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Measuring and Encountering Persecution

International Consultation on Religious Freedom Research

Istanbul, Turkey // 16 – 18 March 2013

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

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

International Institute for Religious Freedom (IIRF)

of the World Evangelical Alliance



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

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

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

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Cover art: The illustration on the cover is a section taken from an original oil painting by Dale Elliott on the biblical Exodus motive. This narrative of liberation from slavery and servitude resonates with those encountering restrictions of religious freedom and persecution nowadays.

We express our deep gratitude to Dale Elliott for freely providing this image at short notice. More works of the artist can be found at: www.daleelliott.co.za.

The artist can be contacted at: 80 Main Street, Villiersdorp, Western Cape, 6848, South Africa, Tel +27-28 840 2927, Fax +27-28 840 2927, Email: dale@daleelliott.co.za.

Contents

International Journal for Religious Freedom

Volume 5, Issue 2, 2012

ISSN 2070-5484

Editorial 5

In my Opinion

Health, wealth and prosperity

Bernhard Reitsma 7

Brother against brother

Could South Korea's mega-churches ultimately pose a bigger threat to the North Korean underground church than Kim Il-Sung?

Hyun Sook Foley 11

Articles

Measuring persecution

The new questionnaire design of the World Watch List

Christof Sauer 21

From accommodation to conscription?

The Obama health care mandate in context

William C Duncan 37

The South African Constitutional Court and the unborn

Shaun de Freitas 51

Religious violence in Indonesia

Benyamin F Intan 63

The persecution of Nazarenes in Yugoslavia 1918-1941

Branko Bjelajac 79

Reflections on the psychological stressors and issues that children of believers from Muslim backgrounds face

Daniel Ong 93

Theological education in the context of persecution and economic hardship

Annetta Vyssotskaia 111

Spiritual formation for today's Indonesian churches through the psalms of lament

Dwi Maria 123

A natural law right to religious freedom

David VanDrunen 135

The Christian claim for universal human rights in relation to natural law <i>Pavel Hošek</i>	147
Documentation	
Interim report of the Special Rapporteur on freedom of religion or belief <i>Special Rapporteur on freedom of religion or belief</i>	161
Noteworthy	163
Book Reviews	169
Guidelines for authors	187
Subscriptions	191

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International Journal for Religious Freedom

Editor of “Noteworthy” section

The IJRF is looking for a volunteer with immediate effect to edit its Noteworthy section. This task includes proactively sourcing, writing and editing short pieces of information mainly about non-book publications regarding religious freedom and persecution. These are to be continuously and promptly published on the IJRF website and Facebook site at a rate of at least one item per week. The best of these need to be selected twice a year for printing in IJRF.

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Editorial

Measuring and encountering persecution

Religious persecution is a phenomenon experienced by many adherents of various religions worldwide. In some contexts it is not outright persecution, but believers face serious challenges to the free exercise of religion. A common theme that unites most articles of this issue of IJRF is the encountering of persecution. What precisely are the challenges that believers, and particularly Christians, face in various contexts? How do they cope with it? How do they react? Which role do theological interpretations play? Another question connected to the documentation of persecution is how it can be measured, and whether trans-national comparisons are possible.

In an opinion piece Bernhard Reitsma reflects how the “health, wealth and prosperity”-thinking falls short when it comes to facing suffering and persecution. Hyun Sook Foley contemplates in a fictional scenario whether after a liberation of North Korea, South Korea’s mega-churches could potentially be the more dangerous enemies of an emerging North Korean underground church than North Korea’s dictators.

Among the main articles, the first by Christof Sauer, examines the methodological challenges involved in measuring religious persecution. It focuses on the new questionnaire design of the “World Watch List” issued annually by the Christian advocacy and mission organization Open Doors International.

An issue that has stirred much debate in the USA is President Barack Obama’s mandate that all employers, including religious ones, must provide free contraception and sterilization to their employees. Numerous religious employers regard this as an infringement of their religious freedom. William C Duncan puts this in historical context, asking whether the United States Constitutional system is moving from an accommodation of religious practices to a policy of conscription as exemplified by the French Revolution.

In South Africa Shaun de Freitas embarks on preparatory foundational reflection for the day when the South African Constitutional Court will be confronted with having to make a finding on the status of the unborn against the background of the South African Bill of Rights. Issues requiring sensitivity include conscientious objections by medical practitioners against partaking in abortions due to their religious beliefs, and the dissemination of ethical or jurisprudential knowledge of the unborn to students in secular institutions of education who, in accordance with their religious beliefs, oppose the termination of the unborn.

Benjamin Intan focuses on religious violence in Indonesia, which is carried out by the state and various religious groups, and proposes solutions from a Christian perspective. He observes the state politicizing religion and some religious groups insisting on hegemony.

A historical perspective is taken by Branko Bjelajac when examining the persecution of a Christian church called the “Nazarenes” in the newly founded kingdom

of Yugoslavia from 1918 to 1941. Thousands among them refused to swear an oath to take up arms and were prosecuted and sentenced to long prison sentences.

A psychologist with the pen name of Daniel Ong reflects on the psychological stressors and issues that children of Christian believers from Muslim backgrounds face within the state schooling system and their community. He attempts to develop a framework for a better understanding of the relevant issues.

Moving to Christian responses to persecution and survival in challenging circumstances, Anneta Vyssotskaia examines theological education by extension (TEE) as a key tool for the theological education of the persecuted and economically poor believers in the Central Asian countries that were once part of the USSR.

Dwi Maria proposes that the biblical Psalms of Lament are a helpful way for the contemporary Indonesian church to face its tribulations and that they will be spiritually strengthened by applying them to their context.

The final two articles engage in philosophical reflection on religious freedom and human rights. David VanDrunen from the USA presents a Protestant reformed defence of a natural law right to religious freedom, finding support in the account of God's covenant with Noah in Genesis 8:20-9:17. Pavel Hošek from the Czech Republic, on the other hand, analyzes and compares two contrary perspectives on the role of natural moral law in Christian ethics, especially in Christian public claims for universally valid moral principles and values such as those underlying the concept of universal human rights and the corresponding notion of religious freedom.

In addition, as usual, a good complement of noteworthy items, documentation and book reviews awaits the reader.

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Beside the usual language editor and proof readers we thank a number of interns from Patrick Henry College led by editorial assistant Adam W. Smith: Ashley Berry, Katie Donnelly, Martyn Evans, Ben Garner, Stephen Gibbs, Jonathan Jero, Lauren Johnson, Molly Kaylor, Meredith Mantel, Seth McKinnis, James Nelson, and Steven Page.

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



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Health, wealth and prosperity

Bernhard Reitsma¹

Increasingly evangelical Christians are attracted by the so-called health, wealth and prosperity “gospel.” The central claim of this teaching is that a true believer in Christ can count on being blessed by God in all areas of life. Accordingly a believer should not have to be sick and will lead a long, wealthy and prosperous life. Since Christ has conquered sin, Christians no longer have to experience the consequences of sin: pain, suffering and poverty.

Although evangelicals have been and are critical, it seems that health and prosperity thinking has swept beyond its originally charismatic base into more mainstream evangelical circles.

There are two main reasons – among others – why I strongly disagree with the prosperity thinking and consider it virtually heretic.

First of all it is an insult to persecuted Christians, which could easily undermine their perseverance. Even if it theoretically could be possible to explain the reality of suffering believers by referring to unbelief, continuing sin, not claiming salvation or the reality of the devil, it is much more complicated for the predicament of the persecuted Church. Persecuted Christians are suffering precisely because of their allegiance and commitment to Christ. Because they do *not* want to give up their faith in him, they suffer, lose their jobs, are being harassed or thrown in prison. Exactly because of believing in Christ many Christians in the world will never prosper materially. Compromising their faith in Christ as the only saviour, would immediately end their ordeal. The prosperity gospel can therefore not account for the faithful martyrs of the past and present.

Secondly and theologically even more importantly, it does not account for Paul’s teaching in his Epistle to the Romans. In it Paul emphasizes that those who are “in Christ” are children of God and then heirs – heirs of God and co-heirs with Christ, if indeed they share in his sufferings in order that they may also share in his glory (Rom 8:17 NIV). For Paul living according to the Spirit is not a life exempt from challenges and suffering. On the contrary, there is an intrinsic link between the future glorification of the believer and his present suffering. Even more, to suffer with Christ now seems to be a required condition for being glorified with Him in the

¹ Bernhard Reitsma is Extraordinary Professor for the Church in the context of Islam at VU University Amsterdam. Email: b.j.g.reitsma@vu.nl. – A full biblical theological argumentation on this topic can be found in: B.J.G. Reitsma, Health, wealth and prosperity: A biblical-theological reflection, in *Evangelical theology in transition*, C. van der Kooi, E. van Staaldoune-Sulman, Ay.W. Zwiep (eds.). VU University Press, Amsterdam 2012, 164-181.

future. Although believers have died with Christ to the powers of the old era, sin and death, in the present time, they have not been glorified with him yet. The old age of Adam is in a certain way still making itself felt. In Christ the powers of this age have been defeated, but only in the glorious future will they completely cease to exist. Then the whole creation will be set free from bondage to decay and corruption and share in the freedom of the glory of the children of God (Rom 8:21). In this present time – this *kairos* moment between the Christ-event and the future of the fullness of God's glory – Christians still suffer with Christ.

The suffering with Christ can only be interpreted in the light of Christ's suffering on the cross. Although what we call persecution was part of it, it was much more than that. Christ suffered the consequences of the presence of sin in this world and died for it. In baptism believers have been united with Christ. Suffering with Him is therefore the result of the power of death that is still manifesting itself as a mark of the old age; it is the consequence of what Paul wrote in Romans 8:10 that the bodies of the believers are still dead and therefore mortal. Death manifests its power in suffering.

This means we cannot limit the suffering of believers only to persecution. In Romans 8 the suffering of the believers is set within the wider perspective of the suffering of the whole creation (8:18-22). According to Romans 8:35 suffering includes all kinds of suffering: tribulation or hardship, distress, persecution, famine, nakedness, danger and the sword. So in Romans 8 Paul presents an overall and inclusive concept of suffering. In this sense the persecuted and the free churches are closely connected. They both suffer as a result of the fact that the old age has not completely disappeared, and this suffering is suffering with Christ, albeit in different appearances.

Is there therefore no truth at all in the health, wealth and prosperity thinking? Is it not true that God intends for his people complete redemption from suffering? Certainly. In Romans 8 Paul underlines that suffering with Christ is not a suffering in death pain, but in birth pain. It announces the fullness of the new life and indicates the immanent coming of the fullness of the glory of God (Rom 8:17). That is the fruit of Christ's suffering. The health, wealth and prosperity theology is certainly right in pointing out the connection between the salvation of Christ and the physical reality of mankind. The glory of Christ is life without sin, death and suffering. However, in my opinion the health, wealth and prosperity teaching derails in two ways, with respect to time and to quality.

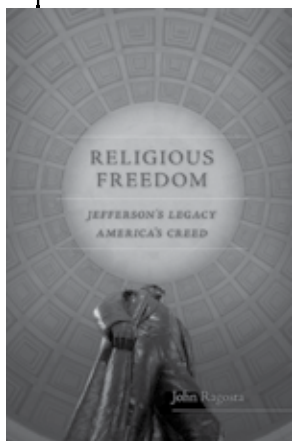
First of all, the health, wealth and prosperity thinking fails to acknowledge that the fullness of God's glory is still awaiting. The present time is still *kairos* time, decisive but in-between time. The mentioned predicament of the persecuted church and of all Christians who still suffer in this world, reminds us of that. For them the

health, wealth and prosperity gospel has no message. It cannot provide a coherent Christian worldview that accounts for suffering and persecution.

Secondly, the health, wealth and prosperity gospel promises too little. It presents God's blessing as something that remains primarily within the parameters of the present creation. It envisions material wealth as one of the ultimate blessings of God and physical healing of this mortal body as one of the highest objectives for which to strive. Apart from the fact that this does not reckon with the reality of death, it also gives too small an idea of God and his gifts. It fails to acknowledge that God's salvation is of a completely different quality than life as we know it now. For Paul the new creation is a total renewal of the present creation. What God has in store for his people surpasses our understanding. What no eye has seen, no ear has heard, no mind has conceived, that is what God has prepared for those who love him (1 Cor 2:9).

That gospel is the only reality which can encourage persecuted and suffering Christians in this world to persevere and to continue to fight the good fight. In the meantime it can also exhort prosperous Christians to do good to others and to help those in need.

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Religious Freedom

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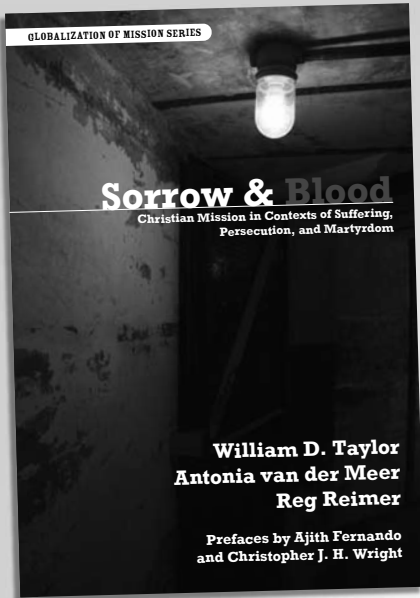
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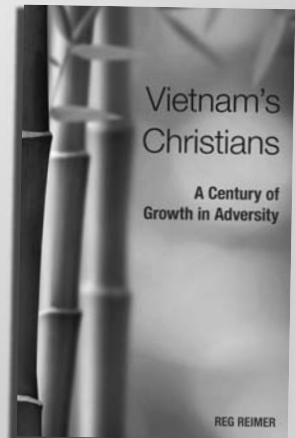
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Brother against brother

Could South Korea's mega-churches ultimately pose a bigger threat to the North Korean underground church than Kim Il-Sung?

Hyun Sook Foley¹

Abstract

This fictional North Korean liberation scenario contemplates South Korea's mega-churches, not North Korea's dictators, as potentially the more dangerous enemies of an emerging North Korean underground church.

Keywords South Korea, North Korea, underground church, mega-church, persecution, church politics, fiction.

It would be odd behavior for any pastor to look critically over the heads – and beyond the collective wisdom and rage – of the pastors of ten of the eleven largest churches in the world seated around his conference table angrily brandishing cups of brown rice tea back at him.

Unless, that is, the pastor doing the overlooking was the pastor of the largest church in the world – which he was, which explained perfectly, at least to the Korean mind, why these ten pastors, also Korean,² were gathered around his conference table rather than he around theirs, and why he could sit quietly even as they howled and hurled the demand at him that he render a decision immediately on what was quite likely the major matter of his lifetime.

Ignoring the President of the Republic of Korea and his aides, all hunched around one corner of the same table, came much more easily. Before President Kim was President, after all, he was simply Elder Kim, one of hundreds of elders in the largest church in the world, a powerful position, of course, but with a power different in kind rather than degree from that of the world's most qualified shepherd. Besides, President Kim always stood down in theological debates like this, prefer-

¹ Hyun Sook Foley is President of Seoul USA which works with the persecuted church in North Korea and to bring together Christians in North Korean, South Korea, and the West. Mrs. Foley oversees the Korean office and fosters Korean-American relations and serves the persecuted church around the world. She is a doctoral student at Regent University's School of Global Leadership & Entrepreneurship. American spelling used. Article received: 16 July 2012; Accepted: 8 November 2012. Contact: Seoul USA, 14960 Woodcarver Road, Colorado Springs, CO 80921, USA, Email: hsoley@seoulusa.org.

² Eleven of the twelve largest churches in the world are Korean churches, including the world's largest church (Chuang 2007).

ring to be silent as long as possible so as to defer to those louder and more certain than he. Pastor Lee, however, just preferred to be correct.

This drive for correctness was perhaps what had Pastor Lee searching the ring of scalloped wood-framed portraits on the conference room walls for wisdom rather than the ring of fellow pastors seated around his conference room table. He had always fancied himself a Reformer of the highest order and perhaps not-so-secretly hoped others would, too, which is why Zwingli, Luther, Calvin, and Henry VIII's portraits surrounded his own. Unlike theirs, his was constantly in motion: multiple portraits of himself, cycling quietly through their digital sequence in the world's most expensive picture frame, a gift from the President of Hyundai³ for bailing Hyundai out of the public relations debacle that ensued when the company had first begun its investments in North Korea.⁴ All it took was his church – the world's largest church – giving money to the North Korean government just like Hyundai had, but this time for the sake of building a hospital, not a tourist park like Hyundai's.⁵ It lent a kind of holy legitimacy to the previously scandalous idea of handing money directly to the North Korean government. And Hyundai was appropriately grateful for the cover of compassion.

That was what Pastor Lee himself needed today: a compassionate cover under which to act against this self-professed North Korean underground bishop, something that would not even hint at the awkward presence in this room of the South Korean president nor, heaven forbid, the men presiding over South Korea's mightiest churches.

Pastor Lee found himself doubting that he could discover a successful strategy for such a move from the lives of the men whose portraits haloed his own. After all, Zwingli's public witness against the Anabaptists Manz, Falk, and Reiman led to the trio's death by drowning. Luther pled stridently for the execution of fellow Protestants he regarded as false teachers. Calvin secured the same fate for Michael Servetus and was joined roundly in the matter by his Protestant contemporaries. And Henry VIII's church famously served his state with scripture and sword in tandem, and vice versa.⁶

³ The world's most expensive picture frame, a wooden frame surrounding a digital matting, was manufactured by Korea's Hyundai Corporation and is currently valued at \$70,000 USD (Mack 2011). Like the other personal details in this story, the idea of Hyundai gifting the frame to a mega-church pastor is entirely fictional.

⁴ Hyundai was among the first external investors in North Korea (Noland 2001).

⁵ Hyundai's Mount Kumgang tourism project reflected Kim Dae Jung's Sunshine Policy push toward commercial investment in North Korea by South Korean companies (Noland 2001); meanwhile, South Korean churches undertook a different series of investments, giving money to the North Korean government for the establishment of hospitals, orphanages, and noodle factories (Chae 2007).

⁶ For a detailed discussion of each of these Protestant-on-Protestant persecutions, see Cloud 2005.

On the other hand, blood-drenched as these Reformers' hands were, Pastor Lee mused, not one of them was today associated with anything more than the blood of Christ rightly restored to its doctrinal primacy. Perhaps they could be of some inspiration to him after all.

He could hardly wait four hundred years for his vindication, however. No – he would need to do as they did, insisting that persecution of fellow believers was itself as righteous a righteous act as had ever been undertaken, no mere necessary evil. He paused at Luther's visage. How had this father of the faith phrased it?

On the obstinate, hardened, blinded peasants, let no one have mercy, but let everyone, as he is able, hew, stab, slay, lay about him as though among mad dogs, . . .so that peace and safety may be maintained...⁷

Peace and safety demanded the withholding of compassion – certainly South Koreans, and especially South Korean Christians, should be able to understand that, given the untrustworthiness of the North Korean defectors they had all thus far encountered in Seoul. And Pastor Lee could understand it, too: If Calvin had a Servetus, how could Pastor Lee not have one as well? Reformers had enemies because reform itself always has enemies, and if those enemies were fellow Christians was it really so serious a matter, to be contemplated in fear and trembling? There is a name for a twenty-first century Christian enemy – “cultist” – and that name permits (demands, really, for the sake of the church's integrity) the sword to be drawn more swiftly than when they went by a different name in Luther's time: “heretic.” Modern Christians don't want to see heretics mowed down. The world is far too libertarian for that anymore. But cultist? No one has sympathy for a cultist.

And that is exactly what this self-proclaimed North Korean Bishop Ahn was, in Pastor Lee's opinion: a cultist, nothing more. The hero of a few college students in South Korea. A North Korean bereft of even a day of formal theological training who had survived concentration camp life longer than most – long enough to endure to the Liberation three months ago. A savvy political strategist, Pastor Lee mused, who no doubt was motivated to undertake this most political of actions – peaceful but persistent occupation of the campus of the Pyongyang University of Science and Technology, the purported site of the long-ago destroyed Robert Thomas Memorial Church⁸ – in order to derail the South Korean Church Council's Plan for the Evangelization of North Korea.

⁷ Cloud 2005.

⁸ The Pyongyang University of Science and Technology is a university built on land leased by Kim Jong Il to a Korean American, Dr. James Kim, to build an entirely secular university funded by evangelical Christians on the site of the martyrdom of Robert Thomas, missionary to Korea. The site once housed

If he really was a bishop with any kind of a legitimate claim at all to the Robert Thomas Church site, thought Pastor Lee, Ahn would certainly laud the public launch of the Council's plan at the site with loud cheers rather than opposing it via the cellphone cameras of a few college kids standing around to record his stern denunciation. Surely the Korean government would want nothing less than to have to adjudicate every claim of what land belonged to whom and to return every parcel confiscated over seventy years of dictatorial rule. And that was what the challenge amounted to: a land grab. South Korean Christians had received a legitimate lease to these million square meters in the Nak Lang section in Pyongyang. Heaven knows churches like his had poured money like concrete into the building and operation of the university that had been built upon it, sighed Pastor Lee. Over the years they had more than paid the price hundreds of times over to be able to use the place for the ceremonial launch of the evangelism campaign.

And Ahn? He had not so much as a dime invested in the property, not so much as a scrap of paper laying any claim to it legally, not even the pretense of a legal entity capable of disputing the matter in court. No, Ahn had only a moral claim – a ridiculous one, in Pastor Lee's view: The land, said Ahn, belonged to the North Korean church – whatever or wherever that was legally, Ahn could not say. Instead Ahn spoke plainly and simply in noting that this nonexistent church had never deeded the land to the North Korean regime. It had been taken from them like Naboth's vineyard, he said, the holiest of Korean Protestant shrines snatched away like the lives of all the martyrs who dared publicly denounce the theft.

Pastor Lee paused momentarily to contemplate that he had no portrait of Robert Thomas on his wall. That would have been a nice touch – Robert Thomas, the Welsh missionary who sailed into Pyongyang aboard the Sherman trading ship and laid down his life with a shout of "Jesus!" and the offer of a Bible to the captors that beheaded him. Every Korean Christian knew the story. It was the creation myth of the Korean church. That's why the Korean Church Council's Plan for the Evangelization of North Korea had to be officially launched there. And if every Korean Christian knew the story and felt its power, reasoned Pastor Lee, then so did Bishop Ahn. And that is exactly why Bishop Ahn was staging his hunger strike right on a filthy blanket on the manicured lawn of the Pyongyang University of Science and Technology: If he won this PR battle, he'd knock the South Korean church – and thus the South Korean way of life – right off the peninsula, accomplishing what his compatriots had failed to do in the Korean War and its seventy-five years of subsequent hostility.

the Robert Thomas Memorial Church, which had been long before destroyed by the communists see Price 2012.

But North Korea hadn't succeeded before, Pastor Lee straightened, nor would Bishop Ahn now. Pastor Lee had been among the first to preach against the so-called "North Korean Underground Church" cells in South Korea when they had first started springing up around Seoul during the economic struggles of the 2010s. Other pastors had viewed these informal groups of South Korean college students as little more than harmless mischief by the overly holy, but Pastor Lee had rightly discerned that even in such an incipient form they represented a full frontal assault on everything the South Korean church – and thus South Korea – held dear. Pastor Lee had even at that time been dealing with the decline in attendance of the South Korean church, long enough that he knew a serious threat when he saw one. Your religion doesn't lose three to four percent of its members annually simply because your marketing campaigns aren't good enough, Pastor Lee knew.⁹ Your religion loses three to four percent of its members annually because its fundamental premise, that faithfulness to God is the path of prosperity,¹⁰ rings hollow when young people can't get jobs out of college even though their mothers and fathers tithe and show up every day at 5 a.m. for morning prayer.

