent nor the targeting of Christians as a protected group. The discussion of the harassment of children with apparent links to ISIL/DAESH in camps for internally displaced persons (IDPs) in Iraq can be read (contrary to the study's focus on ISIL/DAESH as perpetrators) as casting ISIL/DAESH affiliates as victims.

Chapter 2 details impugned acts that became the basis for trials at the main international criminal law (ICL) tribunals and courts, including the Nuremberg International Military Tribunals (Tokyo is omitted without explanation), the International Criminal Tribunal for the Former Yugoslavia (ICTY), the Special Court for Sierra Leone (SCSL), the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Court (ICC). This represents a shift of topic away from ISIL/DAESH and from Christians as victims of atrocities and Iraq. However, this chapter lays the groundwork for the relevant legal positions on genocide and persecution (covered in chapter 3) and subsequent analysis (in chapter 4) thereof against the ISIL/DAESH atrocities (presented in chapter 1). The atrocities from other locations (identified in chapter 2) are not clearly linked, through analogy, to the classification of ISIL/DAESH atrocities against Christians in Iraq. As in chapter 1, the outlined crimes far exceed possible acts relevant for genocide and/or persecution.

Chapter 3 analyses the case law from the ICTR, ICTY, SCSL and the ICC dealing with genocide and persecution as a crime against humanity. The genocide analysis here is isolated from the ISIL/DAESH/Iraq context; connections between the two are reserved for chapter 4. Regardless, the overview of the legal position pertaining to genocide is extensive. One addition, perhaps, could have been the "four corners" approach to identifying groups to be targeted for genocide.[1] With regard to crimes against humanity, the chapter again comprehensively presents the legal elements involved. This section is the only portion of the chapter wherein the discussion is limited to those material acts that are most salient for the broader ISIL/DAESH conduct under review.

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1 *Prosecutor v Krštić* (Judgment) IT-98-33-T (2 August 2001), paras 555-556; *Prosecutor v Rutaganda* (Judgment) ICTR-96-3-T (6 December 1999), para 56; Robert Cryer, Darryl Robinson and Sergey Vasiliev, *An Introduction to International Criminal Law and Procedure*, 4th edition (Cambridge University Press, 2021), 211-212.

Chapter 4 applies the general legal analysis of genocide and crimes against humanity (from chapter 3) to the acts perpetrated by ISIL/DAESH (identified in chapter 1). The analysis of whether the actions constituted genocide is, however, essentially reduced to whether the requisite special genocidal intent could be identified. The study suggests that there is insufficient evidence for such special intent and that, therefore, genocide by ISIL/DAESH against Christians in Iraq cannot (yet) be proved. The other elements of genocide are dealt with in a more cursory manner.

In contrast, with its more encompassing consideration of general, mental and material legal elements, the study argues that the impugned acts constitute persecution as a crime against humanity under the Rome Statute. Although justifiable as a matter of study design, it seems that other crimes against humanity could also have been proved from the presented material.

This book especially contributes to legal scholarship through its empirical work and elucidation of possible legal classifications of the violations ISIL/DAESH committed in Iraq. Its appraisal of the various atrocities committed by ISIL/DAESH in Iraq and of the legal positions pertaining to genocide and persecution before the most significant ICL tribunals and courts is exemplary. Particularly eye-catching is the sheer volume of primary sources consulted. The study's conclusion considers possible ways to pursue holding the perpetrators accountable for their atrocities. Although the concrete implementation of the suggested procedures will be challenging – and the book concedes as much – it usefully outlines measures for circumventing the existing constraints that accompany ICC involvement, as well as measures beyond the ICC framework. Other, non-juridical measures are also considered as part of a broader objective to establish national reconciliation in Iraq.

Legal researchers looking for an overview of genocide and persecution as a crime against humanity in ICL jurisprudence will likely benefit from the empirical work done here. Due to its structure, this book will also assist doctoral supervisors and students. The reflections, presented in the conclusion, on the evolution of the various research questions provide valuable insights regarding how research projects develop from conception to conclusion. The book also illustrates the difference between a literature review that simply summarizes the content of other books and one that is substantively embedded in the overarching argument.[2] These elements of the research craft could serve as useful didactic tools for doctoral supervisors and as valuable examples for doctoral students.

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2   See pp. 47-81 versus chapters 1-4.

Guidelines for authors

This document combines essential elements of the editorial policy and the house style of IJRF which can be viewed on www.ijrf.org.