That is why an accelerating number of young people walked away from the Protestant church in the 2010s, with many turning to Catholicism's more compassionate social ethic¹¹ (and, thought Pastor Lee, its more lenient approach to drinking, smoking, and tithing). But many turned in a new direction – North. As North Korean defector young people interacted more and more with South Korean young people in South Korean universities and other social settings, South Korean youth became exposed to a different formulation of Christianity. They liked it, thought Pastor Lee, because they didn't understand the importance of working productively with the South Korean government, something he and his fellow pastors had always done, whether that meant overlooking the distasteful behavior of dictators or the equally distasteful pro-North Korea policies of the Sunshine Policy presidents. Young people could turn their nose up at all the money, buildings, and hierarchy, Pastor Lee sniffed, but they and their North Korean defector friends were still bankrolled by Christian families and Christian churches, even at the same time as they were dropping out of them. A phase, other pastors said. But Pastor Lee called it like he saw it: It was communism and irresponsibility – another sign of how selfish and spoiled

⁹ For a comprehensive discussion and statistical quantification of the historic rise and decline of South Korean Protestant church membership and attendance, see Gwak 2000.

¹⁰ For an analysis of the relationship between Korean churches, the prosperity gospel, and the economic condition of the nation at the time of the Asian economic collapse, see Ro 1998.

¹¹ The Korea National Statistical Office shows in 2006 that the number of Protestant Christians in Korea dropped to 8,766,000, a 1.6 % drop over the past decade, while the number of Catholic Christians in Korea rose to 5,141,000, an increase of 74.4 %, in that same time period (Jung 2006).

South Korean youth could be. They were turning their backs in increasing numbers on the South Korean churches that had raised them and were instead setting up informal intentional communities in college dorms, coffeehouses, and workplaces. Who would cover the cost of the mega-church buildings in fifteen years?, he wondered. Why did we build the basketball courts and light shows if not for them?

So he spoke against the movement from his pulpit and through his church's TV and radio station, his web portal, and his publishing house. Other pastors said he was strengthening the movement by legitimizing it. He shot back that it was they who were legitimizing the movement through the special workshops and events and worship forms they started offering to reach those disaffected youth in what they claimed were less institutionalized ways. And through it all these "underground" youth scoffed at all of them with pious and immature disdain, talking of him – Pastor Lee! – as their enemy to love and bless. It was ridiculous, and he had been right: They were a threat, and now ten mega-church pastors were shaking their fingers and tea cups at him about this Bishop Ahn, absolutely blind to their role in raising up Ahn and others like him in the first place through their talk of underground this and underground that. These pastors had foolishly joined other pastors in backing away from the first principles of the South Korean church in what could only be described as a desperate attempt to lure young people back to the buildings and to the yoke of institutional support.

At least his was a principled institutionalization, he thought. How in the world did people come to believe that prosperity theology had failed? The thought pained him enough to crease his almost-never creased forehead. After all, no one had ever promised record rates of return every quarter – just the obvious truth that if we work hard for God, he will of course work hard for us.

And God had, hadn't he? It wasn't Kim Jong Il sitting in this chair. It was Pastor Lee. Kim Jong Il was dead. Kim Jong Il's Juche philosophy was dead. What in God's name would possess South Korean young people to want to follow anything North Korean when even North Korean people themselves had cast it off wholesale as refuse? If North Korean underground Christianity was such a worthwhile thing, then why did North Koreans call, email, write, defect, and otherwise embrace in every conceivable manner the South Korean Christianity of buildings, pastors, and hierarchy that South Korean youth had labeled so intrinsically evil? Follow a North Korean holy man without so much as a single seminary credit or ordination certificate to his name and that would lead you out of unemployment and back to prosperity? The whole line of thought was repulsive to him.

God had done his part. Now Pastor Lee would do his, exposing this cultishness to the ridicule it deserved. The young people would return to the church when they returned to their senses – and when their parents started making them have to

earn a living, for once. There were not two churches in Korea any more than there were any longer two countries in Korea. North Korea was gone, collapsed under the weight of its ideological impracticality, isolation, and self-absorption. North Korean Christianity would follow the same path, and Pastor Lee wouldn't make the same mistake the South Korean government had to prolong the silliness of the North Korean regime by showing it respect and treating it as something real. Yes, the South Korean church had given money to the North Korean government – hence one of Bishop Ahn's favorite diatribes: "You turned your back on your own flesh and instead rode Babylon the harlot right over our backs" – but it had done so to build hospitals and noodle factories and orphanages to thus pave the way for a warm reception for Christianity among the North Korean population once the country opened, a reception that Bishop Ahn was inconceivably focused on spoiling, along with his South Korean communist college friends.

And so it had all come down to this – this room, this meeting, this President, these pastors. At stake: A twenty-five year savings and missionary training plan to lavishly pre-fund the evangelization of an entire nation for a decade, unprecedented in the history of missions. All the established denominations cooperating, the funding fully accumulated, the number of missionaries needed oversubscribed. Everything ready for launch within weeks of North Korea's collapse.

And now everything was being held up by a liberated North Korean prisoner who was claiming that the land on which the Pyongyang University of Science and Technology campus was built – the former site of the Robert Thomas Memorial Church, the future site of next week's North Korean Evangelism Campaign – belonged to the (legally nonexistent) North Korean underground church, with the (ecclesiastically uncredentialed) Bishop Ahn its self-appointed spokesperson. On a hunger strike not, mind you, to receive the keys to the building or a seat at this table of pastors but to request simply that the plan not be launched. "We are the North Korean church," Bishop Ahn said evenly and softly into the shaky high-definition phone video of his South Korean university student flunkies, playing moments before on the mega plasma screen in Pastor Lee's conference room. "Let us evangelize North Korea according to the plan we developed not in twenty-five years of fund raising but in seventy-five years of faithful witness to our Lord's name in prisons, concentration camps, and before the principalities and powers of our nation. We do not have your money, your missionaries, or your buildings. But we do not need them. We have, as we always have had for the last seventy-five years of captivity, the Lord. We have learned to rely on him wholly and only, and to rest content in him and his direction for us. And his direction to us is clear: not to reject you, but to insist that you recognize that we are the duly constituted church of this nation. We ask for nothing – no money, no missionaries, no construction projects, no rallies – nothing except

for your patience. By the blood of the Lamb and the word of our testimony we have stood faithfully here while our brothers and sisters were slaughtered for bearing the name of Jesus. Now stand faithfully there in the South, we beseech you, and pray for us. Our hour has come at last. We are few, but we are battle hardened and ready to reach a nation. The only thing that can prevent us from doing so . . . is you.”

It was video posted and reposted not only by members of the so-called underground movement but, ignominiously, by other sympathizers as well: non-Christians, Buddhists, even Catholics, in South Korea and around the world. “It has gone viral!” the pastors around the conference table shouted, sloshing their teacups at Pastor Lee accusingly, while President Kim, stoop-shouldered, silently slumped in his seat. “What can we do now?”

Pastor Lee at last drew his glance from the portraits of Zwingli, Luther, Calvin, Henry – and Lee – downward and leveled a piercing gaze directly at his (junior) peers, first one and then the other. They quieted quickly. Lee’s eyes settled at last on President Kim.

“I believe, Mr. President,” he said in a voice of confident innocence, “that Mr. Ahn is indeed a Living Human Treasure as defined in the 2003 UNESCO guidelines developed by the South Korean government.¹² Our country has always honored its master basket makers, tea pourers, and traditional dancers – those who faithfully plied the trades and crafts of old. It will certainly want to honor a few old men who bravely stood up to Kim Il Sung and Kim Jong Il in their time.”

He sniffed. “Regrettably the health of these patriots is so poor that they may never be able to appear publicly again in this lifetime, but what a fitting tribute that they be given accommodation and a generous living allowance in one of Kim Il Sung’s former villas.”

“And,” he added, looking down to sign some paperwork placed next to his elbow for next week’s launch, “a twenty-four hour security detail firmly committed to guarding his safety. Whatever you do, for God’s sake, don’t let him die of anything heroic.”

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¹² South Korea’s designation of “Living Human Treasures” – one per cultural practice – was successfully proposed by South Korea to UNESCO for global adoption in 2003. See UNESCO 2003 for the full proposal.

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THE FUTURE OF RELIGIOUS FREEDOM

Global Challenges

Edited by

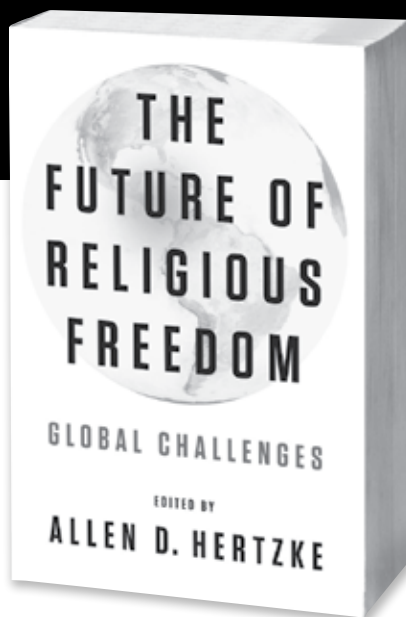
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CONTRIBUTORS INCLUDE:

W. Cole Durham, Jr.	Silvio Ferrari
Matthew K. Richards	Gerard V. Bradley
Donlu D. Thayer	Ahmet T. Kuru
Angela Wu Howard	Binnaz Toprak
Brian J. Grim	Talip Kucukcan
Anthony Gill	Recep Sentürk
Fenggang Yang	Chris Seiple
Roman Lunkin	Dennis R. Hoover
Jonathan Luxmoore	Thomas F. Farr

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Measuring persecution

The new questionnaire design of the World Watch List

Christof Sauer¹

Abstract

The “World Watch List” (WWL) of the advocacy agency Open Doors annually scores and ranks the 50 countries where persecution of Christians is worst. In view of its broad use by the media as well as criticism, the questionnaire for the WWL has been revised. This article examines the methodological challenges involved in measuring religious persecution with a focus on the questionnaire design. The WWL is placed in the context of other instruments for measuring religious freedom/persecution and the criticism of the WWL is analyzed. Questionnaire-related issues involve the selection of questions, their grouping and their balancing. Measuring and weighing indicators, the coding of questionnaires, and how to arrive at a final score for a country are discussed. Various problems such as variations within inhomogeneous countries, delimitation, transparency and feasibility are addressed.

Keywords World Watch List, Open Doors, questionnaire, measuring, ranking, persecution.

The World Watch List² of Open Doors International,³ appearing since 1993, is probably the oldest among the annual scoring instruments which are currently in use for measuring religious persecution and religious freedom.

1. A phenomenology of religious freedom scoring instruments

In the *World Christian Encyclopedia's* first edition a “Religious Liberty or Persecution”-score is allocated to all countries (Barrett 1982:100, 777). The second edition (Barrett 2001:46, 834f), adds a computed *Christian Safety Index* and estimates of the total number of martyrs and martyrdom situations since AD 33.⁴ These measures all reflect larger time periods rather than annual assessments. Those indices have been continued in the *World Christian Database* and in the

¹ Dr Christof Sauer (*1963) is Associate Professor Extraordinary at the Department of Practical Theology and Missiology, Theological Faculty, Stellenbosch University. He is also Co-Director of the International Institute for Religious Freedom (Bonn, Cape Town, Colombo) <www.iirf.eu> and as such was involved in advising Open Doors on the improvement of the World Watch List. Contact: PO Box 535, Edgemoed 7407, South Africa, christof@iirf.eu.

² www.worldwatchlist.us; www.opendoorsuk.org/resources/persecution/.

³ www.opendoors.org. It emerged from the ministry of “Brother Andrew” (1967). For a short description of Open Doors International and the role the WWL plays in its ministry cf. Sauer (2013:97f).

⁴ The estimates of numbers of martyrs have been strongly criticised (e.g. by Schirmacher 2011).

World Religions Database respectively which are only accessible to paying subscribers.

Another approach has been taken by Paul Marshall in *Religious Freedom in the World* in 2000 and 2008. The latter gives narratives on 101 countries representing 95% of the world's population based on a standardized questionnaire of 122 questions in 10 groups. This is translated by expert consensus into a comparative single *Religious Freedom Rating* on a scale of 1 to 7 applicable to all religious groups in whole countries or parts thereof. Again, this is not an annual survey.⁵

While equally broadly measuring religious freedom for adherents of any religion or belief, the reports issued by the Pew Research Center's Forum on Religion & Public Life, the latest of which bears the title *Rising tide of restrictions on religion*, are based on a sociometric methodology developed by Grim and Finke (2006). They differentiate two indices, a *Government Restriction Index* and a *Social Hostilities Index*, without consolidating these into one single score per country. This is based on the coding of 18 widely available, frequently cited written primary sources which appear regularly. The reports represent a transnational comparison of 198 whole countries, with the exclusion of North-Korea due to a lack of sufficient current information. To date three reports have appeared in 2009 and 2011 and 2012. The first provided a baseline for the period of mid-2006 to mid-2008, followed by comparisons for mid-2009 and mid-2010. This means the reports currently appear 2 years after the period under investigation. The narrative focuses on the presentation of the results regarding the 25 most populous countries and is strictly non-partisan.

In addition many advocacy agencies employ rudimentary measuring instruments when grouping the situations in various countries on certain scales and publishing them on maps for popular use (Sauer 2008:36-40).

In comparison to the above instruments, the *World Watch List* by Open Doors (OD) has the following combination of features: It appears *annually* ten weeks after the completion of the period under consideration, it is restricted to *Christians*, it is mainly based on *grassroots sources* from the Christian, missionary and advocacy community, and its interest is *pragmatic* rather than scholarly, primarily serving the purpose of strategy planning and mobilisation of support for persecuted Christians from a missionary perspective.

2. History and reception of the World Watch

OD's research department developed the first standardized questionnaire on the persecution of Christians from 1991 to 1992. This led to the compiling of the WWL

⁵ In addition Paul Marshall in *Religious Freedom in the World* in 2008 included an independently calculated index based on Grim & Finke (2006) as an appendix to his book.

in 1993, which has been published annually and has sporadically evolved ever since. In the period from 2002 to 2009 some questions were clarified and others added. Increased cross checking of information, including by external experts, was made possible with the growth of staff.

Over time the number of questions in the questionnaire for the WWL had grown to fifty, and this questionnaire was used the last time for the WWL 2012. In the past OD did not disclose the exact wording of these questions to the public; instead it mentioned 25 topics in the interpretative narrative. The outcome presented in the WWL includes a table of the 50 nations ranking worst in their degree of persecution on a scale between 1 and 100. A further column estimated how much higher this score would be if more information could be ascertained, and a fourth portrayed the differences in score to the previous year. The interpretative narratives put the spotlight on the ten countries with the highest persecution and also highlighted the changes compared to the previous year. Of late, profiles of all 50 countries have been made available.

The reception of the WWL ranges between uncritical use and various levels of criticism. The keenly interested use of the WWL by the media⁶ and politicians⁷ led to increased scrutiny of its methodology and public criticism.

On the one end of the scale the phenomenon of an uncritical use of the country ranking can be observed. These users sometimes emphasise the relative ranking of a country instead of its absolute score. Even worse, some erroneously emphasise the changes in the ranking of a country from one year to another,⁸ seemingly mistaking them for real changes, whereas a country might simply have moved up or down the list due to real changes in other countries. In future, a disclaimer should accompany the WWL warning of such misinterpretation of the data.⁹

Criticisms of the WWL are on various levels, which will be briefly presented here, while the scholarly issues at hand will be discussed later. Some are critical of the WWL because of its *origin*. They do not like the fact that it is issued by a

⁶ According to Baake (2012:98) in January 2011 German media reported on the WWL more intensely than ever before. A recent example is the German weekly FOCUS 37/12, 10. September 2012, 40-45.

⁷ For example, Ute Granold of CDU in Germany links to WWL on her personal website: www.granold.de/Christen-weltweit-am.208.0.html (Accessed: 17 October 2012).

⁸ For example, question no. 9 for a hearing of the Human Rights Commission of the German Bundestag on 9 May 2012. www.bundestag.de/bundestag/ausschuesse17/a17/anhoerungen/2012-05-09_Christen/Fragenkatalog_Version_Internet.pdf.

⁹ This disclaimer should state that first of all the interpretation must focus on the score of a country and not on its ranking. It must secondly emphasise that the ranking is only a relative and not an absolute measure and that therefore no direct conclusions may be drawn from minor changes in the ranking of a country. Actually OD intends to publish a dedicated WWL website for professionals as from 2013 apart from the one for popular consumption.

Christian mission agency, or that OD is an organization involved in fund raising,¹⁰ or they are unsympathetic to the evangelical profile of OD.¹¹ Most other criticism is more scholarly in character: Some harbour *fundamental doubts of the feasibility* of a comparative scoring of countries, simply because the situations are so diverse and they consider it impossible to find one single grid that covers them all.¹² Criticism of the *delimitation* objects to focussing on Christians only or to the perceived arbitrariness of limiting the list to 50 countries. For others it is a matter of *transparency*: They refuse to take the WWL seriously as long as its methodology has not been made fully transparent to them.¹³ Some are sceptical of the *quality of the sources*, namely the competence of the respondents. Finally, those informed might criticise various *details of the methodology*. However, most of the criticism is voiced in side comments or orally. I am not aware of any detailed substantiation of such criticism or any scholarly article critically engaging with the WWL.

The increased level of criticism necessitates giving attention to improving the credibility of the WWL. This requires a greater transparency on the gathering and coding of the data and the analysis of the results as well as an improved methodology. With an improvement of the questionnaire and a diversification in the presentation of its results, Open Doors is striving to make the WWL the best, the best known and the most authoritative research instrument for tracking and measuring the extent of persecution of Christians in the world today. What are the challenges and questions one faces when designing or revising such an instrument?¹⁴

3. Methodological challenges

The first question is, what kind of *product* or contribution to knowledge is desired? Initially OD only wanted a list of the ten worst countries, embedded into a list of the 50 nations with the highest level of persecution of Christians. These countries were to be ranked and each should have one single score. In the future two additional lists are to be published: “The top ten most violent places in which to live as a Christian” and “Top fifteen most persecuted Christian communities in the world.” In addition, OD wants to publish information on the main glob-

¹⁰ The fundraising aspect is mentioned in a side remark by Oehring (2012b:36).

¹¹ The Humanistic Press Service in Germany takes offence at the missionary and evangelical character of OD (Humanistischer Pressedienst, 19.06.2007, Nr. 2210, <http://hpd.de/node/2210>).

¹² This position is maintained, for example, by Oehring (2012a:79). Oehring (2012b:36) called the WWL “number games”.

¹³ For example, Anhelm 2012:5.

¹⁴ The terminology used seeks to be appropriate to the subject under consideration. Some of the technical language has been aligned with the standard reference work by David de Vaus (2002), *Surveys in social research*, 5th edition, London.

al persecution dynamics from the non-scoring part of the questionnaire. The country profiles are to be updated every two months. In terms of social science terminology this is exclusively descriptive research and not explanatory research (De Vaus 2002:31).

A second question faced is that about *delimitation*. While Pew has the resources to cover all countries of the world and needs to do so due to its non-partisan nature, OD, because of its limited resources and ministry emphasis, focuses firstly on Christians only and secondly on the countries with the worst religious persecution. According to the experience of OD in the past, a list of 50 covers all countries with absolute, extreme or severe persecution.¹⁵ In order to know which countries to include into the survey, OD uses a *Rapid Appraisal Tool* combining information from other sources and internet search.

A third question concerns the *clarification of concepts* (De Vaus 2002:43ff). How are Christians and persecution defined? With its definition of a Christian as “anyone who self-identifies as a Christian and/or someone belonging to a Christian community as defined by the church’s historic creeds”, OD follows the tendency of statisticians of Christianity to use broad definitions. The definition of persecution chosen, however, is theological and subjective: “Any hostility, experienced from the world, as a result of one’s identification with Christ. This can include hostile attitudes, words and actions towards Christians both from within and outside Christianity”. This raises the question, how well a theological term such as “the world” can be understood by non-Christians, and whether the aim to communicate well, including to secular media, would not be better served by a sociological definition that is sensitive to theological concerns, such as that of Charles Tieszen.¹⁶ In my opinion, his definition equally “covers the full range of hostility experienced by Christians as a result of their Christian walk, rather than limit the term persecution to more purely deliberate or extreme forms of suffering” as Boyd-MacMillan (2012:7) rightly calls for.

A fourth challenge emanates from the *variation within countries*: How are the variations in highly populous countries such as China, India, Indonesia, Pakistan, Bangladesh, Nigeria, or even in smaller inhomogeneous countries such as Iraq and Turkey handled? How can one do justice to additional differences between rural

¹⁵ The presentation of the final list uses a colour coding for all countries by grades of persecution, which are defined as follows on a scale between 1 and 100 points: Sparse persecution: 26-40, moderate: 41-55, severe: 56-70, extreme: 71-85, absolute: above 85 (Boyd-MacMillan 2012:7).

¹⁶ Tieszen sought to develop a brief standard definition which could be understood outside the Christian community. He defines religious persecution of Christians as “any unjust action of varying levels of hostility perpetrated primarily on the basis of religion and directed at Christians, resulting in varying levels of harm as it is considered from the victim’s perspective” (Tieszen 2008:76).

and urban areas, between low and high social standing, between uneducated and educated people, as well as to ethnographic differences? The presentation of scores for whole nations only is not sufficient in that respect and calls for complementary information which needs to be given, for example, in the country profiles or through additional surveys.

A fifth challenge is the *variety* of persecutors and of the types of Christians affected by persecution. Will there be a differentiation? The WWL chooses to differentiate different types of Christians: (1) Expatriate or migrant Christians, (2) members of historical Christian communities and/or government controlled churches, (3) converts to Christianity from “persecutor background” (majority religion or ideology, traditional religion, mafia, etc.) and/or house churches, and (4) members of non-traditional Protestant Christian Communities (like Evangelicals, Pentecostals) and/or other Christians not yet included. This differentiation is used as a weighing factor for the responses in most blocks (as explained below) and also will feed into a separate report on the top 15 most persecuted communities. The differentiation concerning persecutors is made in the non-scoring final section of the questionnaire and distinguishes eight different “persecution dynamics” (mainly ideologies or power groups) and 11 different “agents of persecution.”

A sixth question consists in the *choice of measurements*. Should the severity or intensity of damage caused by persecution be measured? Should the frequency of persecution, that is the number of cases, be measured? Or should the variety of types of persecution be mirrored? The WWL chooses to combine all three in a complex procedure which will be explained below.

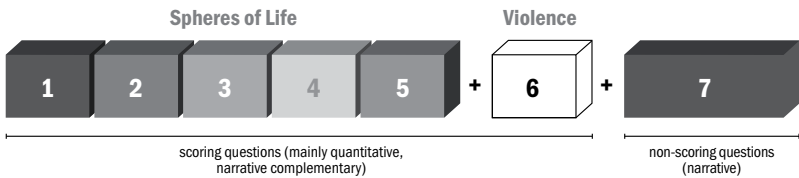
A seventh challenge lies in the *validity* of the results. Should a *Mean Certainty Ranking* be introduced, based on the sources used? Should a margin of possible statistical error be estimated? In my opinion the latter should at least feature in a general comment in the overall interpretative narrative.

An eighth challenge is the decision which weight to give to both *transparency* and *simplicity of the questionnaire*. Should a respondent to the self-administered questionnaire know the overall score produced by his/her responses? Should he/she be able to simply add up scores without the help of a calculator/computer? Is the questionnaire simple enough to give the responses on paper or is it so complex that it can only be done reliably on a computer? The revised WWL questionnaire opts for transparency but tends to sacrifice simplicity.

The ninth challenge is posed by the *questionnaire design*. This will be discussed in the next section which attempts to integrate responses to some of the above challenges. It will cover selection and grouping of indicators/questions, the coding of responses as well as the scoring of countries.

4. Questionnaire design

The criteria raised by the advisors in the process of revising the WWL were transparency of process and outcomes for the respondents, feasibility and simplicity of the self-administered questionnaire for respondents (including non-academic practitioners), best approximation to reality with a manageable number of indicators/questions, striking a balance of various factors of persecution and spheres of



Composition of Questionnaire (7 blocks of questions)

life in the overall country score, and avoiding overemphasis on any single indicator. The analysis below will show how well this was achieved.¹⁷

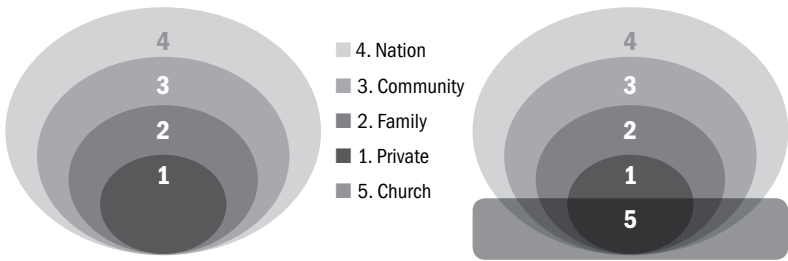
4.1 Grouping of questions

While before 2013 the 50 questions were not presented in an explicit grouping, the 2013 version groups the questions according to five spheres of life: private life, family life, community life, national life and church life. The identification of those spheres emerged from brainstorming among experts and I am not aware that others have used similar rubrics. Grouping of questions is recommended for surveys in social science research (De Vaus 2002:111).

There are several advantages to this differentiated approach: First of all, it gives the questionnaire more structure and logical flow. Secondly, by giving each of the spheres equal weight for the calculation of an overall country score, an appropriate balance between the various expressions of persecution is maintained in the assessment and an overemphasis on any one single sphere is avoided. Thirdly, this approach also offers the opportunity of identifying in which contexts of life persecution mainly occurs and of tracking a change of persecution spheres over time.

The examination of the five overlapping spheres moves from the most intimate to increasingly public areas of life and the question in each case is whether the persecutor seeks to dominate this space by various measures and actions. One of

¹⁷ This assessment is based on the WWL questionnaire as used by OD in September 2012 for the 2013 WWL. There was a pilot test of the questionnaire before that.



Spheres of Life

the challenges in the questionnaire design was convincingly defining these spheres and allocating indicators/questions to specific spheres.¹⁸

Private life is the interior life of a person (*forum internum*) which should be protected by freedom of thought and conscience. Once this sphere is affected, persecution is rather intense. In many contexts persecutors are content to simply achieve the absolute privatization of faith. But in some other contexts, the state seeks to ban all expressions of faith, even at home. In some nations where there is a Muslim majority it is rather the family culture hostile to the Christian faith that bans any expression of it by other family members.

Family life is considered the most intimate sphere next to the rights of the individual. Here the state, the extended family or even a member of the nuclear family might seek to hinder the transmission of faith and/or the free exercise of family life. This can be the most difficult sphere of persecution which Christian believers of Muslim background face.

Community life covers the local neighbourhood in which a person lives. This is a particularly relevant sphere in societies where living space is organized according to tribe or race. For example, in Pakistan, the main source of trouble for Christians comes from local agents of persecution in the neighbourhood such as local police, or tribal figures or religious leaders rousing a mob. The questions asked query how vulnerable Christians are, once they step out of their front door.

National life concerns any restrictions by the central government or any other subnational administrative entities of equal and free participation of Christians in civil society or public life. In Iran for example, Christians primarily experience persecution from the state and less from the family or community.

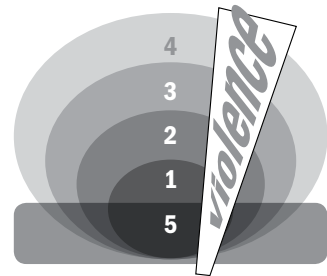
¹⁸ Due to the length restrictions of this article the detailed questions cannot be reproduced here. However, as an example a number of the main indicators used in the sphere of Church life, as well as those used for the block of physical violence are presented here.

The sphere of *Church life* is not simply an extension of the previous four spheres. It concentrates on the collective dimension of religious freedom and examines in which way Christians are limited or hindered in communally expressing their faith. This is covered by indicators such as registration of churches, their monitoring or closing, church building and renovation, expropriation and non-return, disturbance or disruption of services, prevention of activities inside or outside churches or among youth, acceptance of converts, harassment of leaders or their families, monitoring of public expressions including media and internet, election and training of leaders, religious materials/Bibles and their production, possession, importation or dissemination, interference with ethical convictions or personnel policy of Christian institutions, public expression, broadcasting, internet, participation in communal institutions, Christian civil society organizations, social activities, and foreign Christian workers. Another indicator is denouncing of persecution by government.

A sixth block on *physical violence* separately groups all related questions, which obviously cut across all five spheres of life. The score of this block is given the same weight for the final score as any score of the other blocks. Within this block faith related killings and serious damage/destruction of communal Christian buildings each have one third of the weight. The last third is allocated to ten questions covering such matters as detention, jailing, abduction, forced marriage, sexual harassment and rape,

physical harm, eviction and internal displacement, forced flight from country, and serious damage to homes, shops or businesses of Christians.

There are several advantages to measuring physical violence separately. Firstly it can be portrayed as one particular factor. Secondly one avoids letting the frequency or magnitude of physical violence skew the total score or to prevent the proper noticing of other factors of persecution. In the documentation accompanying the questionnaire the assumption that “the most violent persecutors of the church are its main persecutors” is actually called a myth (Boyd-MacMillan 2012:2). In Northern Nigeria the most violent persecutor currently is the Islamic terrorist group Boko Haram, very unsubtly attempting to destroy the Christian church by bombing churches and shooting pastors. However, the greatest threat for Christians is seen to come “from a creeping cultural Islamisation which has been stealthily progressing” (Boyd-MacMillan 2012:2) until Christians find themselves as second-class citizens.



Violence across Spheres of Life

This increasingly hostile climate and increasing restriction of Christian life and witness in all areas of life cannot be tracked through incidents. While incidents of physical violence usually lead to a stronger cohesion of the church, legal strangling and social suffocation might over time cause the church to shrink and possibly even die (Boyd-MacMillan 2006:21-81).

A seventh block of 12 *additional indicators* (examined by 33 questions) is not included in the scoring of the WWL, but is used for the interpretative narrative and separate listings mentioned earlier. The questions cover the persecution dynamics (forces), the agents of persecution, types of Christians and churches persecuted, and various changes concerning growth, killings, imprisonments or level of fear among Christians, early warning signs, specifics to a country not covered by the questionnaire, information on marginalized or persecuted non-Christian religious minorities and on the most important changes affecting the church.

4.2 Weighing and selecting indicators

As reported above, it was decided to give equal weight to each of the six scoring blocks of indicators for the total score of a country as anything else could not be justified. Concerning the selection of indicators/questions in each block, in an attempt to cover as many phenomena and aspects of a sphere as possible, the number of indicators/questions has been increased compared to the pre-2013 questionnaire. In the process it was discovered that some spheres lend themselves to more indicators than others. Due to the unequal density of indicators, the idea of achieving equal numbers of indicators in each sphere was abandoned. Instead an attempt was made to keep the number of questions as small as possible.¹⁹ Currently the number of questions for most blocks ranges between 12-16 questions, with “church life” peaking with 27 questions. The different number of questions per block has two consequences. Firstly, the relative impact of an individual question on the final score of a country differs from block to block. This must not be a negative, as long as the sum of all questions in any block best mirrors reality. Secondly, the consolidated score of each block needs to be multiplied with a proportional reduction factor in order for each block to have equal weight and to arrive at a consolidated country score of a maximum of 100.

Whether the selection of questions has been convincing or whether a revision is needed will be revisited after the completion of the 2013 survey. Therefore this topic is left for a different paper, including the technical aspects of conceptualization, operationalization, validity and reliability.

¹⁹ This is in line with the guidelines by De Vaus (2002:50) on the question of how many indicators to use. He maintains that a limited number of questions will suffice if the others do not add anything to the index. However, the key concepts must be thoroughly measured.

4.3 Coding and weighing responses

	Yes, absolutely 3 points	Yes, significantly 2 points	Yes, rarely 1 points	No 0 points	Scores
(1) Types of Christianity	70% - 100%	35% - 70%	0% - 35%	0	
(2) Part of country	2/3 - 3/3	1/3 - 2/3	0 - 1/3	None	
(3) Degree of persistence	Situation was systemic / was always there	Situation happened often	Situation happened now and then	Nothing happened	

Rounded Average Score →

Scoring Grid (for each question in Blocks 1 - 5)

In the blocks on the spheres of life (1-5) all questions are of the closed-choice type and feature the same numerical rating scale between 0 and 3 points for responses (0 = No; 1 = Yes, rarely; 2 = Yes, significantly; 3 = Yes, absolutely). The challenge of the choice of measurements (frequency or intensity, territorial coverage, relevance to overall Christian population) was countered by a complex scoring grid composed of three elements applied in each case: How many of the prevalent types of Christianity defined above are affected?²⁰ What proportion of the country is involved (none, up to 1/3, up to 2/3, up to 3/3)? How persistent is the persecution pressure in relation to the phenomenon mentioned (systemic, often, every now and then, nothing happened)? The rounded average of the three scores provides the final score for each question. So the answers and their numerical values are very clearly defined. As long as one is able to use the menu-driven spreadsheet form of the questionnaire on a computer which automatically fills in scores and calculates the average depending on the responses clicked, this is a brilliant idea. However, if one has to fill this in on paper it requires a lot of mental arithmetic and I wonder whether the numerical results would be quite the same even with the same respondent.

The wording of the overall responses actually becomes secondary, as it is the calculated numerical scores that actually count. But it should be pointed out that the first two responses express intensity (absolutely and significantly) and the third (rarely) expresses frequency which is inconsistent. Regardless of this detail, the

²⁰ Note that this question does not ask for the proportion of the Christian population affected, which would be difficult to enumerate. Rather it makes the respondent initially establish how many of the four defined types of Christianity there are in the country under consideration in order to establish a baseline. Then for each question the respondents must establish how many of those types are affected, expressed in percentage. Each of the response values between 1 and 3 corresponds to a percentage range.

approach provides the greatest amount of specificity on which types of Christians are persecuted where and with what intensity in any given country.²¹

The common misperception that this differentiated approach wants to dispel is the myth that “the more incidents of persecution there are, the more persecution there must be.” The memo accompanying the questionnaire uses the case of the Christians in the Maldives to demonstrate that the scenario might as well be the opposite. Christians there suffer from such intense pressure from friends, neighbours, family and the government that they can hardly express their faith at all. They are figuratively “squeezed to death” by their persecutors. However, the list of incidents where Christians were beaten, put in jail or deported is rather short. Boyd-MacMillan (2012:2) explains: “Sometimes the degree of persecution is so intense, and so all-pervasive, it actually results in fewer incidents of persecution, since acts of public witness and defiance are rare.”

4.4 Processing of questionnaires and scoring of countries

Once submitted, each questionnaire is processed by OD staff, then all questionnaires on one country are aggregated to arrive at a country score, and finally the countries are ranked according to their scores and country profiles are produced. Some of the details of the process are not yet transparent. From what I gathered in conversation I would assume that the responses are assessed for probability and consistency, for example, whether numerical values and corresponding comments are congruent. In case of doubt the respondents will be asked to clarify. In addition the response options “Unknown” and “Not applicable”, which the respondents are discouraged from using, will need to be dealt with. If verbal comment has been given, it might be possible for the assessor to still allocate a score to that question. If there has been more than one questionnaire received on that country, the one without a response to a question could simply be ignored when aggregating the final score. This will of course only work if the aggregation proceeds question by question. In this way the gaps in expertise of any one respondent can potentially be made up by the expertise of the others.

The coding of the response “not applicable” has been predetermined for certain scenarios (Boyd-MacMillan 2012:4). When a question is not applicable to a particular country, and this is the result of persecution, automatically the highest score is given. For example, the questions whether Christians could be put under surveillance for faith related reasons does not really apply in North Korea, because Christians are instantly jailed. But because the inapplicability is a result of persecution,

²¹ A comments column for each question requests the respondent to provide further clarification and details on the response given. In this way the closed-question approach is complemented by an open component for each indicator.

the highest score is justified. As another example, all the questions in the block on church life assume that there is a functioning church allowed. But in a country like Somalia the church has completely disappeared due to the intensity of persecution. Therefore all questions in this block receive the highest score in such a scenario.

No information is given according to which formula the questionnaires on the same country are actually aggregated. However, I received indications that there is the intention to solve discrepancies by open conversation.

4.5 Characterization of overall questionnaire design

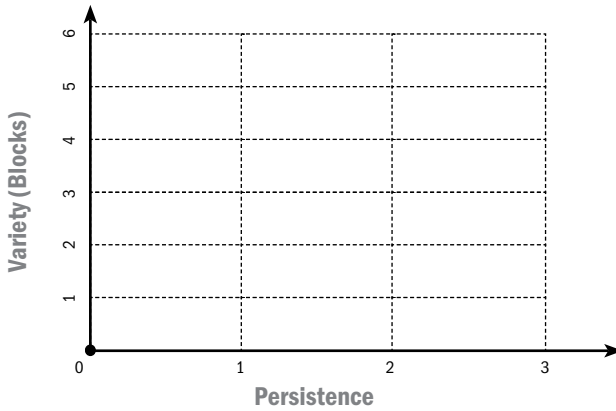
As could be observed, the questionnaire design of the WWL combines a variety of approaches and dimensions. Firstly it combines a quantitative methodology for the scoring section with a qualitative approach for the non-scoring narrative section. Secondly on the micro level, it combines three different factors in the standard responses in blocks 1-5. Thirdly, in the block on violence *capped scales* are used for all questions and the questions are grouped in two sections according to their different weight.

One could argue that the overall score of a country is simply the aggregated sum of minutely defined individual scores of individual indicators. However, taking the overall picture into account, one cannot deny that variety of persecution is also a factor influencing whether a country receives a high score. However, this is moderated by two factors, firstly by the intensity of persecution reflected in the scales applied to the responses, secondly by the fact that persecution-caused non-applicability of questions automatically is awarded the highest score.

This becomes evident when comparing possible scores of two opposing constructed scenarios: A country with the maximum variety of persecution would need to feature at least with “Yes, rarely” (1 point) on all questions and have one incident for each of the questions on violence. It would at least score 33 points on a scale of 100. A country with a low variety of persecution (one third of the possible phenomena) would need a high intensity of persecution, for example, at least maximum points in one third of the six blocks in order to achieve the same score. If that same country were additionally given full scores, for example, for “church life” due to persecution-related non-applicability of that block, it would score at least 50 points out of 100.

A country with consistent responses of “Yes, absolutely” in four blocks out of six would score 66 points. If the intensity, however, ranged at a low level (“Yes, rarely”), a country with a variety of two thirds of persecution phenomena would only score 22 points on a scale of 100.

This shows that in this research design *variety* of persecution and *intensity* of persecution theoretically have the same influence, but that practically, due to automatic full scoring for persecution-related non-applicability of questions, intensity of persecution actually has the greater influence on the final score of a country.



Impact of Variety and Persistence on Scores

However, it needs to be remembered that “intensity of persecution” here stands for the conglomerate of the degree of persistence of persecution pressure, diversity of Christian groups affected and the degree of prevalence across a nation.

5. Further issues of research design and project implementation

The reliability and success of the WWL survey largely depends on the quality of the responses. Therefore the following recommendations are given: (1) The selection and training of respondents is a crucial issue. In order to really reach “the deepest layers of persecution” and “tapping the depth of local knowledge of underground persecuted communities” as OD intends (Boyd-MacMillan 2012:7), the best experts per country, both among OD staff and among scholars, need to be identified.²² (2) The different respondents on one country ideally should have complementary expertise. (3) All need appropriate training in understanding the questionnaire. They should also be assured of the complete anonymity of their identity. (4) The written instructions need to be sufficient, clear and unambiguous. (5) The respondents ideally should monitor the country and record incidents and observations throughout the year. The intention of OD to have its staff update country profiles every two months is a good step in that direction.

For the processing of the data of the questionnaires, once they are received by OD, a document outlining and defining all steps and recording all default decisions

²² The aim is to have a minimum of three respondents per country for the 2013 WWL. For 2014 the plan is to have two parallel streams of respondents, one of OD and an academic one, which has the potential of doubling the number of respondents.

towards the aggregation of country scores should be developed. This process must be defensible, consistent, fully transparent and replicable for new and future staff. In this sense, it improves on Boyd-MacMillan's "Memo", which has not incorporated all of these aspects.

Whether respondents actually need to know how their answers are processed, is a matter debated among researchers. This might be different between grassroots practitioners and scholars. However, transparency of methodology goes a long way in providing scholars an opportunity to probe the design of this important monitoring and scoring tool and establishing trust in its sufficiently reliable representation of the complex reality of the persecution of Christians.²³

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²³ Cf. Sauer (2013:108f) on seven values for responsible conduct in measuring persecution: honesty, fairness, objectivity, reliability, scepticism, accountability and openness.

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From accommodation to conscription?

The Obama health care mandate in context

William C Duncan¹

Abstract

The context for understanding President Barack Obama's mandate that all employers, including religious ones, must provide free contraception and sterilization to their employees is historical. The United States Constitutional system values the accommodation of religious practices, in contrast to Revolutionary France, which attempted to conscript religious groups and clergy to advance government programs. For much of its history, the United States has pursued this policy of accommodation, but recently, increasing government power has created conflicts with religious practice leading to the mandate and similar government incursions. These appear to represent a shift to the French Revolution's policy of conscription.

Keywords Religious liberty, free exercise, United States, minority religions, contraception mandate, discrimination laws, government power, same-sex unions.

In 2010, Congress passed the signature legislative initiative of President Barack Obama's administration, the Patient Protection and Affordable Care Act. The measure was intended to dramatically alter the system of health care in the United States, moving it from a system of largely private insurance (much of it provided by employers) to a system of significant government control. The aim was to ensure that far more people would be provided with health insurance and medical care. The law did not require abandonment of the private welfare system. In fact, that system would be expanded by government directives to insurance companies to cover more services and to employers to offer health coverage, with corresponding financial penalties for failure to do so.

The most unsettling part of the legislation comes from the legislation and subsequent administrative rules that have created a mandate for all employers to provide coverage of a variety of health-related services including, most controversially, con-

¹ William C. Duncan (*1972) is director of the Marriage Law Foundation, past acting director of the Marriage Law Project at the Columbus School of Law, The Catholic University of America. He has a *juris doctorate* from the J. Reuben Clark Jr. Law School, Brigham Young University. The Foundation provides resources in defense of the legal definition of marriage as the union of a husband and wife and Duncan writes extensively on legal issues related to marriage, family, and U.S. constitutional issues including religious liberty. This article will employ American spelling. Article received: 18 August 2012; accepted 31 October 2012. Contact: 1868 N 800 E, Lehi, UT 84043, USA, Tel: +1-801-367-4570, Email: duncanw@marriagelawfoundation.org.

traceptives (and drugs that could be characterized as abortifacients) and sterilization. This coverage must be provided at no cost to the employee. In addition to the fiscal considerations, the mandate has sparked significant outrage because of its application. The law exempts only churches from the requirement to pay for coverage, not religious organizations (such as religious schools, hospitals, ministries, etc.) or people of faith who own or operate businesses.

Although conflicts between the actions of religious organizations or religious believers and government actions are not a new phenomenon in the United States, the contraceptive mandate is novel because it requires individuals and organizations to affirmatively pay for services that are in every way repugnant to the beliefs of the person or group.

Understanding this dramatic, even radical, shift in the relationship between the power of the state and religious practice requires context. The context is provided by the historical experience of religious liberty in the United States. That experience reflects a commitment to robust accommodation of diverse religious beliefs and practices that has only recently begun to weaken. There is an important historical counterexample, however; a nation that understands the relative role of the government and religion very differently from the U.S. The mandate is very consistent with this other nation's view of religious freedom.

The United States' War for Independence from England (1776-1781) and subsequent institution of a written Constitution (1787) and the French Revolution (1789-1799) are roughly contemporaneous and invite comparison.

Historical and cultural differences between the two nations are great, of course, and these differences manifest themselves in various ways in the subsequent experience of each country. One significant difference is the contrasting treatment of religion and religious freedom in the two nations.

1. Religious liberty in the founding of the United States

The United States has long prided itself on its solicitude for religious freedom. This stems from the colonial experience of America before independence in which some of the colonies were founded by religious dissenters who had come to the colonies to escape persecution for their religious practice. Some of the earliest State constitutions contained explicit protections of religious freedom.² The Virginia Declaration of Rights is illustrative. Section 16 provided:

² See *The Founders' Constitution*, vol. 5. 1987. Philip B. Kurland & Ralph Lerner (eds.) 70-71 which contains relevant excerpts from the early constitutions or Declarations of Rights of Virginia, Delaware, Maryland, New Jersey, North Carolina and Pennsylvania all enacted in 1776.

that religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity toward each other.³

The First Amendment to the United States Constitution, first in placement and priority, states: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”⁴ This provision first prevents Congress from establishing a national religion and then prevents Congress from interfering with religious practice by citizens. Similar guarantees are contained in State constitutions, whether enacted prior to or subsequent to, the national Constitution.

The first president of the United States, George Washington, wrote a letter to the Hebrew Congregation in Newport, Rhode Island in 1790 that in the new United States

[a]ll possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of as if it were the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights, for, happily, the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support.⁵

Notwithstanding the absence of an established church, religious belief and practice were understood to be central to the lives of citizens of the United States. In 1830, Alexis de Tocqueville noted: “Religion, which, among Americans, never mixes directly in the government of society, should therefore be considered as the first of their political institutions; for if it does not give them a taste for freedom, it singularly facilitates their use of it.”⁶

2. Religion and the French Revolution

The experience of France during the same general time period is starkly different. In 1789, the revolutionary National Assembly approved a Declaration of the Rights of Man which speaks of religious opinions rather than religious exercise and subor-

³ Ibid. 70.

⁴ U.S. Constitution, amendment I.

⁵ *The Papers of George Washington*, Reply to the Hebrew Congregation, Newport, Rhode Island, 17 August 1790 at <http://gwpapers.virginia.edu/documents/hebrew/reply.html>.

⁶ Alexis de Tocqueville, *Democracy in America* 280 (translated by Harvey C. Mansfield & Delba Winthrop, 2000).

dinates this interest to the priorities of government. Section 10 states: “No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.”⁷

That same year, the National Assembly enacted legislation placing “all Church property ‘at the disposition of the nation’” and the next year decreed the closing of monasteries, which were to be sold to prop up the finances of the nation.⁸ In fact, the government set out to reorganize the church itself, enacting the Civil Constitution of the Clergy, which realigned Catholic dioceses with the new government administrative units and demanded the total loyalty of believers to the new state:

No church or parish of France nor any French citizen may acknowledge upon any occasion, or upon any pretext whatsoever, the authority of an ordinary bishop or of an archbishop whose see shall be under the supremacy of a foreign power, nor that of his representatives residing in France or elsewhere . . .

Clergy were to be elected, and their salaries were determined by legislation.⁹ A few months later on November 27, 1790, the National Assembly mandated an oath of loyalty to be taken by all clergy, publicly, to the Civil Constitution of the Clergy.¹⁰ Thus, while the new United States was committed, at least in principle, to tolerance of religious practice, the new French republic had conscripted the clergy as forced servants of the State.

3. The practice of religious liberty in the United States

With regard to the practice of religious toleration, the period from the adoption of the Constitution until well into the twentieth century could be characterized as an era of accommodation. When the Constitution was ratified, a few States still had established churches, but these were abandoned in the early decades of the nineteenth century.¹¹ To be sure, there was still serious persecution of religious minorities, some even sponsored by the government. In 1838, the governor of Missouri issued an order that members of The Church of Jesus Christ of Latter-day Saints be driven from the State.¹² Because until 1890 some church members practiced

⁷ The Avalon Project Documents in Law, History and Diplomacy, “Declaration of the Rights of Man -1789” at http://avalon.law.yale.edu/18th_century/rightsof.asp.

⁸ Gemma Betros, The French Revolution and the Catholic Church. *History Review* 68:16-21 (December 2010), 17.

⁹ Hanover Historical Texts Project, “The Civil Constitution of the Clergy 1790” at <http://history.hanover.edu/courses/excerpts/111civil.html>.

¹⁰ Betros op cit.,18.

¹¹ James H. Hutson, *Religion and the New Republic: Faith in the Founding of America* (2000).

¹² William G. Hartley, *Missouri’s 1838 Extermination Order and the Mormons’ forced removal to Illinois*

polygamy in an area that was a territory of the United States, there were significant conflicts between the national government and the church.¹³ In fact, an important U.S. Supreme Court case arose out of these disputes. It was a test case in which the church sought to have the Court rule that the right of free exercise of religion should shield members who practice polygamy from criminal prosecution.¹⁴ The Court ruled that notwithstanding the religious motivation of the practice, Congress could prohibit it since no one else could marry more than one spouse. In other words, a religious belief did not provide an exemption from an otherwise general law. The practice of polygamy, of course, was quite rare and so dramatically contrary to cultural mores and the nearly unanimous practice of religious believers in the United States, that the resolution of this conflict did not significantly impact the general trend towards accommodation of free exercise.