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 Code of Best Practice in Scholarly Journal Publishing, Editing and Peer Review of 2018 (https://sites.google.com/view/assaf-nsef-best-practice) as well as the National Code of Best Practice in Editorial Discretion and Peer Review for South African Scholarly Journals (http://tinyurl.com/NCBP-2008) and the supplementary Guidelines for Best Practice of the Forum of Editors of Academic Law Journals in South Africa. As IJRF is listed on the South Africa Department of Higher Education and Training (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.global
- Noteworthy items and academic news: editor@iirf.global
- All other contributions: research or review articles and opinion pieces must be submitted online through the IJRF website: https://ijrf.org/index.php/home/about/submissions.

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 subheadings 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 submit 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. The referee process is an anonymous process. This means that you should not consult with or inform your referees at any point in the process. Your paper will be anonymized so that the referee does not know that you are the author. 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. You will not be informed which referees were consulted and any feedback from them will be anonymized.
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:
- Articles should be submitted in Word and 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, the institutional affiliation,

special connection to the topic, choice of British or American English, date of submission, contact details including e-mail address.

7. Authors are encouraged to also engage with prior relevant articles in IJRF, the Religious Freedom Series, and IIRF Reports (www.iirf.global) to an appropriate degree. So check for relevant articles.

8. Articles should be spell-checked before submission, by using the spell-checker on the computer. Authors may choose either 'British 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. Please do not use a template. 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 4,000-6,000 words. Articles longer than that may be published if, in the views of the referees, it makes an important contribution to religious freedom.

11. Research articles are honoured with one complimentary printed copy.

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).

3. Graphics and Tables: These must be attached as separate files. Indicate in red where they should go in the text. Every effort will be made to place them in that spot.

4. Image Quality: minimum width must be 10.5 cm at 220dpi or simply 1000 pixels. The width of the image always goes over the entire width of the type area (10.5cm), but is flexible in height. Please send the image in its own file (e.g. JPG, TIF, EPS), not in a Word document.

5. Tables and "simple" diagrams: These will likely be redesigned by our layout expert. Please attach them in a separate file.

6. 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).
7. 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.
8. 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.

Guidance for Graduate Students
International Institute for Religious Freedom

The International Institute for Religious Freedom can provide guidance for students who are writing a thesis or dissertation on a topic related to religious freedom. The IIRF can also assist with publication opportunities.

Please send a letter of interest to info@iirf.global.

Books published by IIRF (iirf.global)

1. **Religious Freedom Series**
   - Re-Examining Religious Persecution – Constructing a Theological Framework for Understanding Persecution. Charles L. Tieszen. 2011.
   - Suffering, Persecution and Martyrdom. Christof Sauer and Richard Howell (eds). 2011.
   - Freedom of Religion or Belief: Thematic Reports of the UN Special Rapporteur 2010-2016. Heiner Bielefeldt. 2017.
   - "Let there be no Compulsion in Religion" (Sura 2:256): Apostasy from Islam as Judged by Contemporary Islamic Theologians. Discourses on Apostasy, Religious Freedom, and Human Rights. Christine Schirrmacher. 2016.
   - Grievous religious persecution: A conceptualisation of crimes against humanity of religious persecution. Werner N. Nel. 2021.
   - The Specific Vulnerability of Religious Minorities. Dennis P. Petri. 2021.
   - Beyond a Reasonable Doubt. Did the Islamic State commit genocide against Christians in Iraq? Áquila Mazzinghy. 2023.
   - Church and State Relations in Zambia: An Evangelical Perspective. Elias Munshya. 2024.

2. **Christians under Pressure**
   - Fruitful Minorities: The Witness and Service of Christian Communities in Predominantly Islamic Societies. Bernhard J.G. Reitsma (ed). 2018.
   - Overcomers: God's deliverance through the Ethiopian Revolution as witnessed primarily by the Kale Heywet Church community. Kay Bascom. 2018.

3. **Global Issues Series**
   - The Persecution of Christians Concerns Us All (3rd ed.). Thomas Schirrmacher. 2018.
   - Bad Urach Statement: Towards an evangelical theology of suffering, persecution and martyrdom. Christof Sauer (ed.). 2012.
   - Human Rights. Thomas Schirrmacher. 2014.
   - Human Rights – A Primer for Christians (Revised Edition). Thomas K. Johnson. 2016.
   - Global Declarations on Freedom of Religion or Belief and Human Rights. Thomas K. Johnson, Thomas Schirrmacher, Christof Sauer (eds). 2017.

- Series 1 and 3 are available for free download at www.iirf.global.
- Series 2 is currently only available for purchase.
- Titles from 2016 onward are available for purchase on Amazon.
- All books are published by Verlag für Kultur und Wissenschaft / Culture and Science Publishers www.vkwonline.com.
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