In the early twentieth century, anti-Catholic sentiment, often tied to nativism, led some States to promote legislation that disadvantaged Catholics, often in the education context. In fact, thirty-seven States have constitutional provisions barring any public money being used for “sectarian” schools. The history of these amendments make clear they were intended to disadvantage parochial schools because of fears over the potential influence of the Catholic Church.¹⁵

The State of Oregon went further, enacting by referendum in 1922 a law that provided:

Any parent, guardian or other person in the State of Oregon, having control or charge or custody of a child under the age of sixteen years and of the age of eight years or over at the commencement of a term of public school of the district in which said child resides, who shall fail or neglect or refuse to send such child to a public school for the period of time a public school shall be held during the current year in said district, shall be guilty of a misdemeanor and each day's failure to send such child to a public school shall constitute a separate offense.¹⁶

This law would make a parent's choice to send a child to a Catholic school (or any other private school for that matter) a crime and with penalties for each day the child is out of public school. The U.S. Supreme Court invalidated the law but did not address the religious liberty claims involved. Instead, the Court said:

2. *Mormon Historical Studies* 5 (Spring 2001).

¹³ Jessie L. Embry, 1994. Polygamy in *Utah History Encyclopedia* at www.media.utah.edu/UHE/p/PO-LYGAMY.html.

¹⁴ *Reynolds v. United States*, 98 U.S. 145 (1879).

¹⁵ See Kyle Duncan, 2003. Secularism's laws: State Blaine amendments and religious persecution 72. *Fordham Law Review* 493.

¹⁶ *Pierce v. Society of Sisters*, 268 U.S. 510, 530 note 1 (1925).

As often heretofore pointed out, rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the State. The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.¹⁷

Perhaps the Court believed this holding covered religious freedom claims since the implicit claim in the Court's holding is that the State lacks power to pursue illegitimate ends and curbing religious freedom would clearly be illegitimate. Whatever the rationale, the effect of the Court's holding was to vindicate the ability of religious parents to send their children to parochial schools.

In the 1930s and 1940s, the Jehovah's Witness sect was involved in a number of legal disputes that contributed to the developing of legal rules favoring religious accommodation.¹⁸ A key case involved a challenge to a law that required anyone soliciting for religious or charitable reasons to get a license from the State and which required a State official to determine whether a particular purpose is sufficiently religious.¹⁹ This case made clear that States, not just the national government, were prohibited from infringing free exercise. The Court attempted to describe the rights and its limits, saying the Constitution

embraces two concepts, freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be. Conduct remains subject to regulation for the protection of society. The freedom to act must have appropriate definition to preserve the enforcement of that protection. In every case the power to regulate must be so exercised as not, in attaining a permissible end, unduly to infringe the protected freedom.²⁰

The Court's decision, however, made clear that there were significant limits on what the government could do.

This principle was further established a few years later. The Court heard a case challenging a West Virginia Board of Education decision which allowed schools to expel students who refused to salute the flag, a practice which conflicted with the

¹⁷ Id. 535.

¹⁸ See Melvin I. Urofsky 2002. *Religious Freedom: Rights and Liberties Under the Law* 127-140.

¹⁹ *Cantwell v. Connecticut*, 31 U.S. 296, 301-302 (1940).

²⁰ Id. 304-305.

beliefs of Jehovah's Witnesses.²¹ The case was brought by schoolchildren who had been expelled for refusing to salute the flag. The controversy was heightened, of course, by the fact that the United States was involved in World War II and refusal to show patriotism was thus considered perhaps more dangerous than it might have been during peacetime. In invalidating the law, the Court made a famous statement: "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."²² Interestingly, the decision reversed an earlier Supreme Court decision from three years before.²³

Perhaps the high point in the legal protection of the Constitutional right to free exercise came in 1963 in a period during which the Supreme Court was accepting increasingly expansive interpretations of individual rights guaranteed in the Constitution. The 1963 case involved a woman fired from her job for refusing to work on Saturday for religious reasons (she was a member of the Seventh-day Adventist church).²⁴ She eventually sought unemployment benefits which were denied because the benefits were only available to those willing to accept available work and the State considered her reason for refusing to work invalid. The Court ruled that the South Carolina Employment Security Commission was wrong to have denied the claim because doing so created a burden on free exercise of religion without demonstrating any "compelling State interest" that the policy was necessary to protect. In regard to the first part of its analysis, the Court said, "to condition the availability of benefits upon this appellant's willingness to violate a cardinal principle of her religious faith effectively penalizes the free exercise of her constitutional liberties."²⁵

This rule, reflecting the strongest articulation of the policy of accommodation of religious exercise from the Court, remained in place for the next few decades. In 1972, the Court cited the *Sherbert* case, for the proposition that:

The essence of all that has been said and written on the subject is that only those interests of the highest order and those not otherwise served can overbalance legitimate claims to the free exercise of religion. We can accept it as settled, therefore, that, however strong the State's interest in universal compulsory education, it is by no means absolute to the exclusion or subordination of all other interests.²⁶

²¹ *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943).

²² *Id.* 642.

²³ *Minersville School District v. Gobitis*, 310 U.S. 586 (1940).

²⁴ *Sherbert v. Verner*, 374 U.S. 398 (1963).

²⁵ *Id.* 406.

²⁶ *Wisconsin v. Yoder*, 406 U.S. 205, 215 (1972).

In that case, the Court said the State of Wisconsin could not require Amish children to attend school after the eighth grade because doing so conflicted with the religious beliefs of the Amish.

4. An era of growing conflict

At the same time the era of accommodation was at its zenith and finding increasingly important formal recognition a number of other developments were converging to introduce a very different era, one of growing conflict.

One important element in this change has been described in this journal by Stephen Baskerville; it is the unprecedented expansion of the power of the government in the United States.²⁷ Where once enormous swaths of everyday life would take place with no or minimal contacts with official State regulation, there are now countless areas of life in which an individual's daily choices might invoke government scrutiny. Job schedules, employment, customer or membership lists, etcetera, are all part of daily life of organizations, including religious organizations, and these areas are all regulated by a variety of laws.

Not all of these areas are likely to create any conflict with religious liberty, but some are. Here, another two-part development is important. The first part is the dramatic cultural change in attitudes and practices regarding sexual morality that took place in the United States since the Second World War (though, of course, its roots are deeper). The second part consists of parallel legal changes meant to enshrine or advance these changes in sexual morality. As Nicholas Kerton-Johnson has described in this journal, important Western elites have begun to prioritize "rights" with much greater emphasis given to the protection of those founded in radical personal autonomy to the denigration of more traditional rights, such as freedom of speech or religious liberty.²⁸ Many are familiar, such as the creation of no-fault divorce in which the courts are required to take the side of the person who wants to break up the marriage and ameliorate the consequences of the decision to end a marriage. Other changes, such as in public welfare programs, promoted cohabitation and out-of-wedlock births. Perhaps most important has been the recent change in anti-discrimination laws so that they extend beyond the traditional categories of race and sex to "sexual orientation" or "gender identity." The effect of this change is to make suspect the doctrinal beliefs of the majority of religions which hold that the only appropriate context for sexual relations is within a marriage between a husband and wife. The United States, like other nations, is now debating a related

²⁷ Stephen Baskerville, 2011. The sexual agenda and religious freedom: Challenges in the Western World 4 *IJRF* 91.

²⁸ See Nicholas Kerton-Johnson, 2011. Governing the faithful: A discussion of religious freedom and liberal democracies with particular focus on the United Kingdom 4 *IJRF* 77.

change – the proposal that marriage be redefined to include same-sex couples. This change is, in many ways, the culmination of the sexual revolution since it transforms that most fundamental social institution in the U.S., marriage, into a government program for conferring approval on adult sexual choices. The redefinition of marriage, combined with the inclusion of new groups or activities in discrimination laws, drastically increases the opportunities for religious liberty conflicts. This is true because people of faith, churches, and other religious organizations act on their beliefs about marriage and sexuality. When they do so in situations involving legal oversight such as employment benefits or the provision of social services, they run up against the new legal principle that maintaining traditional standards of morality is a form of illegal “discrimination.”

Another two-part development relates to another portion of the First Amendment. That provision not only protects free exercise of religion but prevents Congress (and more recently, the States) from creating an established church. This would seem to be a relatively insignificant provision since no State has had an established church since the early 1800s. The provision has, however, been interpreted in a much more expansive way. In 1971, the U.S. Supreme Court struck down a Pennsylvania law that allowed the government to reimburse private, including religious, schools for the salaries of teachers and other materials used in teaching secular subjects.²⁹ In doing so, the Court said a law or policy must have a secular purpose, not advance religion, and not entangle government and religion. This subjective test allowed the courts to examine government policies far short of endorsing a particular church or using tax money to pay clergy salary or church expenses. The Court has also become involved in disputes over such matters as whether public prayers can be offered in schools (whether teacher or student-led) or whether creches or other religious monuments may be displayed on publicly owned property.³⁰ This has led to the forced retreat of much religious expression from the public square. It could be argued that the Court’s reading of the Establishment Clause creates a de facto right of nonbelievers not to be confronted by any religious activity with which they might be offended. The second part of this development is cultural – the increasing assertiveness of atheists and others who believe there is no appropriate place for religious expression or activity other than in churches or the privacy of a home (though even this latter has been questioned such as in the recent story of a man facing prosecution for hosting a Bible study in his home³¹).

²⁹ *Lemon v. Kurtzman*, 403 U.S. 602 (1971).

³⁰ See *Engel v. Vitale*, 370 U.S. 421 (1962); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Lee v. Weisman*, 505 U.S. 577 (1992); *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000); *Lynch v. Donnelly*, 465 U.S. 668 (1984); *County of Allegheny v. ACLU*, 492 U.S. 573 (1989).

³¹ See J.J. Hensley, Phoenix preacher jailed in zoning dispute. *Tucson Citizen*, July 11, 2012 at tucsonci-

The final element involves the Free Exercise Clause. In 1990, the U.S. Supreme Court abandoned the protective test it had identified in *Sherbert* and instead said the Clause would be satisfied if a law applied neutrally to all citizens.³² In the 1990 case, the plaintiff had challenged the denial of unemployment compensation to a man who had been fired for using the drug peyote as part of a Native American Church ceremony. This is similar to the test developed in the polygamy cases so it might be argued that this change in legal standards was not particularly consequential. How many churches practice polygamy or use banned substances in their rituals? This question ignores the context discussed here. With a very broad range of practices and policies now subject to government regulation, the neutrality test was no longer as protective as it might have been in the late nineteenth century. Also, with core aspects of religious teaching (about marriage and family) potentially invoking government scrutiny and a negative attitude about religion ascendant among important government policy-makers the range of conflicts has become very significant.

5. From accommodation to conscription?

In a very short time, the era of conflict seems to have transformed into something more menacing. A series of legal developments related to new government ideologies of family diversity and radical sexual autonomy now threaten to scuttle the longstanding aspiration and emerging practice of accommodation of religious exercise. One important action, in particular, seems to endorse a replacement of the United States' approach to religious liberty with the French Revolutionary approach.

This action is the much-discussed "Obamacare mandate." The Patient Protection and Affordable Care Act requires employers to provide health insurance coverage for their employees that covers all services and products required by government regulations which include contraception and sterilization.³³ Insurance companies are required to offer these same services, without charge, so an employer will either pay directly for contraception and related services or indirectly by paying for insurance coverage that provides them.³⁴ If the employer is large enough (50 employees) it must pay significant fines for failure to provide health insurance coverage.³⁵

tizen.com/arizona-news/2012/07/11/phoenix-preacher-jailed-in-zoning-dispute/.

³² *Employment Division v. Smith*, 494 U.S. 872 (1990).

³³ 76 Fed. Reg. 46621 (Aug. 3 2011).

³⁴ See Department of Health and Human Services, *A Statement by U.S. Department of Health and Human Services Secretary Kathleen Sebelius* (Jan. 20, 2012), at www.hhs.gov/news/press/2012pres/01/20120120a.html.

³⁵ The annual penalty is \$2,000 annually per employee. See "P.P.A.C.A. Employer Mandate Penalties: Calculations" National Federation of Independent Business, at www.nfib.com/research-foundation/crisbsheets/employer-mandate.

One of the most striking features of the debate over the impact of the mandate on religious liberty is the paucity of defenses of the mandate from a religious freedom perspective. In other words, there has been little or no effort by the mandate's supporters to demonstrate that the mandate does not threaten religious liberty. These supporters seem to believe it is adequate that churches, and only churches, are exempt. The clear implication is that the sexual "rights" advanced by access to contraception are of a higher priority than the rights of believers to live in accordance with their faith.

The mandate's importance is magnified by a growing number of other looming threats to religious practice. Again, these tend to involve matters of family and sexuality. For instance, since the U.S. Supreme Court decided that States could no longer regulate abortion,³⁶ federal law has long protected the ability of individuals with religious and moral objections to the practice to decline to participate in abortions. For twenty-five years the Hyde amendments prevented taxpayers from having to subsidize abortions.³⁷ The Church Amendment has ensured that no entity receiving federal funds may coerce an individual to participate in an abortion if doing so would be inconsistent with their beliefs.³⁸

These protections are being severely limited, however. In 2008, the Department of Health and Human Services adopted rules to enforce longstanding federal law that prevents employees from being forced to assist with an abortion "contrary to his religious beliefs or moral convictions."³⁹ The Obama Administration reversed this policy, removing the enforcement provision.⁴⁰ In regards to taxpayer funding, the new Health Care law requires all individuals to purchase insurance or be fined and allows insurance plans to participate in State exchanges which allow them access to federal money even if they cover abortions. Those who enroll in these plans have to pay a premium set aside for abortions but the law prevents the plans from advertising the fact that they will require an abortion premium.⁴¹

Various States have seen similar disputes over conscientious objection. The State of California in 1999 mandated all employers to offer contraceptive coverage to their employees, and this law was upheld by the California Supreme Court,

³⁶ *Roe v. Wade*, 410 U.S. 113 (1973).

³⁷ *No Taxpayer Funding for Abortion Act*, House Report 112-38 (March 17, 2011) at www.gpo.gov/fdsys/pkg/CRPT-112hrpt38/pdf/CRPT-112hrpt38-pt1.pdf.

³⁸ Pub. L. No. 93-45, §401 codified at 42 U.S.C. §300a-7 at www.hhs.gov/ocr/civilrights/understanding/ConscienceProtect/42usc300a7.pdf.

³⁹ 73 Fed. Reg. 245 (Dec. 19, 2008).

⁴⁰ 76 Fed. Reg. 36 (Feb. 23, 2011).

⁴¹ Kathleen Gilbert, *Obama Health Care rule final: \$1 Abortion surcharge from premium payers*. *LifeSite News*, March 13, 2012 at www.lifesitenews.com/news/obama-health-care-rule-final-1-abortion-surcharge-from-every-premium-payer/.

which rejected religious liberty claims by Catholic Charities.⁴² Five States require pharmacists or pharmacies to offer “emergency contraception” regardless of their religious convictions.⁴³

The legal recognition of same-sex unions has created a much larger set of conflicts. For example, many religious organizations provide what are called “social services” and feel a mandate to do so derived from their faith. This, however, has led to conflicts with government authority when governments extend legal status to same-sex unions and expect social services providers to treat same-sex unions as equivalent to marriages between a husband and wife. Thus, the Catholic Archdiocese of Washington, D.C. ceased its foster care placement program because it would have been required to approve same-sex couples for placement.⁴⁴ Illinois Catholic Charities and two other religious adoption agencies are no longer eligible to partner with the State in providing adoption and foster care placements after the State created a civil union law.⁴⁵ Similarly, Massachusetts Catholic Charities was forced to end its adoption placement program when the legislature refused to exempt it from State law requiring adoption agencies to place children with same-sex couples.⁴⁶ In an earlier instance, as a condition of access to city housing and community redevelopment funds, a religious charity in Maine was required to extend employee spousal benefit programs to registered same-sex couples.⁴⁷ Religious organizations have other interactions with government power that raise conflicts. A chief example is the Methodist Ocean Grove Camp Meeting Association in New Jersey which is being sued by the State for discrimination and has lost part of its tax exemption because it declined to allow its property to be used for a

⁴² Catholic Charities of Sacramento v. Superior Court, 85 P.3d 67 (2004).

⁴³ Guttmacher Institute, *State policies in brief: Emergency contraception* (March 1, 2012) at www.guttmacher.org/statecenter/spibs/spib_EC.pdf; *Stormans Inc. v. Selecky*, Case No. C07-5374, slip op. (W. D. Wash. 2012) at www.becketfund.org/wp-content/uploads/2012/02/Stormans-Opinion-from-Judge-revised.pdf; *Morr-Fitz, Inc. v. Blagojevich*, No. 05CH495 (Ill. Cir. 2011) at http://media.aclj.org/pdf/judgerienziruling_20110405.pdf.

⁴⁴ See Michelle Boorstein, *Citing Same-Sex Marriage Bill, Washington Archdiocese ends foster-care program*. *Washington Post*, Feb. 17, 2010, www.washingtonpost.com/wp-dyn/content/article/2010/02/16/AR2010021604899.html; Emily Esfahani Smith, *Washington, gay marriage and the Catholic Church*. *Wall Street Journal*, Jan. 9, 2010, <http://online.wsj.com/article/SB10001424052748703478704574612451567822852.html>.

⁴⁵ Manya A. Brachear, *Rockford Catholic Charities ending foster care*. *Chicago Tribune*, May 26, 2011 at www.chicagotribune.com/news/local/breaking/chibrknews-rockford-catholic-charities-ending-foster-care-adoptions-20110526,0,4532788.story?track=rss.

⁴⁶ Daniel Avila, 2007. *Same-sex adoption in Massachusetts, the Catholic Church, and the food of the children: The story behind the controversy and the case for conscientious refusals* 27. *Children's Legal Rights J.* 1.

⁴⁷ *Catholic Charities of Maine, Inc. v. City of Portland*, 304 F. Supp. 2d 77 (D. Me. 2004).

civil union ceremony.⁴⁸ Similarly, the Archdiocese of Washington, D.C. was forced to change its health coverage for employees so as to avoid discrimination claims for not offering benefits to employees' same-sex partners.⁴⁹ In 2001, the New York Court of Appeals ruled that Yeshiva University's married student housing policy violated the New York City Human Rights Law because it limited residence to medical students, their spouses and children.⁵⁰

It is not only religious organizations that experience such conflicts; consider, for instance, public officials who want to act in accordance with their faith. Thus, after the courts redefined marriage in Massachusetts, State officials announced that, "Justices of the Peace who refuse to perform gay weddings will be asked to resign and could face formal discrimination charges if they don't."⁵¹ Similarly, after the Iowa Supreme Court mandated same-sex marriage, the Attorney General told county recorders that they must issue marriage licenses to same-sex couples, threatening to "explore legal actions to enforce and implement the Court's ruling."⁵² Finally, New York's Nassau County District Attorney threatened clerks who decline to participate in the administration of same-sex marriages with criminal prosecution.⁵³

Believers also engage in private business that is sometimes regulated by government. So, the California Supreme Court decided a doctor could not claim a religious exemption to the civil rights law after he referred a woman in a same-sex couple to another doctor for artificial insemination because of his religious concerns about participating in the procedure.⁵⁴ A wedding photographer was successfully sued for declining to photograph a same-sex commitment ceremony and fined nearly \$7,000 by the New Mexico Human Rights Commission.⁵⁵

There is even the possibility of such conflicts in private life. Parents of young elementary school students in Massachusetts objected to curriculum and classroom discussion meant to inculcate in the children the idea that there are no differences between the marriages of husbands and wives and those involving same-sex cou-

⁴⁸ OGCMA v. Vespa-Papaleo, D.N.J. Case No. 3:07-cv-03802 (U.S. Dist. Ct., N.J.).

⁴⁹ William Wan, Same-sex marriage leads Catholic Charities to adjust benefits. *Washington Post*, March 2, 2010 at www.washingtonpost.com/wp-dyn/content/article/2010/03/01/AR2010030103345.html.

⁵⁰ Levin v. Yeshiva University, 96 N.Y.2d 484 (2001).

⁵¹ Katie Zezima, Obey Same-sex Marriage Law, officials told, *New York Times*, April 26, 2004, at A15.

⁵² *Statement of Iowa Attorney General Tom Miller – County recorders must comply with Supreme Court's Varnum decision*, April 21, 2009 at www.state.ia.us/government/ag/latest_news/releases/apr_2009/Marriage_Stmnt.html.

⁵³ Celeste Katz, Nassau DA Kathleen Rice to clerks: Don't even think about refusing gay marriage licenses. *NY Daily News*, July 8, 2011 at www.nydailynews.com/blogs/dailypolitics/2011/07/nassau-da-kathleen-rice-to-clerks-dont-even-think-about-refusing-gay-marriage-.

⁵⁴ North Coast Women's Care Medical Group v. San Diego Superior Court, 189 P.3d 959 (Cal. 2008).

⁵⁵ Elane Photography v. Willock, Docket No. 30,203 (N.M. App. 2012).

ples, but the courts ruled public schools “have an interest in promoting tolerance, including for the children (and parents) of gay marriages.”⁵⁶

As noted earlier, the French National Assembly during the revolutionary era had conscripted clergy as functionaries of the State. The health care mandates and similar legal requirements on religious groups and believers stop short of direct application to churches, as churches, but the Administration has refused to limit its application to accommodate religious organizations and religious believers. This ameliorates but does not in any way erase the problem. The analogy to the Civil Constitution of the clergy and similar laws is not exact but the similarities are ominous.

Most striking is that the U.S. legal system seems to have abandoned the principle of free exercise for a new approach allowing the government to enact whatever policies it chooses irrespective of impact on religious people and groups. This is the policy of the Declaration of the Rights of Man: “No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.”

We seem to be adopting a policy which says you can believe what you want but can't act on it in the public square. Could it be that religious liberty is being confined to the walls of people's hearts or the walls of churches?

6. Conclusion

So, is the United States undergoing a fundamental transformation in its respect for religious exercise? The Obama mandate, retreat from conscience protections, and conflicts over marriage redefinition suggest the answer may be yes. Where the government begins to override religious practice in order to advance a contested ideological position about family or sexuality, and in the process requires religious people and organizations to do things that contravene their doctrines and practices in order to advance State ends, it looks like conscription.

In the late 1780s, the United States ratified a principle that has characterized the U.S. and put it on a path quite different from the one France would travel. That principle – that government would not infringe the free exercise of religion – has been a hallmark of the common culture in the USA.

The strong resistance to these new expansive government claims suggests that there is hope for retrenchment and a return to the rule of accommodation. Such a return would be consistent with the aspirations of the Constitution's drafters and of the nation itself. It would be a ratification of the best hopes of the American people and of the struggles of the nation to be true to its principles in respecting the rights of all to live consistent with their religious beliefs.

⁵⁶ *Parker v. Hurley*, 514 F.3d 87 (1st Cir. 2008).

The South African Constitutional Court and the unborn

Shaun de Freitas¹

Abstract

The South African Constitutional Court has not yet been confronted with having to make a finding on the status of the unborn against the background of the South African Bill of Rights. Expecting that the Constitutional Court will sometime in the future be approached in this regard, this article presents some preparatory foundational insights on what the approach of the said Court should be. In this regard, the law-making function of the judiciary and the importance of an informative and rational approach towards the protection of the unborn in the judicial process are emphasised. A more nuanced approach by the judiciary towards the status of the unborn will provide more sensitivity towards matters which overlap with the practice of religion on the one hand and the protection of the unborn on the other. Examples in this regard are conscientious objections by medical practitioners against partaking in abortions due to their religious beliefs, and the dissemination of ethical or jurisprudential knowledge of the unborn to students in secular institutions of education who, in accordance with their religious beliefs, oppose the termination of the unborn. Religious institutions which oppose abortions will also be obligated by their own tenets to form part of such a judicial process, and this is allowed for by the Constitutional Court of South Africa.

Keywords Abortion, unborn, right to life, abortion and the judiciary, the right to life and the courts, the right to life and the South African Constitution.

1. Introduction

In South Africa, the recognition of the unborn² has yet to be addressed at the highest national level of judicial scrutiny – whilst the highest courts of many other states with strong human rights jurisprudence such as America, Canada and Germany have already had dealings with the issue. The South African *Choice on Termina-*

¹ Shaun de Freitas (*1970) is an Associate Professor of Law at the University of the Free State, South Africa. His legal speciality is religious rights and freedoms. Article received: 7 June 2012; Accepted: 29 December 2012. The article uses British English. Contact: Department of Constitutional Law and Philosophy of Law, Faculty of Law, PO Box 339, University of the Free State, Bloemfontein, 9300, South Africa. E-mail: defreitas@ufs.ac.za.

² In this article, “unborn” refers to the “entity” formed at fertilisation and continuing until birth, while “fertilisation” refers to the union of ovum and sperm.

*tion of Pregnancy Act*³ basically allows for abortion on demand any time during approximately the first 20 weeks of pregnancy and in the words of John Smyth (2006:228), “most clinics, government and private, regard any abortion under 20 weeks as ‘on demand’ and most ignore the requirement that a doctor must assist the mother to make the decision.” The High Court judgment (more than a decade ago) of *Christian Lawyers Association of Southern Africa v. Minister of Health and Others*⁴ is the only “leading authority” for South African jurisprudence in this regard.⁵ This judgment, says Tjatie Naudé (1999:547), failed to consider whether section 12(2)(a) of the South African Constitution⁶ creates a constitutional right to have an abortion on demand up to the moment before birth, or only a “qualified” right to have an abortion on certain grounds and up to a certain stage of foetal development.⁷

In a democratic and constitutional dispensation aspiring to the furtherance of human rights application, South African jurisprudence on a fundamental matter such as the legal status of the unborn in the context of the South African Constitution, still has much to aspire towards. Bearing in mind that to date the South African Constitutional Court has not been approached in this regard, it is important that preparatory discussion on this issue be presented. Consequently, this article calls for having the Constitutional Court assist in gaining more clarity on the legal status of the unborn against the background of a more improved degree of legal recognition. In this regard, support is given to the role of the South African Constitutional Court in approaching the legal status of the unborn from a more nuanced and sensitive point of view, bearing in mind that the woman’s right to have an abortion should be qualified against the background of the interests of the unborn as well.⁸

³ 92 of 1996.

⁴ 1998 (4) SA 1113. Hereafter referred to as the “CLA-judgment”.

⁵ For criticism on the said judgment, see Tjatie Naudé 1999:541-563 and S.A. de Freitas 2005:124 and 126-141.

⁶ Which reads: “Everyone has the right to bodily and psychological integrity, which includes the right to make decisions concerning reproduction”. This represents the often referred to “pro-choice” view, which proclaims that the pregnant mother should have the freedom to make her own choices pertaining to matters related to her body.

⁷ Henk Botha (2009:210) comments against the background of bearers of human dignity in South Africa, that *Christian Lawyers Association of SA v. Minister of Health*, “although it makes sense of the prominence afforded in the 1996 Constitution to reproductive freedom, it can be faulted for its formalism and its refusal to engage fundamental ethical issues raised by the legalisation of abortion”.

⁸ The following view by Tjatie Naudé (1999:551) is therefore supported: “A contextual approach should not allow a court interpreting the right to life to look at the right to bodily integrity, freedom, equality, human dignity and privacy of pregnant women only, whilst leaving the object of the right to life out of consideration.” In this regard Naudé (1999:553) states: “Is the outcome intended by 12(2)(a) really that foetal life is not protected by the constitution, so that a woman has a constitutional right to have an abortion on demand up to the moment of birth? This would mean that legislation encouraging the

More specifically this article firstly postulates the importance of the “law-making function” of the judiciary in such contentious and complex issues, together with an emphasis on the responsibility of the judiciary to provide for an inclusive, impartial and informative decision-making process. In this regard, the reader is reminded of the important role that civil society, especially religious associations, may play in the judicial process. Secondly, the role of science and the recognition of the inherent value of the unborn in assisting the judiciary in such a matter is presented.

2. The unborn and the judiciary

Most liberal democracies, according to Michael Perry (2007:88), empower their judiciaries to enforce their constitutional law of human rights. This implies that the judiciary gains in its law-making authority, Perry (2007:90) stating that “[m]ost entrenched human rights are indeterminate in the context of many of the cases in which they are invoked. Consequently, in protecting entrenched human rights, courts are often in the position of ‘making’ law” This certainly applies to the Constitutional Court of South Africa. In *S v. Williams* the South African Constitutional Court stated:

Courts do have a role to play in the promotion and development of a new culture “founded on the recognition of human rights”, in particular, with regard to those rights which are enshrined in the Constitution. It is a role which demands that a court should be particularly sensitive to the impact which the exercise of judicial functions may have on the rights of individuals who appear before them; vigilance is an integral component of this role, for it is incumbent on structures set up to administer justice to ensure that as far as possible, these rights, particularly of the weakest and the most vulnerable, are defended and not ignored.⁹

Ronald Dworkin (cited in Dellapenna 2006:1095) postulates that the quality of public debate is higher, more focused, and more extensive when the decision is to be rendered by a court rather than by a legislature. According to Du Plessis (2002:28-29), the Constitutional Court’s judgments are “not cast aside as matters of dry law, settling technical disputes. Rather, they have the potential to stimulate debate and reflection, and to draw praise and criticism, becoming part of a rich and varied dialogue about ongoing moral and political issues within South Africa.”¹⁰ Peter

use of abortion as contraception even in the last trimester of pregnancy cannot be declared unconstitutional”. Surely it cannot be that the South African Constitution allows for this type of practice.

⁹ 1995 (7) BCLR 861 (CC): 866 E-G.

¹⁰ Charles Ngwenya (1998:57-58) also states that the *CLA*-judgment fell short of a comprehensive enumeration of rights to abortion under the Constitution and that: “The task is one that can only be authoritatively discharged when the court with ultimate jurisdiction in constitutional matters, the Con-

Russell (1995:146) states that it is especially in matters concerning pornography, prostitution, restrictions on Sunday shopping, the death penalty, cloning and abortion where judicialisation should best be understood, not as transferring decision-making authority from one branch of government to another, but rather as judicial processing of social controversy. The importance of the judiciary in such “socially controversial” issues is further explained against the background of the “balancing of interests” jurisprudence.¹¹ In this regard, Alexander Aleinikoff (1987:984) states that the judiciary improves the balancing process by giving weight to interests that the legislature tends to ignore or undervalue. This is more specifically explained in that the judiciary’s application of the balancing exercise reinforces representation, hereby ensuring that the interests of unpopular or underrepresented groups are accommodated (and accommodated fairly).¹²

The Supreme Court of Appeal in *Stewart v. Botha*¹³ stated that “... it should not be asked of the law to answer the question as to whether or not a ‘particular child should have been born at all’ as this ‘goes so deeply to the heart of what it is to be human.’” In this regard, Sonia Human and Lize Mills (2010:88) comment that it should be the *duty of the courts to answer the most difficult questions*.¹⁴ This implies also that the Constitutional Court will have to explain why the unborn

stitutional Court, is seized of the matter”.

¹¹ By such “balancing” is meant the theories of constitutional interpretation that are based on the identification, valuation, and comparison of competing interests (Aleinikoff 1987:945). Aleinikoff (1987:946) further explains that the “balancing metaphor” takes the form of where the Court talks about one interest outweighing another or where, according to the Court, one interest does not override another – each survives and is given its due.

¹² Aleinikoff (1987:1001) adds that: “Balancing may appear inevitable, not because we can’t think in non-balancing ways, but because it seems unreasonable not to take all the relevant interests into account in deciding an important question.” See what John Hart Ely (1973:933-934) states regarding the importance of the judiciary regarding the interests of the foetus: “In his famous *Carolene Products* footnote, Justice Stone suggested that the interests to which the Court can responsibly give extraordinary constitutional protection include not only those expressed in the Constitution but also those that are unlikely to receive adequate consideration in the political process, specifically the interests of “discrete and insular minorities” unable to form effective political alliances ... Compared with men, very few women sit in our legislatures ... But *no* fetuses sit in our legislatures. Of course they have their champions, but so have women. The two interests have clashed repeatedly in the political arena, and have continued to do so...”

¹³ 2008 6 SA 310 (SCA).

¹⁴ (Author’s emphasis). Also see Naudé 1999:551; Fuller1978:366-367; and Aulis1986:198. Similarly, the South African High Court in *S v. Mshumpa* (2008 1 SACR 126 [E]), although the court (per Froneman) found the State’s argument to be “passionate, eloquent and temptingly persuasive”, it refrained from engaging in any substantial evaluation of its merits. According to Rani Pillay (2010:234-235), the said court chose instead to adopt a largely pragmatic approach and focused on what it regarded as “important impediments” to developing the common law regarding the extending of personhood status to the unborn against the background of establishing feticide as a possible crime in South Africa.

is not human or worthy of protection. Similarly, Tjakie Naudé (1999:554), in her criticism of the *CLA*-judgment, states that the Court cannot skip a thorough consideration of the value of life. To do so, says Naudé, would be to choose a radical free model of interpretation, without the judge being able to argue convincingly how the desired outcome was reached. To ignore efforts at clarifying the legal status of the unborn due to the “complexity” and “disparate” views surrounding the legal status of the unborn (or due to fears of reflecting insensitivity towards the pregnant woman), is simply a weak argument. With special reference to the legal status of the unborn, the judiciary has on more than one occasion proclaimed its exclusion on matters so complex. The irony is that by avoiding the issue, a decision is in fact made which influences perspectives on the unborn.¹⁵ Referring to Judge McCreath’s view in the *CLA*-judgment, Denise Meyerson (1999:54) comments that Judge McCreath’s suggestion that the plaintiffs might have raised a different cause of action from the one they did is not in the least convincing. The judge, according to Meyerson (1999:54), suggested that the plaintiffs, instead of framing their cause of action in “absolute terms”, might have argued that the rights of the woman and that of the unborn compete and that the “Choice Act” does not provide the right balance between the unborn’s right to life and the woman’s right to liberty. This statement, says Meyerson (1999:54), makes no sense. Either section 11 confers a right to life on the unborn or it does not.

Here it is important to emphasize the role of civil society, especially those religious institutions that have an interest in the protection of the unborn, in taking the matter to the Constitutional Court or in becoming involved in the Court proceedings in other ways, for example as *amicus curiae*. Access to the Constitutional Court is provided for in the Constitutional Court Rules, which permit a person with an interest in a matter before the Constitutional Court and who is not a party in the matter to be admitted as an *amicus curiae* (De Waal et al 2001:119). An *amicus curiae* assists the court by providing information or argument (usually by means of written submissions but also via oral submissions) concerning questions relating to law or fact. The *amicus* can have an interest in the case at hand (or can be a source of expertise on the matter relevant to the case being addressed), and can enter the proceedings either voluntarily or be requested by the court to urge a particular position. This allows organised civil society (for example the churches) to intervene in a case and present arguments before the court (Jagwanth 2003:15). According to Jagwanth (2003:16), public interest litigation and intervention in courts by or-

¹⁵ Rani Pillay (2010:234) refers to the *CLA*-judgment as having relinquished a valuable opportunity to engage with the interpretation and development of whether an unborn child is a legal persona under the common law and adds that the same opportunity again presented itself in *S v. Mshumpa* (2008 1 SACR 126 (E)).

ganised civil society has resulted in tremendous victories for disadvantaged groups in other parts of the world.

From the above, the argument is therefore made that the judiciary in general, and the highest domestic human rights courts specifically, have, in a democratic and rule of law dispensation, a constructive and developmental role to play regarding complex yet foundational human rights questions such as that related to the legal status of the unborn. Civil society, especially religious associations, also have a role to play in this. To assist in this regard, the role of science and the idea of the unborn as, at best, something human, and at worst, something so closely resembling humanity that it should be awarded some or other protection, are argued for in the next section.

3. Towards establishing the value of the unborn

Questions as to the legal status of the unborn surely necessitate some enquiry as to what it means *to be human*. If an important end of the law is the human being, and if it is critical for our understanding of human rights law to see how it can protect the individual, then it is also important *to address* the legal status of the unborn. This gains in importance when one bears in mind that the debate on the nature of the unborn has not quietened down, and has, in fact, intensified. In addition, advances in medical science and technology have had a profound impact on the areas of human reproduction, pregnancy and foetology, which in turn, has transformed the understanding of the unborn to that of an individual with a separate genetic identity from that of its mother (Pillay 2010:237).

In *Roe v. Wade*¹⁶, the American Supreme Court was presented with briefs describing foetal development and containing photographs of the unborn. Nevertheless, all the Justices remained silent on the issue as to the *actual characteristics* of the unborn. The nearest they came to discussion on this was their consideration of the “viability factor”, which is in essence a *relational* characteristic (rather than a characteristic primarily of the *nature* of the foetus). Similarly Judge McCreath in the *CLA*-judgment argued that medical evidence was irrelevant.¹⁷ Regarding the *CLA*-judgment,

¹⁶ 410 U.S. 113 (1973). S.J. Frankowski (1987:23-24) comments that the *Roe*-decision was revolutionary for many reasons, one of them being that for all practical purposes, abortion on demand suddenly became a matter of constitutional right.

¹⁷ In this regard, Judge McCreath in the *CLA*-judgment (1118 B-D) stated: “The plaintiffs’ cause of action, founded, as it is, solely on s 11 of the Constitution, is therefore dependent for its validity on the question whether ‘everyone’ or ‘every person’ applies to the foetus ‘from the moment of the child’s conception’. The answer hereto does not depend on medical or scientific evidence as to when the life of a human being commences and the subsequent development of the foetus up to date of birth.” Naudé (1999:553) criticises Judge McCreath’s reliance on the Canadian case of *Tremblay v. Daigle* so as to support the view that medical evidence is irrelevant. In fact, Naudé states that the said Canadian

Tjakie Naudé (1999:553) questions whether section 12(2)(a) of the South African Constitution was intended to allow for abortions even in the period of pregnancy immediately preceding birth. Could this well be the case? If this was the intention, says Naudé, then it can be argued that the state may pay women to have abortions in order to ensure a ready supply of cadaver foetal brain tissue to be used in the treatment of disease.¹⁸ Having brought this to our attention, Naudé (1999:553) comes to the conclusion that section 12(2)(a) does not create a constitutional right to have an abortion on demand up to just before birth, *and once a court accepts this view, medical evidence would be relevant for establishing the stages of foetal development involved.*¹⁹

Rani Pillay (2010:238) comments that whatever the reasons for judges' reluctance to take into consideration advances in medical science and technology in interpreting and applying the law, it is clear that their approach to the beginning of human personhood is incompatible with the imperative that law be impartial, relevant and dynamic. The judiciary must make a point of choosing its language carefully so as to be sensitive towards the issue in general. In this regard, the European Court of Human Rights in the recent case of *Vo v. France*²⁰ stated (as per majority judgment): "they [human embryos] are beginning to receive some protection in the light of scientific progress and the potential consequences of research into genetic engineering, medically assisted procreation or embryo experimentation" (Joseph 2009:211). Jozef Dorscheidt (2010:444) observes that in 2006 the District Court of Amsterdam concluded that in an advanced pregnancy of twenty-seven weeks, the unborn child had to be regarded as "another person" under the *Compulsory Admissions in Psychiatric Hospitals Act*. In this regard, it was acknowledged that the unborn child was capable of experiencing danger within the meaning of the law, which was believed to justify the authorisation of a compulsory measure in this case – an acknowledgment that according to Dorscheidt was "quite a break-through". It will be difficult to exclude a scientific analysis of foetal development, hereby assisting what Justice Cameron refers to as "that quality of open-minded readings to persuasion without unfitting adherence to either party or to the Judge's own predilections, preconceptions and personal views – that is the keystone of a civilised system of adjudication. Impartiality requires, in short, a mind, open to persuasion

judgment did not categorically exclude the relevance of science.

¹⁸ Here Naudé is referring to a situation sketched by Denise Meyerson.

¹⁹ Naudé (1999:553) adds that: "As a court must consider s 12(2)(a) for its interpretation of s 11, it should therefore be prepared to admit medical evidence when it considers s 11, although such evidence would not necessarily be decisive."

²⁰ App. No. 53924/00, Eur. Ct. H.R., 8 July 2004.

by the evidence and the submissions of counsel . . .”²¹ This undoubtedly implies the relevance of science in the determination of the legal status of the unborn.

David Bilchitz (2009:52) states that a related and central principle of the new constitutional order in South Africa is that the interests of the most vulnerable in our society must be protected. Taking the meaning of the “most vulnerable in our society” a step further in his analysis of the “legal personhood and dignity of non-human animals”, Bilchitz (2009:52) asks: “Why is it that we should value all and only human beings and only confer on them rights to decent treatment?” Bilchitz is implying here the need for considering the interests of animals. However, the question that Bilchitz presents can also be applied to the *human* foetus.

Bilchitz adds that, although section 8(4) of the South African Constitution provides that a juristic person is entitled to the rights in the Bill of Rights (to the extent required by the nature of the rights and the nature of the juristic person), there is no similar provision in relation to natural persons. In this regard, Bilchitz (2009:67) states:

It would be absurd, however, to suggest that the Bill of Rights was only designed to protect the interests of juristic persons and there are other clear textual pointers against such an interpretation. Perhaps it was too obvious to include in the application clause but the rights of natural persons must, by necessary implication, be protected by the Bill of Rights. The extension of the category of natural persons thus becomes crucial in determining who is entitled to the protection of the Bill of Rights.

May such an extension of the category of natural persons not include the unborn? If it is proposed for animals then why not for the unborn? In commenting on Martha Nussbaum’s notion of dignity and capabilities, which is attractive in that it inculcates respect for each form of life that exists and requires us to treat each being according to the standards appropriate for its flourishing (Bilchitz 2009:64), Bilchitz (2009:65) states: “It attempts to move away from arbitrary exclusions (something that has characterised South Africa’s past) to embrace all beings capable of flourishing. It also seeks to respect the variable goods of different beings, reflecting the distinctiveness and individuality of each.” Bearing Bilchitz’s observations in mind, is there any reason why the protection of the unborn may not be seriously considered? Even if the unborn is not perceived as human, “it” should at least enjoy some sensitivity from the law. Coleman (1984:17) argues that if dogs and post offices, which

²¹ SA Commercial Catering and Allied Workers Union v. Irvin and Johnson Ltd (Seafood Division Fish Processing) 2000 8 BCLR 886 CC 893 (this is a judgment of the South African Constitutional Court).

are not persons and do not bear constitutional rights, enjoy protection, all the more reason for the protection of the interests of the unborn.

The ever-growing relevance of science to the abortion debate, and the understanding that the unborn represents an entity that has intrinsic value worthy of protection, should assist in supporting the South African Constitutional Court in coming to a finding that recognises the protection of the unborn to some or other degree.

4. Conclusion

Whether the whole or a part of the *Choice on the Termination of Pregnancy Act* be presented to the Constitutional Court for a decision that it violates the right to life (or that the unborn requires some or other protection more than current South African legislation permits), it will be expected of the Court to refrain from making findings from which it is portrayed that “it is not the responsibility of the Court to make findings on matters so complex and contentious.” What is hinted at here is an approach with the character of, for example, the German judiciary, where it found that “the state had a primary duty to protect human life, even before birth. This duty, which begins at conception, related to every individual life and included a duty also to protect the unborn child against the mother” (Chaskalson et al 1996:16-5). This did not exclude protection of the pregnant woman’s rights, in that it was decided that where a woman insisted on having an abortion after she had been subjected to counselling designed to persuade her to carry the unborn to term, and the abortion was performed within a legislatively defined period, such an abortion need not be a criminal offence. Nevertheless, the illegal abortion could never be justified constitutionally because of the duty of the state to protect unborn life. The majority drew no distinction between pre- and post-natal life (Chaskalson et al 1996:16-5–16-6). The Court decided that the unborn is a bearer of constitutional rights from conception (Chaskalson et al 1996:16-6).²²

The South African Constitutional Court needs to transcend the findings of “classical” judgments qualifying so-called unlimited access to abortions. In this regard, Tjatie Naudé (1999:549), commenting on the *CLA*-judgment, states:

The US Supreme Court decision in *Roe v. Wade* involved a challenge by a woman against prohibitive legislation regarding abortion and that it is not therefore of much assistance to the question regarding whether there is any ground on which

²² For more on this see Kommers, Donald P. 1977. Abortion and Constitution: United States and West Germany. *The American Journal of Comparative Law* 25(2): 255-285. This is basically the stance the German Court maintained in both of its major decisions pertaining to abortion jurisprudence handed down in 1975 and 1993 (in 1975, it was the West German Federal Constitutional Court and after Germany’s reunification it was Germany’s Federal Constitutional Court).

permissive abortion legislation may be challenged on the basis that foetal life must be protected. The Court did not examine the subsequent controversy surrounding Roe, being content that that controversy did not affect the finding that the foetus is not a person.

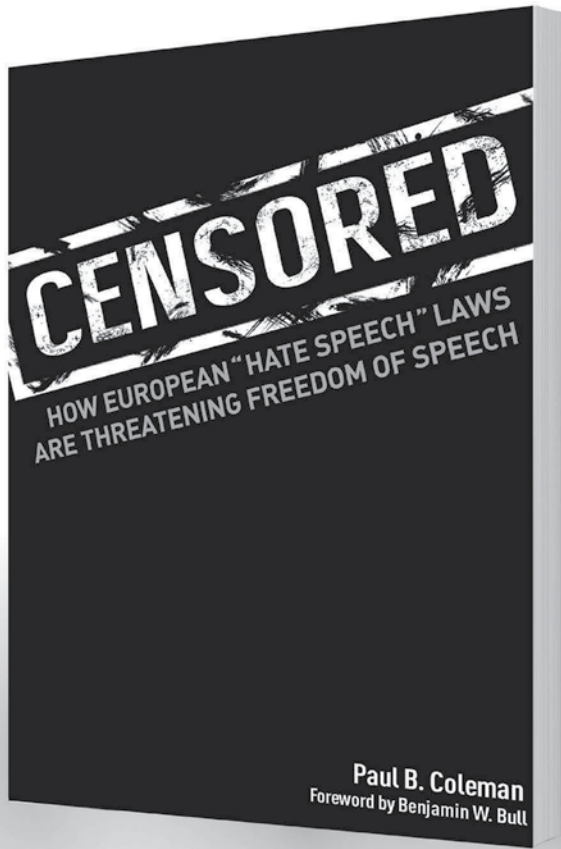
Naudé (1999:556) adds that, if the judiciary is not allowed to review legislation such as the *Choice on Termination of Pregnancy Act*, the state could freely allow the termination on demand of a form of biological life with a clear connection to born human life (and which looks very much like born human life at some stage) without the judiciary being able to declare such legislation unconstitutional. The high regard for human life which the Constitution displays, says Naudé, would then be endangered so that the right to life itself would be threatened. Taking into account South Africa's transformation into a nation *aspiring towards the advancement of human rights and freedoms*,²³ there should be informative, impartial and constructive discourse on the legal status of the unborn, and in this regard, the Constitutional Court needs to play its expected role, together with those sectors of civil society, such as religious associations.

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Paul B. Coleman is legal counsel for Alliance Defending Freedom at its office in Vienna, Austria, where he specializes in international litigation with a focus on European law.

Religious violence in Indonesia

The role of state and civil society

Benyamin F Intan¹

Abstract

Religious violence in Indonesia remains a serious problem today. The main players are the state, which performs politicization of religion, and religious groups that insist on hegemony. In particular, Islamic politics demand special treatments under the pretext of being a majority religion. Such pressures include discriminatively defining religion, which fits only with Indonesian official religions, and producing regulations that are discriminative towards animistic religions and other minority religions. This article will focus on religious violence in Indonesia, which is carried out by the state and various religious groups, and will propose solutions from a Christian perspective.²

Keywords Religious freedom, religion-state relationship, inter-religious relationship, discriminative laws, state hegemony, religious hegemony, religionization of politics, politicization of religion, definition of religion, religious violence.

1. Introduction

With almost 20,000 islands³ reaching over more than 9,800,000 sq. km,⁴ Indonesia, the world's fourth most populous country (250 million), is the largest ar-

¹ Benyamin F. Intan, Ph.D. (*1966) is President of International Reformed Evangelical Seminary, Jakarta, and serves on the Board of Directors and the Theological Commission of World Reformed Fellowship (WRF) (www.wrfnet.org). He (Co-Founder) and Rev. Dr. Stephen Tong (Founder) established a Reformed think-tank, the Reformed Center for Religion and Society (www.reformed-crs.org), and has been its Executive Director since then. He is also a member of the Editorial Board of *JRF*. Dr. Intan has given lectures on religious freedom in Indonesia at Westminster Theological Seminary, Philadelphia, USA, and Georgetown University, Washington DC, USA. He has written numerous articles on public religion, religious freedom, the state's hegemony, and human rights. His doctorate "*Public Religion*" and the *Pancasila-based state of Indonesia: An ethical and sociological analysis* was published by Peter Lang, New York 2006. Intan holds a B.Sc. (Electrical Engineering, Petra Christian University, Indonesia), an M.A. (Theological Studies) from Reformed Theological Seminary, Jackson, USA, an M.A.R. (Social Ethics) from Yale Divinity School, and a Ph.D. (Social Ethics) from Boston College, Chestnut Hill, USA. Article Received: 17 August 2012; Accepted: 14 Nov 2012. This article uses American English. Contact: Reformed Center for Religion and Society, Plaza Pasifik B4, No 73-75, Jl. Raya Barat Boulevard, Kelapa Gading, Jakarta 14240, Indonesia, Email: benyaminintan@yahoo.com, Tel. (+62-21) (4584 2220), Fax (+62-21) (4585 4062).

² Part of this article was presented at Prince Alwaleed Bin Talal Center for Muslim-Christian Understanding, Edmund A. Walsh School of Foreign Service, Georgetown University, Washington DC, on 29 March 2011.

³ Some of them (6,044 islands) have been named and the rest remain nameless. Only 931 islands (less than seven%) are inhabited. *Statistical yearbook of Indonesia 1992*. Jakarta: Biro Pusat Statistik, 1992, 3.

⁴ Four-fifths of Indonesia, however, is water. The land area covers only 1,900.000 sq. km.

chipelago in the world. Indonesia is arguably one of the most ethnically and culturally heterogeneous nations. There are over 300 different ethnic groups with more than 250 distinct spoken languages.⁵ With regard to the religious life, all major and important world religions are represented, along with a wide range of folk and animistic beliefs. Among these faiths, Islam embodies approximately 87% of the population, making it the largest religious group in Indonesia.⁶

Although the Muslim population is the largest in Indonesia, an Islamic state is not a viable option with regard to Indonesian nationalism. It is true that religion in Indonesia, especially Islam, played a very crucial role in promoting Indonesian nationalism in the beginning of the twentieth century. Islam was one of the most important contributing factors to the growth of Indonesian nationalism by promoting national unity against Dutch colonialism. "The Mohammedan religion," as George McTurnan Kahin put it, "was not just a common bond; it was, indeed, a sort of in-group symbol against an alien intruder and oppressor of a different religion."⁷ Islam was then, Deliar Noer wrote, "synonymous with nationality."⁸

It is important to note, however, that since 1927 Indonesian nationalism has no longer been identified with Islam. M.C. Ricklefs describes this as "the dominant ideological position." He explains:

[I]n the interest of maximum unity among Indonesia's cultural, religious and ideological streams, this nationalist idea rejected the Pan-Islamic and reformist instinct of the urban Islamic leadership, adopting a position which is conventionally called "secular" but which in practice was often seen as anti-Islamic by Muslim leaders; Islam was thus pushed into the isolated political position which, with rare exceptions, it has occupied ever since.⁹

⁵ Hildred Geertz, 1963. Indonesian cultures and communities, in *Indonesia*, edited by T. McVey. New Haven: HRAF Press, 24. The number of different ethnic groups very much depends on how they are categorized. Unlike Raymon Kennedy's classification, which gave only 54 ethnic groups, M.A. Jaspan distinguished over 360 ethnic groups. Many of those listed by Kennedy, however, should be further broken into ten or more distinct ethnic groups. See M.A. Jaspan. 1958. *Daftar sementara dari suku bangsa-bangsa di Indonesia [Temporary lists of tribes in Indonesia]* Jogjakarta: Panitia Social Research, Gadjah Mada University. Raymond Kennedy. 1942. *The ageless Indies*. New York: The John Day Company.

⁶ The 2010 Indonesian census recorded 87.18% Muslims, 6.96% Protestants, 2.91% Catholics, 1.69% Hindus, 0.72% Buddhists, 0.05 Confucians, and 0.13% as "Others." Badan Pusat Statistik, *Sensus Indonesia 2010* www.sp2010.bps.go.id/index.php/site/tabel?tid=321&wid=0 [Access 13 August 2012].

⁷ George McTurnan Kahin 1952. *Nationalism and revolution in Indonesia*. Ithaca: Cornell University Press, 38.

⁸ Deliar Noer 1973. *The modernist Muslim movement in Indonesia 1900-1942*. Kuala Lumpur: OUP, 7.

⁹ M.C. Ricklefs 1993. *A history of modern Indonesia since C.1300*, Second ed. Stanford: Stanford University Press, 181.

It seems that Ricklefs' thesis was correct. Sukarno, for example, one of many younger Western-educated intellectuals, was not enthusiastic about Syariat Islam (SI) due to the organization's schism. Sukarno, who founded Partai Nasional Indonesia (PNI, Indonesian Nationalist Party) in 1927, created a different ideological and political point of view. Like SI, his PNI was clearly political, with independence for the Indonesian archipelago as its goal. Unlike SI, however, for the sake of unity of all Indonesians, PNI chose "'secular' nationalism" (*kebangsaan*) rather than Islam as its ideology.¹⁰ As a Muslim, Sukarno "frequently stressed that the party could not have an Islamic basis."¹¹ For him, Indonesia *Merdeka* "was as much the objective of Indonesian Christians as of Mohammedans."¹²

For this reason, it was not correct for several Islamic thinkers in the late 1930s to continue arguing for the strong political position of Islam by ignoring this fundamental change. Muhammad Natsir, for example, in the late 1930s still maintained that the *kebangsaan* (nationalist) movement should be based on Islam. He said, as Noer put it:

[I]t would be more justifiable to make use of the bond which already tied about 85 percent of the populations. [Natsir] asked why this bond should be abandoned in order to seek the support of the minority of non-Muslims. He further asked whether the *kebangsaan* group would not be more justified in making use of this bond since the majority of them were also Muslims, instead of calling for the abandonment of the Islamic ideology.¹³

Realizing that Natsir's argument did not consider the overall situation in Indonesia, which had been changed fundamentally at that time, Noer wrote:

[Natsir] seemed to neglect the fact that by that time Islam was not considered as a national identity anymore, and *bumiputera* [native] was not a term which referred exclusively to Muslims – a phenomenon different from the situation at the turn of the century, and partly a result of the activities of the religiously neutral nationalists in championing "Indonesian" rather than "Islam" as a national identity.¹⁴

In short, Indonesian nationalism could not be identified with Islam regardless of the importance of the Islamic contribution.

It has been agreed by Indonesian founding fathers that Indonesian nationalism is based on Pancasila, Indonesia's national ideology.¹⁵ The Pancasila-based state of

¹⁰ Ibid., 183.

¹¹ Kahin, *Nationalism and revolution in Indonesia*, 90.

¹² Ibid.

¹³ Noer, *The modernist Muslim movement in Indonesia 1900-1942*, 276-277. Quoting Muhammad Natsir, *Pandji Islam [The Banner of Islam]*, no. 6 (6 February 1939).

¹⁴ Ibid., 324.

¹⁵ Pancasila which derives from the words "Panca" (five) and "Sila" (guideline) meaning "five guidelines" consists of five principles – Lordship, human rights, nationalism, democracy, and social justice. See J.

Indonesia deals with religious pluralism and promotes the idea of religious freedom in Indonesian society. Pancasila does not favor the majority of religious communities at the expense of the minorities. Indonesia's national motto in the spirit of Pancasila is *Bhinneka Tunggal Ika*, which means "diversity but one," or unity in diversity. Within this national motto, there is neither majority nor minority. All are treated equally in terms of rights and obligations.¹⁶ In other words, Pancasila maintains and preserves the autonomy of religion. Franz Magnis-Suseno wrote:

...Pancasila guarantees that Muslims can really live according to their religion as a Muslim, Christians stays as a Christian... etc. No one needs to sacrifice their integrity, no rights violated, no one feels like a stranger in their own country.¹⁷

All groups are given the opportunity not only to maintain their identities, but also to contribute to the whole nation according to their particular beliefs. All this certainly would create benefits not only for Islam, but also for Christianity and other religions.

In reality, however, religious freedom in Indonesia has become a problem with no easy solution. Indonesia once was known for having a spirit of high tolerance among religions. But for some reason, this tolerance has diminished, and inter-religious relations have turned into a very sensitive issue. Conflicts arise and cost huge numbers of deaths and material loss. The religious tension resulting in many human rights issues in Indonesia was highlighted in the Universal Periodic Review (UPR) of the Human Rights Council under the United Nations on 23 May 2012.

This paper will explore the violation of religious freedom in Indonesia, which is not only done by the state but also by different religious groups. It is even done internally between people of the same religion. It will primarily focus on the state's failure to protect religious freedom, and it will propose some solutions for religious freedom in Indonesia from a Christian perspective.

2. Violation of religious freedom

Violation of religious freedom has become not only intense and profound, but it has also caused a great deal of violence. From 1995 to 1997 the successive "ethno-religious" riots, which broke out in Java, caused hundreds of Christian churches and hundreds of Chinese stores to be burned and destroyed. These "ethno-religious" riots culminated on the night of 14 and 15 May 1998, causing 1,198 people to be killed and

Verkuyl 1978. *Contemporary missiology: An introduction*. Grand Rapids: Eerdmans, 383.

¹⁶ See Benyamin Intan. 2006. Pancasila persemaian agama-agama [Pancasila, the seedling of religions]. *Suara Pembaruan*, 15 December.

¹⁷ Magnis-Suseno 2000. Beberapa dilema etis antara agama dan negara [Several ethical dilemmas between religion and state], in *Kuasa dan Moral*. Jakarta: PT. Gramedia Pustaka Utama, 111.

more than 150 Chinese-Indonesian women to be raped in their stores, offices, and homes.¹⁸ These riots are suspected to have led to the fall of the Soeharto regime.

The country has also had to deal with the inter-religious conflict in the Moluccas Islands. From 1999 to 2002, this Muslim-Christian conflict has caused 10,000 people to be killed thus far in the region. The number of closings and burnings and destruction of church buildings are increasing from year to year. From only two during Sukarno's presidency (17 August 1945 – 7 March 1967) (average/month = 0.008), the demolition reached 456 during Soeharto's rule (7 March 1967 – 21 May 1998) (average/month = 1.19); from 156 during Habibie's administration (21 May 1998 – 20 October 1999) (average/month = 9.18) to 232 during Abdurrahman Wahid's presidency (20 October 1999 – 23 July 2001) (average/month = 11.048).¹⁹ The number of churches being demolished is the largest during Wahid's presidential term due to efforts by others to discredit his vision of a tolerant Islam.

Report from Setara Institute on 26 July 2010 found increasing violations of religious freedom. In particular, attacks on houses of worship escalated from 17 cases in 2008 and 17 in 2009 to 28 cases in 2010. In 2011, Setara Institute noted 244 cases of violations of religious freedom. Within these cases, there were 299 different violations, and 105 acts among them implicated state officers. From these 105 violations, 95 of them reflected crime by commission. These include provocative statements from government officials condoning the violations. Government institutions implicated in these violations include the police force (40 acts), the army (22 acts), regents or city mayors (18 acts), the Department of Religions (9 acts) and other institutions (less than 6 acts). The victims of violations of religious freedom in 2011 included the Ahmadiyah congregation (114 incidents), the Christian congregation (54 incidents), and other religious groups (38 incidents). Such violation conducted by various community groups is increasing year by year.²⁰

2.1 State

Religious freedom demands the active involvement of the state. The state can be involved through regulations that ensure religious freedom and an anti-discriminative application of such laws to all religious groups.

¹⁸ Bilveer Singh 2000. *Succession politics in Indonesia: The 1998 presidential elections and the fall of Soeharto*. New York: St. Martin Press, 212.

¹⁹ Paul Tahalele and Thomas Santoso. 2002. *The church and human rights in Indonesia: Supplement*, (Surabaya: Surabaya - Indonesian Christian Communication Forum, SCCF - ICCF), 1.

²⁰ Ismail Hasani and Bonar Tigor Naipospos, (eds.) 2012. *Politik diskriminasi rezim Susilo Bambang Yudhoyono: Kondisi kebebasan beragama/berkeyakinan di Indonesia 2011 [Politics of discrimination under Susilo Bambang Yudhoyono's regime: Conditions of religious/belief freedom in Indonesia in 2011]*. Jakarta: Pustaka Masyarakat Setara, 20-24.

A survey conducted by major national newspaper, *Kompas*, on 22 February 2010 found that minority religious groups received discriminative treatments and violence as their teachings were considered unorthodox. Their houses of worship were attacked and burned. These cases kept occurring since state officials acted half-heartedly in preventing violence. More than half of the survey respondents (56.5%) agreed that the government did not enthusiastically protect minority religious groups from acts of violence.

The state has committed a crime by omission by failing to protect the religious freedom of minority groups. Consequently, minority religions with unorthodox beliefs were deemed a threat to public life, while in the past they had not disturbed the community. Unconsciously, crime by omission has escalated unorthodox belief to *politicized belief*, where the state is politicizing religion in order to win the favor of majority groups and thus extend its power in the nation.²¹

The violation of religious freedom by the Indonesian state is more than just the state's inconsistency in being neutral towards religions. As a majority religion, Islam demands privileges, and when the state consents, it causes discrimination against other religions. The implementation of exclusive, discriminative regulations denies the spirit of Pancasila, Indonesia's national ideology. Such implementation is closely related with the conspiracy of a religion, which demands dominion over others and a state which wants to maintain its power. Because of these vested interests, the Indonesian state has produced religious regulations which do not take into account the protection of religious freedom.

2.2 The definition of religion and false teachings (*bidat*)

The great advantage that Islam has gained by conspiring with the state jeopardizes other Indonesian official religions. The state's conspiracy with Indonesian official state religions (Islam, Protestant, Catholic, Hindu, Buddhist, and Confucian) is apparent in the definition of religion issued by the Department of Religion. The Muslim-sounding definition of religion gives Islam a great advantage, but at the same time, it also gives other official religions a special place. The definition contains requirements for a certain religion to be acknowledged legally, including having a Holy Book, having prophets, believing in the one and only personal God, being recognized internationally, and having a comprehensive religious law system. These requirements automatically exclude various mysticisms. The diverse tribal religions and mysticisms have reluctantly become a mission or propagation field for official religions. In essence, the state's definition of religion has violated the right of minority religions such as tribal religions and mysticisms.

²¹ For a detailed discussion of Kompas' survey, see Benyamin Intan. 2012. Pluralisme agama dan negara berkeadilan [Religious pluralism and a just state] *Seputar Indonesia* 25 August.

Niels Mulder observes that not a single criterion of the requirements can be fulfilled by the religious sects and mysticisms. This proves that they are the main target of those who set the criteria.²² Initially, the involvement of the *santri* (devoted) Islam in the definition of religion was intended to gain control over the *abangan* (nominal) Islam and to coerce them to submit to Islam as a religion. Unfortunately, many of the *abangan* Islam chose Christianity instead.²³ The religionization of politics has more negative impact on religion rather than gaining advantage from it. People may choose a certain religion based on the practical benefits offered by that religion rather than based on faith to the deity. Therefore, in order to eliminate discrimination against religious beliefs, a reexamination of the Religion Department's criteria for defining religion is absolutely necessary. However, it is not the main problem. The crux of the matter is whether the state is justified in defining what religion is, and whether it has the authority to decide what can or cannot be called a religion.

Furthermore, the state's intervention involves unorthodox teachings (*bidat*). It is ironic that over and over again the Indonesian government receives support from official religions. The Jehovah Witnesses, for example, are prohibited on recommendation of the Christians and Muslims. Religious leaders are also tempted to use violence to maintain their positions. The violence is not only perpetrated openly by the government, but also by individuals and existing religious groups. Religious hegemony has reached the public sphere. The state not only allows it to happen, but it has also become the main actor in encouraging it.

2.3 Discriminative laws

Discriminative laws such as the Joint Decision (*Surat Keputusan Bersama*, or SKB) of the Minister of Religion and the Minister of Home Affairs No.01/BER/MDM-MAG/1969 regarding the building of houses of worship are the result of a conspiracy between Islam and the state. This SKB has become an excuse for closing, even destroying and burning minority religions' houses of worship. Since the existence of the SKB from 1969 to 2006, almost 1,000 churches have been closed, demolished, or burned down.

The SKB is now renewed under the Unified Regulation (*Peraturan Bersama*, or PERBER) of Two Ministers (2006). However, the core of the PERBER is not any different from the SKB. It has paragraphs containing restrictions of religious freedom, especially concerning the building of worship places. It demands at least 60 signa-

²² Niels Mulder 1978. *Mysticism and everyday life in contemporary Java: Cultural persistence and change*. Singapore: Singapore University Press, 4-6.

²³ Benyamin Intan 2006. "Public religion" and the *Pancasila*-based state of Indonesia: An ethical and sociological analysis. New York: Peter Lang, 44-45, 50-51.

tures from adults living in the proximity of the proposed worship place. In addition, in order to build a church, at least 90 adult members of this church must sign.

Since the implementation of PERBER, the closing, burning, and destruction of minority's places of worship has continued. The Jakarta Christian Communication Forum observed that 67 churches became victims from 21 March 2006 to 17 August 2007. Astonishingly, the controversial and unproductive decision letter has never been withdrawn.²⁴

On top of discriminative regulations that limit the development of certain religions, the state also issued laws that provide privileges to certain religions. Such laws give special facilities mainly to official religions and neglect the need of unofficial religions such as religious sects and mysticisms. The 2011 Law No. 23 regarding the management of *zakat* (Islamic offerings), a revision from the 1999 Law No. 38, is an example of such a law. This law was rectified to fulfill the need of some Muslim congregations who want to regulate the demand of *zakat* in Islamic faith, since they argue that only the state has the right to regulate implementation of *zakat*.²⁵ This law obviously shows state intervention in giving special treatment to certain religions. *Zakat* ought to be a private issue of Islamic principles, and ought not to be a public regulation. It becomes controversial as the funding of national *zakat* institutions use the state funding. This is an obvious partial dispensation from the state to certain religions in order to gain favors from them.

Similarly, recently there is a proposed law (*Rancangan Undang-Undang, RUU*) on *halal* products or "forbidden consumables." Some religions may have regulation regarding unholy consumables, but this proposed law on *halal* uses Islamic criteria. This RUU was going to be ratified by 2009, but it produces strong polemical debates. Consequently to date this law has not been ratified. Nevertheless, at present certain Islamic groups still demand ratification of this law.²⁶

Furthermore, recent ratification on pornography law remains a hot polemical debate, as some militant religious groups demand stronger sanctions and stricter implementation. There are different interpretations of what comprises pornographic material. Despite such controversy, the state was unable to remain neutral and insisted on rectifying the law based on input from a certain group. Hence the content of this law becomes discriminative.

²⁴ For a detailed discussion of PERBER, see Benyamin F. Intan. 2012. Peraturan bersama kontraproduktif [Controversy of ministerial unified regulation] Seputar Indonesia 21 September.

²⁵ Zainal Abidin Bagir, et al. 2012. *Laporan tahunan kehidupan beragama di Indonesia 2011 [Annual report of religious life in Indonesia in 2011]*. Yogyakarta: Center for Religious and Cross-cultural Studies, Universitas Gadjah Mada, 13.

²⁶ *Ibid.*, 17.

A draft on RUU of Religious Harmony dated 1 August 2011 surfaced in public recently and caused another hot polemical debate.²⁷ This RUU has not been discussed by the Indonesian Parliament (*Dewan Perwakilan Rakyat*, DPR), but it has gained strong reaction from the public. The RUU contains eight areas, including: construction of worshipping places, spreading of religion, overseas funding, inter-religious marriage, religious holidays, religious desecration, unorthodoxy activities, and other related non-religious issues. These areas have surfaced in the past as part of ministerial laws, and have triggered controversy due to their discriminative nature. Ironically, the ministerial law is to be upgraded as national law, ratified by the Indonesian Parliament. If ratified, this law may trigger further widespread conflicts, which may end with violence.²⁸

2.4 Regional religious regulations

Islam's wish to have a privileged position is obvious from the existence of Muslim-sounding regional regulations, known as the *Peraturan Daerah (Perda) Syariah* (Shari'ah Regional Law). The implementation of the *Perda Syariah* in various districts in Indonesia increases especially since the Aceh Province implements the Shari'ah Islam, after obtaining special autonomy through national regulations. This religious *Perda* has been implemented in at least 13 provinces and 40 cities.²⁹ Turning up in various regions, *Perda Syariah* justifies itself by claiming that it is in harmony with the democratic principle.

Perda Syariah has become a polemic and tough problem because it encourages other religions to follow in its footsteps. In Manokwari, for instance, where the majority religion is Christian, a *Perda Injil* (Gospel Regional Law) has been implemented.³⁰ The religiously tinted *Perda* is contradictory to Pancasila and the spirit of the Indonesian constitution (UUD 1945). Other religions naturally resent its presence. Moreover, the *Perda* reflects a strong sense of religious zeal by positioning religion as the single solution to all problems faced by this diverse nation. As a result, religious freedom has become a serious problem, not only in areas where Islam is a majority, but also in areas where Christian and other non-Muslim religions are the majority.

²⁷ Ibid., 22.

²⁸ For a detailed discussion of Indonesian discriminative laws, see Benyamin Intan. 2007. Efek berbahaya kriminalisasi agama [Dangerous effect of religion criminalization] *Sinar Harapan*, 24 April.

²⁹ Arskal Salim. 2008. Perda berbasis agama dan perlindungan konstitusional penegakan HAM [Islamic regional regulations and constitutional protection of human rights] *Jurnal Perempuan* 60 (September): 11-13.

³⁰ For a detailed discussion on Perda Injil, see Binsar A. Hutabarat 2008. Perda agama (injil) dalam perspektif Kristiani [Gospel regional law from Christian perspective] *Jurnal Perempuan* 60 (September): 45-58. See also Benyamin Intan. 1997. Hegemoni agama. [Religious hegemony] *Suara Pambaruan*, 16 June.

2.5 Violence among religions

When religious institutions take part in the same crime committed by the government, the problem of religious hegemony in the public sphere becomes complicated. Attempts to control riots carried out in the name of religion are often done half-heartedly. The proliferation of violence is supported by society. During the present Indonesian reformation era, the country ranked top in the number of church burnings. From 1945 to 2009 approximately 1,500 churches have been burnt down, demolished and/or closed. Tragically, *nobody* was even arrested or put to trial – which is strong evidence that the government looks the other way when violence in the name of religion takes place.³¹

The Theological National Consultation of Indonesian Council of Churches in Cipayung, West Java (4 October 2011 to 4 November 2011) concluded that there is an increase in worship prohibition and closure of worshipping places by militant groups. These militant groups typically were part of groups that were pressured in the era of President Soeharto, and now they are forcing their way into public places. Another conclusion is that the influence of these militant groups causes public opinion to shift. Initially, most Indonesians acknowledged plurality and differences, but now they perceive different groups with suspicion. Hence, plurality is no longer enriching the society.

The rise of religious prejudice in Indonesia is confirmed by the increase in religious community clusters. The condition is worsened by weak efforts to integrate different clusters. Inter-religious relationship is declining from a creative pro-existence or enriching relationship, to a “live-and-let-die” existence, or status quo relationship. In some parts of Indonesia the relationship is so bad that it leans toward religious hegemony and religious violence.

2.6 Violence within denominations in a religion

This community-supported violence was not only aimed at burning and destroying churches. The Center for Studies and Cross-Cultural Studies (GRCS) at Gadjah Mada University published findings which showed that during the year 2008, relations among religions were marked by violence, dominated within the religion itself.³² Victims of violence within denominations in a religion mostly happened in the Ahmadiyah group. Among mainstream Muslims, Ahmadiyah was deemed as unorthodox. Violence against Ahmadiyah reached its peak on 6 February 2011 in Cikeusik, where three people died. Previous attacks against Ahmadiyah only involved destruc-

³¹ See Benyamin Intan. 2009. Rumah ibadah dan hegemoni negara [House of worship and state's hegemony] *Suara Pembaruan*, 3 Agustus.

³² See *Laporan tahunan kehidupan beragama di Indonesia tahun 2008 [Annual report of religious life in Indonesia in 2008.]* Yogyakarta: Center for Religious and Cross-Cultural Studies, Universitas Gadjah Mada.

tion of its mosques.³³ Other violence also happened to Lia Eden and her followers. She was imprisoned under the accusation of religious sacrilege because her belief was different from mainstream religions.

One way to avoid violence within religions is to have the official state religion request that the state abolish sects considered unorthodox. However, by asking the state to restrict sects deemed unorthodox, religions have given a powerful legitimacy to the state to govern them. This is a power that can strike back against the religions themselves.

3. Several Christian thoughts on the solution of religious freedom in Indonesia

3.1 Religious interaction and power politics

Although Islam is the majority religion in Indonesia, an Islamic state is not a viable option in the spirit of Pancasila – *Bhinneka Tunggal Ika* – the unity and the diversity of Indonesia. The strongest objection to adopting an Islamic state, according to Eka Darmaputera, a prominent Christian thinker, lies in the state's inability to protect minority rights. If an Islamic state were to be created in Indonesia, then the problem of minorities would certainly arise. Supomo, an eminent figure of Indonesian founding father, explains:

To establish an Islamic State in Indonesia means to establish a state whose unity is based on the largest group, namely the Islamic group. If an Islamic State is to be established in Indonesia, some “minority problems” will surely come up, i.e., the problems of small religious groups, the Christian groups, etc. Even though the Islamic State will try its best to guarantee and to protect the well-being of other groups, still those small groups definitely will not be able to conform themselves to the goal of the unified state, which all of us are longing for.³⁴

Thus, Indonesia is a multi-religious state. Historically, T.B. Simatupang, another prominent Christian thinker, wrote:

There has never been an Islamic kingdom which unifies all of Indonesia under its authority. There are areas which have never been reached by Islam, and in some parts of Indonesia the pre-Islamic layer continues to have a great influence. It was

³³ For an extended discussion of religious violence on Ahmadiyah, cf. Bagir et al. *Laporan tahunan kehidupan beragama*, 32-40. See also Benyamin Intan. 2008. Konsekuensi SKB kompromi [Consequence of compromising ministerial joint decision on Ahmadiyah] *Suara Pembaruan* 18 June.

³⁴ Quoting Muhammad Yamin. 1959. *Naskah persiapan undang-undang dasar 1945 [Preparatory document of the 1945 constitution]*, vol. 1. Jakarta: Yayasan Prapanca, 117. cf. B.J. Boland. 1971. *The struggle of Islam in modern Indonesia*. The Hague: Martinus Nijhoff, 20.

when Majapahit was declining and Islam had not been able to reach all of Indonesia, that modern Western influence was introduced. Coinciding with it, Christianity spread and became the religion of the people in the areas which had not yet been reached by the cultural and religious influences of India and Islam.³⁵

This quotation maintains that Islam cannot be adopted as the ideological basis of the state without endangering the very identity of Indonesia: its unity and its diversity.

Within a Pancasila-based state, religion may be near to power politics, but may not be attached to it. Once it is attached, the politicization of religion or the religionization of politics will occur. The politicization of religion means that religion has been used as a tool of politics. The state's politicization of religion in the form of religion's subordination by the state will paralyze religion; religion will no longer hold its prophetic role and retain its apostolic voice. It is the reason why Martin Luther adamantly forced the dissection of politics from the church.³⁶

The other side of the coin, the religionization of politics means that the power of politics is being used as a tool to benefit a religion. In attempting to put the state under the subordination of a religion, the religionization of politics neutralizes the state's noble function as its citizens' non-discriminating guardian. It has a negative impact on religion itself as it destroys the long-lasting harmonious relationship between religions in Indonesia. It is also why Machiavelli was insistent in pushing the church out of the state.³⁷ The elements of politicization of religion and religionization of politics actually become a suicidal move for all related parties. Hence, both contain the concept of criminalization of religion.

In a Pancasila-based state, there is neither a subordination of religion by the state nor a subordination of the state by religion. A Pancasila way of thinking strives

³⁵ T.B. Simatupang. Konteks politik Indonesia masa kini [The current context of Indonesian politics]. Paper presented at the Institut Studi Etika Sosial Persetia, Salatiga, 20 July 1981, unpublished, 4. cf. also T.B. Simatupang 1987. Konteks politik Indonesia masa *kini* [The current context of Indonesian politics], in *Dari revolusi ke pembangunan*. Jakarta: BPK Gunung Mulia, 560. Again, in Simatupang's words, "The Portuguese were the first Europeans to come to Indonesia after they conquered Malacca in 1511....[They] established Christianity in its Roman Catholic form in Flores and in the Moluccas, which had not been Hinduized or Islamicized....Due to the presence of the Portuguese and later on of the Dutch in Indonesia, there was no opportunity for an Islamic Empire to play a central role in Indonesian history comparable to the role previously played by the Hindu Empire of Majapahit and earlier by the Buddhist Empire of Sriwijaya. For that reason, and also because some parts of Indonesia were never Islamized and because ... the pre-Islamic cultural-religious substrata [in Java] proved to possess a great resilience, the Islamization of Indonesia has remained an unfinished business." (T.B. Simatupang. 1985. Christian presence in war, revolution and development: The Indonesian case, *Ecumenical Review* Vol. 37, No. 1, 78).

³⁶ Eka Darmaputera 2005. Potensi disintegrasi masyarakat majemuk [Impending disintegration in a pluralistic society], in *Pergulatan kehadiran Kristen di Indonesia: Teks-teks terpilih Eka Darmaputera*, Martin L. Sinaga et al (eds.). Jakarta: BPK Gunung Mulia, 149.

³⁷ *Ibid.*

for a non-overlapping relation between the state and religion – “a free (religion) in a free state,” as Abraham Kuyper says.³⁸ Without a community of freedom, the politicization of religion and the religionization of politics are inevitable. However, this does not mean that religion and the state have to be segregated. As John Calvin pointed out, they are “separated but not parted.”³⁹ It means that although they are separated from each other, the state and religion have a mutual responsibility towards each other. James Skillen uses the term “sphere responsibility.”⁴⁰

The issue is how to fulfill the responsibility of religion toward the state and the state’s responsibility toward religion without being trapped in the politicization of religion and the religionization of politics discourse. One of the main responsibilities religion has towards the state is to act as a moral political guardian. Religion, for example, acts out its prophetic voice when it sees a violation against human rights in Aceh (Islam majority region) or in Papua (Christian majority region). One of the responsibilities the state has towards religion is to guarantee the freedom of belief and faith to all religions using positive law.

3.2 State-society distinction

A state which offers a fertile ground for religious freedom is a state which follows what Abraham Kuyper calls the principle of state-society distinction, where the state has to be distinguished from the society. According to this principle, the state is part of the society, but the state is not society itself. The societal community is very broad; it comprises, among others, the family as a community, religion, economics, and the state.⁴¹ Equalizing the state with society will require making the state the sole controlling power over the *res publica* (public affairs). Both the Old Order and the New Order of the Indonesian government have the tendency to trivialize public religion because of the state’s “integrating” concept which denies the principle of state-society distinction. As a result, the state’s power spreads out to the private domain of religion.⁴²

³⁸ Abraham Kuyper 1987. *Lectures on Calvinism* (Grand Rapids: Eerdmans, 1931; reprint 1987), 99, 106.

³⁹ According to Eka Darmaputera, this sentence describes John Calvin’s stand on the relation of religion-state. See Eka Darmaputera 1996. *Aspek-aspek etis-teologis hubungan gereja-negara dan implikasinya dalam negara Pancasila* [Theological ethics aspects of church-state relationships and their implications in the Pancasila-based state], in *Hubungan gereja dan negara dan hak asasi manusia: Bunga rampai pemikiran*, Weinata Sairin and J.M. Pattiasina (eds.). Jakarta: BPK Gunung Mulia, 19.

⁴⁰ See James Skillen and Rockne M. McCarthy, (eds.) 1991. *Political order and the plural structure of society*. Atlanta: Scholars Press, 413.

⁴¹ Kuyper, *Lectures on Calvinism*, 90.

⁴² Adnan Buyung Nasution 1992. *The aspiration for constitutional government in Indonesia: A socio-legal study of the Indonesian Konstituante 1956-1959*. Jakarta: Pustaka Sinar Harapan, 421-2; David Bouchier 1997. Totalitarianism and the “national personality”: Recent controversy about the philosophical basis of

In the state-society distinction, each community element such as the state and religion has its own autonomy and independence. Kuyper uses the term “sphere sovereignty.”⁴³ However, sovereignty in every societal community does not justify arbitrariness over other communities that have the same interest in the public sphere. Each community in the public sphere has a certain sovereignty which is limited by the sovereignty of other communities that are also present. So, there are no ranks in the autonomy among communities. A state which respects the idea of state-society distinction will become a fertile ground for the seeds of religious freedom.

3.3 Inter-religious relationships

The state often takes the blame for incidents of religious freedom violations, although in reality the potential conflict had long existed between religions. If the relationship between religions is peaceful and well established, the intensity of state intervention will not change the harmony that exists. On the other hand, if the relationship is not well established, even without any intervention from the state, violence will occur between religions. It is why the relationship between religions must be well established.

For this reason, in their mission for fighting religious freedom in the public sphere, religions should not attempt to dominate, to trivialize, or to eliminate each other (live and let die). The relation between religions should go beyond a mere peaceful coexistence (live and let live). At this level religions communicate with each other but only to the extent of avoiding conflict and leaving each other in peace. There is little awareness of the interdependence between religions in fulfilling their mission in the public sphere.

4. Conclusion

An ideal relation between religions would be a creative pro-existence, in which different religious people realize the need to care for each other because of their mutual dependence. Simatupang plainly affirms that a Pancasila-based state does not merely acknowledge the diversity of religions: “A Pancasila state does not emphasize coexistence, but also cooperation among religions based on mutual responsibility in developing culture, society and the state.”⁴⁴

Cooperation between religions has become a necessity, particularly by applying the Golden Rule: “do to others as you would have them do to you” (Luke 6:31),

the Indonesian state, in *Imagining Indonesia: Cultural politics and political culture*, Jim Schiller and Barbara Martin-Schiller (eds.). Athens: Ohio University Center for International Studies, 157-185.

⁴³ Abraham Kuyper 1991. The antirevolutionary program, in *Political order and the plural structure of society*, James W. Skillen and Rockne M. McCarthy (eds.). Atlanta: Scholars Press, 242.

⁴⁴ T.B. Simatupang 1998. *Iman Kristen dan Pancasila [Christian faith and Pancasila]*. Jakarta: BPK Gunung Mulia, 169.

which can be found in similar versions in other religions.⁴⁵ The application of the Golden Rule as the mutual common ground will generate pro-existence as its fruit. In such a condition, “passive religions” such as Hinduism and Buddhism are not left behind. In turn, they will make their contributions. In interdependence among religions, the extinction of a religion will have a negative impact on the genuine civil consensus it is trying to reach. If the awareness of religious interdependence keeps growing, religious freedom will be achievable.

⁴⁵ For the interpretation of the Golden Rule in other non-Christian religions, see John Hick, A pluralist view, in *Four views on salvation in a pluralistic world*, Dennis L. Okholm and Timothy R. Phillips (eds.), Grand Rapids: Zondervan, 39-40.

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The persecution of Nazarenes in Yugoslavia 1918-1941

Branko Bjelajac¹

Abstract

The government of the newly founded Kingdom of Yugoslavia severely persecuted the Nazarenes mostly for their refusal to swear an oath to take up arms. Thousands of them were prosecuted and sentenced to long prison sentences, while the government refused to make a special case for them. The only reason for the government's treatment was an unfounded fear that their "defeatism" was a national security threat. Some talks and attempts to help from abroad did not yield desirable results. The government also actively supported a split among the Nazarenes, showing favor to the side interested in cooperation.

Keywords Nazarenes, Yugoslavia, Serbia, religious persecution, conscientious objectors to arms, pacifism, prison sentences.

1. Introduction

The Kingdom of Yugoslavia existed from 1918-1941 (between the two world wars); it was established by joining territories that previously belonged to other countries. Among other things, it also inherited various religious groups and movements, one of them being the Nazarenes. The group existed in the Kingdom of Serbia since 1870 and in larger numbers in the southern part of Hungary called Vojvodina in the 1860s.

The Nazarenes emerged in Switzerland around 1830 under the influence of the UK Baptists regarding adult baptism and Swiss Mennonites' nonresistance. They were founded by a former Reformed minister, Samuel Fröhlich, and soon expanded to Central Europe. In Austro-Hungary and Serbia, they were known as Nazarenes and reached their highest influence and numbered more than 40,000 members in the late nineteenth century. They were heavily persecuted by each political system and state for their pacifist beliefs. The newly created Kingdom of Yugoslavia severely persecuted the Nazarenes and this also continued under the Socialist ruler, Tito,

¹ Branko Bjelajac (* 1960) holds a PhD in Church History. Since 2006, he serves with Trans World Radio in Bratislava, Slovakia. For a number of years he worked as a correspondent on the issues of violation of religious freedom in the Balkans for Keston News Service and Forum 18, and as of 2011 is a co-founder of Center 9, Belgrade, Serbia. This article uses US spelling. Article received: 22 October 2012; Accepted: 3 December 2012. Contact: PO Box 37, 11060 Belgrade, Serbia. Email: centar9.srbija@gmail.com.

after the Second World War. The last recorded court cases against Nazarenes who refused to take up arms were reported in Serbia as late as the 1990s.

2. Ministry of religion prohibits Nazarene activities

In the newly founded state, the attitude worsened toward the Nazarenes as well as some other Protestant groups like the Lutherans, Seventh Day Adventists, and Methodists. Although the new state proclaimed that it would respect all legal documents and carry out the legal status of religious communities that were pertinent in the former states (mostly in Austro-Hungary), the situation deteriorated.

The Ministry of Religion was established at the end of 1918 and had supreme supervisory and administrative authority in all religious–political matters (Gardašević 1971:40). From the founding of the new country on 1 December 1918 until the declaration of the St. Vid Day Constitution in June 1921, all religious communities had retained their legal recognition which existed in the previous period.² The new Constitution listed only the Serbian Orthodox Church, Catholic and Greek-Catholic churches, Lutheran and Reformed churches, as well as the Islamic Religious Community and the Moses Faith Community (Jewish) as recognized and adopted religious communities. The Nazarenes and all other smaller Protestant communities were no longer legal.

A separate law introduced a religious oath in the judicial system, civil service and the army... A marriage ceremony was possible only if it was done as a religious rite. Marital issues and disputes were under the jurisdiction of confessional communities. They also maintained the Book of Records of births, deaths and marriages (Rakić 2002:22).

In 1921 the government also surveyed religious communities. They discussed the legal status of all recognized religious communities, the regulation of inter-confessional relations and material support for the clergy, the calendar, etcetera. On the Protestant side, only the Lutherans were present, also representing the Reformed. The situation was complicated. Although they were recognized, they faced numerous problems from the government.

At the end of a report a whole list of complaints was added, referring to the attitude of the public authorities toward evangelical pastors and schools. Schools belonging to a church were sequestered without consent and teachers released without

² According to the Treaty of Saint-Germaine (1919) Yugoslavia agreed to tolerate all Christian faith missions and organizations already existing in the former Austrian and Hungarian territories.

retirement. And then the buildings were also taken, so that the Lutheran church suffered damages of no less than 52 million crowns (Kušej 1922:30).

The first attempt to close all Nazarene houses of prayer came during 1923, but this order apparently was not carried out well, because there are documented complaints about it. Toward the end of 1923, there were changes in the government and a new Minister of Religion was appointed, Dr. Vojislav Janjić, who diligently approached the solving of the so-called “problem” of the Nazarenes.

A few months later, Janjić revoked all the temporary licenses and issued a new ruling that would, as will be seen later, bring a great deal of strife and trouble, especially to the Nazarenes. The Order 8765/1924, issued on 1 May 1924, requested the closing (“sealing up”) of all Nazarene houses of worship, listing of all of their members, and forbade further meetings and services under the threat of imprisonment. The ruling was to be executed by the police and army units, with support of all administrative personnel in the local communities.

The local communities also received a supplemental instruction: the Nazarene meetings should be banned, their books taken away, buildings locked, and all the members listed. A repressive apparatus started to function. However, the Minister was not satisfied with the initial results.

On 22 June 1925 minister Janjić sent a memorandum to the Minister of the Interior Maksimović, reminding him that the police were not yielding enough results.³ Minister Janjić found out that the local administrative authorities did not show enough zeal dealing with these “dangerous sects.”

If these sects would not have religious elements, they could be considered then a part of the Communist movement, to which they were closest, considering their propaganda methods and purposes. But, they represent some sort of belief system, which depends on a literal and lay interpretation of the Holy Scriptures connecting people in some sort of religious fervor, but in reality they have political tendencies. These tendencies are being spread by foreign agents with an aim to bring confusion...⁴

The zealous Minister Maksimović, in return informed the Minister of Religion that a Nazarene community was discovered in the city of Vršac that even managed to register their land and buildings. Since such a Nazarene community did not exist by law, but was an owner of the property, the local authority asked for clarification and

³ ASCG, Ministry of Religion. Confidential No. 104/1925 on 22 June 1925.

⁴ ASCG, No. 39684 on 16 April 1925.

how to proceed in liquidating the Nazarene property.⁵ During the first years after the war and using a temporary license, the Nazarenes purchased land and buildings in three locations and the local authorities did not know how to address this private property owned by the unregistered religious community.

3. Military against the Nazarenes

Paja Tordaj, a 21 year old Nazarene, was drafted into the military in February 1920. During the First World War he was in the Austro-Hungarian army, where he was permitted to serve without a weapon or an oath.⁶ Tordaj refused to take up arms again, but this time in the army of the Kingdom of Yugoslavia. He served in the military for one and a half years, and an additional six months at the border post.

After he completed military service, and one month longer than the legally required time, his supervisor reported him for refusing to bear arms. He was sentenced to five years and eight months in prison and was released in July 1926. He was then ordered to report to a military unit stationed in Kriva Palanka. A commander there ordered him to use a rifle, and when Tordaj refused he got a slap in the face, then the orderly and officer of the day pointed their guns in his face in an attempt to force him to take up a rifle. He was then tied up, by an order of Lieutenant Milekić, and locked in a pantry with ten rifles hanged around his neck so that he almost died three times of suffocation.

During the next few days, two officers would fasten him to a machine gun, six times before noon and six times in the afternoon. He was forced daily to take an oath and when he refused, was beaten until he bled or lost consciousness. Officer Carić took his New Testament, tore it apart and spat on it.

In a desire to finally break his spirit, the officers set up a bed for Tordaj, with spikes being hammered in from the bottom so that he could not move or turn during the night. During an inspection, the regiment inspector forbade such a practice and ordered that Tordaj be sent to a court martial. Since this did not occur, the officers continued to beat and maltreat him.⁷

During the month of September 1924, all men between 20 and 50 in the Vojvodina province were drafted to military reserve exercises and to swear an oath to the new state. At this time 1,400 Nazarenes rejected the oath and all were sent to military court and then to prisons. Some of them were paraded through villages with chains on their legs. It was recorded that an officer stated: "Kill them, take them all, burn their houses... nothing will happen to you" (Stäubli 1928:12).

⁵ ASCG, Confidential No. 380/1925 on 30 August 1925.

⁶ Nazarenes were permitted to give a "promise" instead of swearing an oath.

⁷ This story was reconstructed from a petition his mother wrote on 22 July 1927. We are not aware of his destiny (Stäubli 1928:10).

The newspapers ran stories about such events. “In a camp where the Nazarenes are held there is perfect order, peace and love, it looks like a church. When they speak, the discussion is about Jesus, when they read, the literature is the Bible and when they sing, they sing the Psalms” (Czako 1925:61).

The authorities, however, managed to strike a deal with some of the elders, just about the time of the elections, so a temporary solution was found for the issue of an oath. The Nazarenes were released to go to their homes and the Radical party received more votes in the elections than ever before. Apparently, the elders gave their word to the parliamentarians that they would vote for them in the next elections. This promise in return helped the Nazarenes to be released early.

At one moment in history we voted. The king Alexander allowed us not to have to swear an oath, but only to give a solemn promise. In return, we had to promise that we would vote for such a political party that was suitable to the government at that moment. This kind of an agreement lasted until the Communists came to power.⁸

In spite of the agreement, in 1925 the police prevented Nazarene meetings and closed their houses of prayer, sending regular reports on their progress.⁹

4. Police closing houses of prayer

The Belgrade daily *Politika* reported that all “associations” of Nazarenes were being closed, that there were a fair number of Nazarenes in Obrenovac, and that in the town of Arandjelovac they even had their own building.¹⁰ The journalists published that the Ministry of Religion sent a new command to the police units to close all Nazarene meeting places, arrest preachers and missionaries and send them to court.

For the next move, the government informed the local authorities that they were no longer obliged to maintain registry books of births, deaths and marriages of members of the Nazarene community (which had been the practice since 1895). This decision created tremendous administrative problems.¹¹

There was a new development during April of 1925. The Ministry of the Interior permitted the reopening of the Nazarene houses of prayer. Learning about this

⁸ From the interview with Karlo Hrubik, considered to be the leader of Nazarenes in Serbia (Stankovi 2007:40-57).

⁹ According to the Order of the Ministry of the Interior for Banat, Ba ka and Baranja No. 25320/1924 on breaking of the Nazarene sect. Also in ASCG, fund 63/144 Confidential 528/1925 on 14 September 1925 – where the Great Captain of Novi Sad advised about the closing of Nazarene prayer houses and churches.

¹⁰ “Borba protiv novoveraca” [A battle against new believers], *Politika*, 18 February 1925, page 5.

¹¹ AV, F 126 II D.Z. No. 7976 on 1 October 1926.

change, the Ministry of Religion reacted in June of the same year, asking for such an Order to be cancelled immediately. It appeared that the delay took place mostly due to political reshuffling.¹²

In a memo from a prefect of the Bačka region in 1929, in which a detailed report was given about the closing, then opening, then closing again of the Nazarene houses of prayer, the reason can be seen for the 1925 decision (reopening) and additional problems arising with the new dictatorial rule established by the king in 1929.

...The houses of prayer and bookshops had been opened again, at the expressed requests of the parliamentarians, just before the elections... However, since this King's decision to revoke the Constitution, and thereby all constitutional provision for freedom of religion, we ask for an urgent directive as to how to proceed in the future...¹³

5. Ministry of Education and forced baptisms

Regarding the scope of “concern” on the side of the state, this Order from the Ministry of Education from March 1926 testifies about what to do with children whose parents are Nazarenes. The state-run high school director in Veliki Bečkerek (Zrenjanin) wrote about his problems to the Ministry:

Since the Nazarene church is not a recognized faith and we do not teach about it in school, such children do not have any grades in these classes... How do we treat such pupils, the Nazarenes, since they do not study the Science of Religion, and besides they do not perform any other activities: attend a church, take part in a confession, communion, and above all they are not even baptized?¹⁴

In Plavna, a local Catholic priest reported that Nazarene children were obliged to attend his religion class on the basis of the Hungarian law from 1895, according to which children were to attend religious education in the confession of their parents before they left to become Nazarenes. The priest asked the school authorities to organize a baptismal service for the Nazarene children to be baptized as Catholics. The school refused to conform to this request, as it “supersedes their educational competencies.” Even the school inspector commented that the school could not

¹² The Ministry of Religion is informing its Catholic Department about the measures taken, saying that as yet no response came from the Ministry of the Interior – ASCG, No. 11797 on 27 August 1925.

¹³ ASCG, No. 157-B on 20 March 1929. A response came from the Ministry of Justice, No. 8898/29 on 27 April 1929.

¹⁴ ASCG, No. 19207/II on 6 March 1926.

force children to be baptized in their parents' former confession; the school was, after all, offering the Science of Religion classes for them.

However, the Ministry of Education later ordered the performance of such an activity (i.e. baptism) at the beginning of the next school year. All the Nazarene children were to be baptized into the Catholic faith. The explanation was that since the parents had not made any choice to join any other accepted and legally recognized faith community, their children were to be sent to Catholic religious instruction and forced to be baptized, and in doing so, "the school system is not denying their right to change their church once they reach an age for self-determination."¹⁵ So, forced baptisms and the religious education of Nazarene children continued. In March 1928, the Ministry of Religion ordered as follows:

...It is a responsibility of a local administration to discuss first the confessional affiliation of a child... then come to a final decision... and order the parents, or a tutor, to baptize a child in a given period of time according to the confessional affiliation... under the threat of punishment.¹⁶

The Ministry of Justice issued similar instructions in 1931. In a memorandum discussing the case against the Nazarenes who "forbid their children to perform religious duties," a Minister of Justice explained that children born "whether before or after" their parents converted to the Nazarene faith, were to be considered members of the legally recognized religious community to which their parents belonged until the age of 18. The Minister further explained that such children were to be baptized, attend church services, receive religious education, have confession and communion, and also be buried in line with the same confession.¹⁷

6. Long term imprisonments

Because of the meeting held between the Nazarene elders and state authorities toward the end of 1924, all imprisoned Nazarenes were released, but only after they were assembled in the prisons and had declared their loyalty to king and country. For several months, it appeared that both parties were holding to the agreement.

However, as early as 1 August 1926, the military district of Veliki Bečkerek (Zrenjanin) called all Nazarenes to military reserve exercises. Fifty-six of them responded and appeared at a gathering place. The officers ordered them to take up arms and swear an oath to the king, although almost all of them had already made

¹⁵ ASCG, Ministry of Religion, Catholic Department, No. 6460/236 on 18 February 1927.

¹⁶ ASCG, Ministry of Religion, No. 3236 on 9 March 1928.

¹⁷ ASCG, fund 63/144 - No. 21616/31-XV.

their “promise” to the king in 1924. Newspapers, particularly *Zastava* and *Rad*,¹⁸ followed these cases closely.

Because they rejected the oath, all were arrested for “insubordination” and refusing to act as commanded. So, because of belonging to a sect, fifty of them were sentenced in Belgrade to severe prison time, some up to ten years. Some of these Nazarenes had already served prison time in the past, in Austro-Hungary. The daily *Zastava* on 18 September 1926 reports:

The military authorities have plenty of problems with conscripts, who are stranded or seduced by their “peaceful” preachers and “apostles,” so that they do not want to exercise or to take up weapons... By the order of the Minister of War all new believers of the older draft age are being invited to give a public statement on these issues. There will be a legal process against those who refuse arms.

Roughly 300 Nazarenes responded to a military reserves call and each one of them was sent to a military court. Only a few accepted weapons while the rest were tried and sentenced to ten years imprisonment. In March of 1927, a number of them were released, under the condition that they subjugate themselves to the king the same way that their colleagues did two years before. However, 109 of them still remained in prison (Stäubli 1928:21).

In the military district of Stari Bečej, military reserve training was organized for 10 September 1926, and 176 Nazarenes from this area were arrested. As in Zrenjanin, the draft calls were issued only to the known Nazarenes; others did not have to have “training.”

To understand the simple and open Nazarene attitude better, the case of Jovo Đukić from Gospo inci is quite educational. Đukić had received a military reserve call to report to his military regiment in Subotica along with 68 other Nazarenes in his area. Djuki was already gray haired and it was three days before his 50th birthday (military and reserve service were to be served until the age of 50). Instead of hiding for a few days, Jovo reported in as called and then refused to take up arms. He was sent to court.

The sentences pronounced were from four to eight years in prison, mostly to be served among actual criminals. A younger person from Sremska Mitrovica was medically discharged from the army four times and each time, a local commandant would cancel such a finding and send him to be drafted again. Finally, the commandant took away his file and medical reports and marshaled him to a unit under guard.

¹⁸ *Zastava* on the 18th, 21st and also on 25 September 1926; *Rad* on 16 November 1926 and 1 February 1927.

The following tragic story was published in a daily *Politika* speaking about three Nazarenes who in 1921 were sentenced to five years and eight months and then to a loss of all civic rights after release. They served their full prison term and in March 1927, they were included in the royal amnesty. They were given back their civic rights and, since one of these rights is military service, they were drafted to the army again and were again tried and sentenced.¹⁹

The newspapers of the day were filled with stories and court reports, some even protesting against such harsh treatment of these peaceful and otherwise law-abiding citizens. Some of the titles appeared in *Politika* from 18 February 1925; *Rad* 16 September 1926; *Vidovdan* 19 September 1926, *Zastava* 25 September 1926, *Politika* 3 October 1926, etcetera. One reporter commented: "All Nazarenes tried proved to be real Nazarenes."

The military regularly reported to the high command about the number and status of the Nazarenes in their areas of responsibility and plans were made for this "harmful sect" to be systematically discovered and destroyed. Particular attention was given to making lists of the Nazarene families with young men old enough for the draft, so that the government knew where "problems" might arise.

7. Visits from Switzerland

There were 17,000 Nazarenes in Yugoslavia at the time, but there were only 40 young men who were drafted annually as new recruits. A much larger issue was the question of the reserve army – there were around 3,000 Nazarenes in the 20-50 age group and they were all eligible for service.

After hearing about the situation, the Swiss delegation (representatives of *Evangelische Täufergemeinde*) came in January 1927. They first established the facts and found them to be true. In February, Prof. Bovet from Switzerland appealed to a Yugoslav delegation at the League of Nations meeting and, as it was noted elsewhere, more than 200 Nazarenes were pardoned by the King.

In the fall of 1927 the Swiss believers met with two Yugoslav army generals, Mihajlović and Jovanović, but did not come to any solution. The generals advised the Swiss to instruct the Nazarenes to finally accept taking up arms as the only satisfactory solution for the army (Stäubli 1927:37). One document from late 1927 shows that the Order 8765/1924 was still valid instruction on how to deal with the Nazarenes.²⁰

¹⁹ *Politika*, in the 5 August 1927 issue brings a report from the military court proceedings to the people who were found to be repeated offenders, being Nazarenes. Two were sentenced to 11.5 years, ten years for refusing to bear arms, and an additional year and a half for being a Nazarene. One was sentenced to a total of ten years, and one young recruit received six years.

²⁰ ASCG, Letter from the Ministry of Religion to the Seat of the Royal Court in Varaždin, No. 16,919 on 30

Certain Nazarene families with more than eight children tried to solve this situation with the authorities by asking for permission and documentation to emigrate, mostly to Canada and a smaller number to Argentina. Only a small number of requests were accepted.

During the May 1928 League of Nations meeting in Brussels, three Swiss delegates came into a confrontation with the Yugoslav delegation. The Yugoslav delegates were adamant that there was no persecution on religious grounds. The Swiss delegates then circulated a secret army document from 1926 which led to great dissatisfaction at the plenary meeting. However, this also did not affect the situation.

In 1928, there were 72 court decisions in which Nazarenes, who were already imprisoned for five years and serving, were sentenced to an additional ten years. Some of these died in prison.

8. The new constitution

In spite of all attempts in the country and from abroad, there was no relief of the situation. The new constitution continuously supported the state stand: "Civil and political liberties are independent of a confession of faith. No one can be released from citizens' and military responsibilities and duties which invoke regulations within one's own faith."²¹

Although there is no record of the success of such appeals, in 1930 the Danube prefecture made a revision of the sentences made by district superintendents and some lower level courts. All sentences were relatively minor: short detentions (40 days), fines and forced labor, and they were all proclaimed invalid on technicalities and cases returned for revisions. They affected 62 Nazarenes in Ilok, 40 Nazarenes in Kula and 31 Nazarenes in Novi Bečej.²²

The state found it acceptable to admit technical and administrative errors of the lower courts and to cancel detentions, forced labor and fines, but complaints about Nazarenes being sentenced to long-time imprisonment did not produce any effect and their sentences were not altered.

The WRI Archive contains three listings of the Nazarene prisoners in Yugoslavia, one from 1934 with 31 names and the second with 28 names. The third listing is from 1936 and has 251 names, their sentence, number of children they had and the prison where they were detained. The shortest sentences were seven years while

December 1927.

²¹ Constitution of the Kingdom of Yugoslavia 1931.

²² AV F-126.II-6145/1931. Pov. K. No.: 278/30 on 13 January 1931. Further correspondence shows that the local administration consistently asked for explanations and answers to these questions, up until the end of May 1931, with no response being archived.

the majority were serving ten years²³ in the following prisons: Sremska Mitrovica, Požarevac, Zenica, Petrovgrad (Zrenjanin), Sombor, Zagreb, Vinkovci, Lepoglava, Pančevo, Beograd, Zemun, Šabac, Valjevo, Niš and Skoplje.²⁴

9. The New-Nazarenes

As soon as the formal prohibition of this activity was proclaimed in 1924, some individuals had second thoughts as to whether Nazarenes should still serve in the army to prevent severe prison sentences. In 1927, the government informed the lower authorities that the movement of the division among the Nazarenes was gaining momentum and that Nazarenes were fighting internally over issues of buildings and followers. The state should, it emphasized, support the so-called New-Nazarenes by tolerating their activities and allowing them to use the previously closed buildings for church services.

The first Nazarenes who yielded on the issue of an oath and the taking up of arms were young recruits from Beška, Nova Pazova and Stara Pazova. When they saw their elders trying to find the best solution for the issue of an oath to the new state, they realized that this was actually a matter that could be resolved locally and decided not to remain in prison for years and, instead, accept military duty.

In a 1936 book published in Belgrade by an anonymous author "Hadžija", the high moral ground of some of the elders was questioned; they were, apparently, involved in moral disputes and suspicious decisions themselves. A number of cases listed show the unscrupulous behavior of some individuals, ranging from financial dishonesty to sexual misconduct, lying and hiding the truth. Some cases testified about the power struggle amongst the elders. In addition to the above, the author also criticized the then recent desire to have a better, more comfortable life, which sprang up after the end of the Great War.

The reason for this book was most likely the excommunication of a number of young Nazarenes who swore an oath. The author further criticized the older elders who allowed young recruits to be sentenced to long prison terms, even encouraging them to do so while they themselves found excuses and continued to live uninterrupted lives, remaining in authority. At a meeting with the military, even the officers wanted to learn why the Nazarenes were punishing those among them who swore an oath and took up arms (Hadžija 1936:3).

²³ In an article published in 1990, one of the old Nazarenes, born in 1907, spoke about his prison time in pre-war Yugoslavia. Because he refused to serve in the army, Ranko Nedeljko served nine years in prison (Jeftić 1990:83).

²⁴ AWRI, folder 420 - "Verzeichnis," "Letter to General Pera Zhivkovitch on 29 November 1930," "Letter from H. Ruhnam Brown to a 'Dear Friend' on 19th November 1930."

10. After the King's death

After the assassination of King Alexander in 1934 in Marseille, France, the Yugoslav government asked its subjects to swear an oath of allegiance to the new king, under-aged Peter II. This created a host of problems for the Nazarenes and trials and persecution began again. The New-Nazarenes, however, decided to take the oath and this brought new divisions among the brethren, this being only several years since the 1924 shift had been silenced. This group of Nazarenes contacted the Ministry of War in October 1935 promising that their recruits would swear the new oath.

The New-Nazarenes served in the military and, as a result, were expelled from their religious communities. When they would return and repent, they would be baptized again and accepted back in local churches. This praxis caused a sharp reaction from the Nazarenes who spent many years sitting in prisons in defiance of the authorities. While they were still in jail, the repented New-Nazarenes were living freely among the faithful, working and raising families.

However, many of the New-Nazarenes, when they returned from army service and learned that they were expelled from churches and could not be accepted back in a "full member capacity" insisted that the authorities return them back to the churches, even by force. Using such cases as a reason, the state closed a number of Nazarene churches (Nenadov 2006:8-9).

In 1936, Danilo Velker, a New-Nazarene elder wrote to the Ministry of the Interior asking that Nazarene churches be closed, "since they freely meet and judge us who are subjugated to the authorities and permit our young men to accept arms. They mock us and cause us much grief and damage. We, who accepted the military and civic laws, have to report each of our meetings to the local police and pay a tax of five dinars to the state and five dinars to the municipality, while the old Nazarenes pay nothing to anyone and freely meet."²⁵

Using such an opportunity and correctly evaluating its effects, the Ministry of the Interior wished to assist the situation in such a way that would permit the New-Nazarenes to meet and open their houses of prayer. The New-Nazarenes had a right to meet at private homes and only if such a meeting was previously reported to the police. Only existing members were allowed to attend. Although restrictive, this decision was a step forward in permitting Nazarenes to act, if only within their communities. For all others, the old Order 8765/1924 was still valid.²⁶

Many such pressures from the state, from the general public, and the mistakes of the Nazarene elders brought individuals to turn to other religious communities and others to return to their original confessional communities. During the 1920s and

²⁵ AV, F-126.II-6145/931. Document 39,292 on 31 December 1935.

²⁶ ASCG, Ministry of Interior. Department of State Security. Pov. I No. 1647 on 24 January 1938.

1930s, many of them became Adventists or Pentecostals, as was the case with one new group founded by two brothers from a Nazarene family (Steele 1995:25-40).

11. Conclusion

The Nazarene movement remained a secret to the state, which did not make an effort to understand this religious community and its faith system. In each case, repressive measures were employed and the state used the school system as well as its military and judicial networks to try to make Nazarenes cease their dissent.

In order to stop and destroy the Nazarene movement, the state authorities created a joint effort. The Ministry of Religion would make decisions, some even illegal and with no foundation in law, and then ask the lower authorities to put them into effect. These regional offices, superintendents, prefects and mayors, used the local police and gendarmerie. In all that, the Army had a say, particularly concerning court cases and other forms of punishment. The Ministry of Justice also played a role.

A split among the Nazarenes left marks not only on their internal relations, but on their growth and development as a religious community. In some cases, there were departures and disappointments, with the state accomplishing what it intended in the first place. The Nazarene movement lost in this unfair struggle with the state.

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Reflections on the psychological stressors and issues that children of believers from Muslim backgrounds face

Developing a framework for a better understanding of the relevant issues

Daniel Ong¹

Abstract

This article reflects on legal, missiological, criminological and psychological documentation and experiences that believers from Muslim backgrounds (BMBs) face. Conclusions drawn from these areas help develop a framework to understand some of the psychological stressors and issues that children of BMBs face within the state schooling system and their community. Practitioners such as human rights and advocacy specialists, missionaries and counsellors could benefit by reflecting on these issues. The main contribution of this article is the novel way in which it ties the various issues into a four-pronged, holistic framework surrounding a child's identity to augment clarity of discussion, research and intervention.

Keywords Stressors, religious registration and education, Muslim, identity, psychology, human rights, children.

1. Introduction

...the issue to which many participants (BMBs) pointed as the single greatest challenge in living their lives as converts: the question of raising children as Christians, or perhaps more accurately considering the social limitations on religious conversion, second generation converts. Kraft (2007:168 parenthesis added)

Children of BMBs in Middle Eastern and North African countries face added challenges to their psychological well-being and identity as compared to children growing up in Western countries (cf. Kraft 2007:168). To help us understand their unique challenges, we must first be acquainted with Islamic and Muslim culture.

¹ Daniel Ong (*1972) is a pseudonym for a pastor and missionary working with his wife in the Arab world. He has a PhD in a social science discipline. This article emanates from a much longer unpublished report by the author in 2011 for Middle East Concern (MEC), a Christian human rights and advocacy organization. The author is thankful to the faithful and tireless staff of MEC for their support and the indispensable work that they are engaged in. Article received: 14 June 2012; accepted: 27 November 2012. This article uses UK spelling. The author can be reached via the editors.

In Middle Eastern and North African cultures, the needs of the group, be it the family, extended family, community or nation, take precedence over the needs of the individual (Emetuche 2010). Moreover, Islam is viewed as a total system covering the whole life, affecting all aspects of life, both private and public. In sharp contrast, Western cultures generally place the needs of the individual before the needs of the group. Therefore, individual choice is respected subject to it not removing the rights of other individuals. Religion is generally viewed as a private matter (cf. MEC Legal Documents 2005 and Emetuche 2010.)

While many countries in the Middle East and North Africa (MENA) have ratified or acceded to International UN Instruments such as the *Universal Declaration of Human Rights* (UDHR 1948) and incorporated into the *International Covenant on Civil and Political Rights* (ICCPR 1966) granting freedom to the individual and choice of religion, the actual situation in Islamic countries does not in most cases reflect this. Although there is variation in the ideology and practice of Islam in such countries, Middle East Concern (MEC) summarises the real life legal and practical issues that BMBs and their families face daily (MEC Legal Documents 2005: Ch. 2.8):

In some countries, there is an official religious registration of each citizen, and access to some services, including recognition of marriage and state provided education, varies according to the registration. Further, conversion to Islam, and hence services for Muslims, is recognised but conversion from Islam to another faith is not.

In other countries, there is the assumption that all citizens are Muslims and therefore Islamic religious practices are enforced on all citizens, notably concerning marriage ceremonies, the religious education of children and death rites.

In other words, for most countries in MENA, once you are born a Muslim, or have converted to Islam, it is not possible to change your religion officially. This inflexibility, which is a violation of fundamental human rights, has significant ramifications for children of BMBs. And children especially feel the brunt of this violation whilst attending public schooling (cf. MEC Legal Documents 2005 and Education Project 2006).

We will look at this issue in greater detail in the next section of the article, titled *First prong: Stressors of religious registration and education on children*. And in particular, how it can affect a child's psychological well-being and identity. The recommendations for continued human rights and advocacy work, and documentation of these stressors are suggested at the end of the section.

In the following section, *Second prong: The parental buffer*, we shall see that as primary care-givers, believing parents are able to play a significant role in ameliorating the impact of religious registration and education, as well as other family and community pressures on their children. The recommendations that arise from

this section are significant for missionaries, counsellors and life coaches working with BMBs.

In *Third prong: Individual differences*, psychological literature tells us that children react differently to parenting and cope differently to the stressors of attending state schools and living in their community. The recommendations for sustained prayer and social support from significant others, including missionaries, are suggested.

In *Fourth prong: Long-term psychological outcomes*, we shall explore some of the possible long-term observable cognitive (mental), affective (emotional) and behavioural reactions of these children growing up in the Islamic world. It is suggested that psychologists, counsellors and other child specialists who understand the cultural sensitivities and structural issues are able to contribute significantly to their overall well-being.

In *Summary and conclusion*, we will present the four prongs of our framework surrounding a child's identity in a pictorial diagram. Strengths and limitations of the article and suggestions for future research will be discussed.

2. First prong: Stressors of religious registration and education on children

To reiterate, in many countries across MENA, people have a religious registration assigned to them at birth, normally that of their parents. Their religion is recorded in legal documents such as birth certificates, identity cards, passports, marriage certificates and death certificates (e.g. Country Report on Egypt 2010). Conversion to Islam is recognised, but conversion from Islam to another faith is forbidden.

In other countries, there is an assumption that all citizens are Muslims and are therefore subject to Islamic regulation and practice without exception (cf. MEC Legal Documents 2005).

Many legal and practical problems consequently arise when Muslims and their families decide to follow Jesus. Four main problems that directly impact children of BMBs are listed below (cf. MEC Legal Documents 2005: Ch. 1). These form the backdrop issues as we look at the stressors that children of BMBs face as a result of religious registration and education within the state schooling system. These stressors can in turn affect a child's psychological well-being and identity.

2.1 Raising children

Children born to a Muslim are considered to be Muslims. This also applies in situations where only one of the parents is a Muslim, regardless of which partner is Muslim and the faith of the other partner.

In situations where both parents are converts to Christianity and have been unable to change their religious registration, their children will be legally regarded

Stressor 1: Curriculum	Stressor 4: Collateral concerns
<ul style="list-style-type: none"> History is taught ranging from Islamic bias to clear intolerance of other faiths (e.g. Saudi Arabia). Arabic used in instruction saturated with Islamic language. Taught to segregate people based on religion rather than civic integration. 	<ul style="list-style-type: none"> Unable to go to private schools because of lack of money.
	Stressor 5: Religious registration
Stressor 2: Religious education	<ul style="list-style-type: none"> Children are officially registered as Muslims in schools even though they might be children of BMBs.
<ul style="list-style-type: none"> Compulsory Islamic education – forced memorisation of verses from the Qur’an, many from a young age. Islamic bias against Christianity. Muslim classmates totally ignorant of the Christian faith. 	Stressor 6: Community discrimination
	<ul style="list-style-type: none"> Public schools singling out children of BMBs. Evicted from university hostel because of faith.
Stressor 3: Education structure	Stressor 7: Physical confrontation
<ul style="list-style-type: none"> Unable to go to Christian schools – must go to state schools. Not permitted to be excused from school during Christian feasts. Some able to opt out of Islamic classes but have no alternative option (e.g. Turkey). 	<ul style="list-style-type: none"> Verbal and physical abuse experienced in school.

Table 1. Stressors children of BMBs experience in the state schooling system

as Muslims. This creates expectations over dress code and attendance at places of worship, and leads to harassment and discrimination in schools.

2.2 Divorce and custody

Islamic law allows a person to divorce should their spouse convert from Islam to another faith. Indeed, some interpret the law to mean that the marriage contract is automatically broken irrespective of the wishes of either partner. Moreover, Islamic law states that non-Muslims cannot act as protectors to Muslims. Therefore if the parties to a

mixed religion marriage are divorced, the children must be raised as Muslims and legal custody is granted to the Muslim partner irrespective of other considerations.

2.3 Inheritance

Islamic law does not allow a non-Muslim to inherit from a Muslim. Furthermore, a convert from Islam is deemed to lack the capacity to inherit from others and his or her property falls to the state.

2.4 Religious education

The school registers the religion of the child in accordance with the documents submitted at the time of enrolment. If one of the child's parents is legally regarded as a Muslim then the child is regarded as being a Muslim. Therefore, in many countries the children of Christians who have converted from Islam will be educated as Muslims because the religious registration of their parents cannot be changed.

The legal and practical issues that children of BMBs face as a result of the above problems are wide-ranging and complicated. In this section of the article, we will however concentrate on educational issues surrounding the state schooling system. As MEC (Annual Report 2010:29) informs us, "education issues are very significant to the long-term well-being of Christian communities. . . BMBs across the region tell MEC that education of their children is among the most significant issues they face."

Also, MEC (Education Project 2006:8 parenthesis added) points out that one of the fundamental freedoms to which all members of the UN, including countries in MENA, have agreed to be bound to is "the right to freedom of religion, and in the context of education in the Middle East (and North Africa), it is this right that is most frequently and systematically violated."

2.5 Stressors, psychological well-being and identity

A detailed examination of a range of documents and case files that MEC has produced has revealed seven clusters or groupings of stressors that children of BMBs possibly face in state schooling systems of the MENA region (Education Project 2006; Country Report on Egypt 2010; Annual Report 2010). It is important to note that not every child experiences all these stressors at any given time. These stressors are country, location, school and situation specific. Table 1 lists these seven stressors with examples to aid comprehension. Interestingly, within limits of analogy, one could say that the experiences of children of BMBs in many ways parallel the experiences of inmates serving prison sentences. Such people are seen and labelled by the state as deviant. They are incarcerated in an environment that they are unable to leave. The prison environment is often antagonistic and threatening to an individual's self-esteem, psychological well-being and identity.

ALIENATION	HOPELESSNESS
ANGER	HUMILIATION
ANXIETY	IRRITABILITY
BETRAYAL	LONELINESS
CONFUSION	LOSS OF CONTROL
DEPRESSION	LOSS OF SELF-ESTEEM
FRUSTRATION	STRESS

Table 2. Possible psychological effects of stressors on children of BMBs

In a very real sense, many children of BMBs are trapped or imprisoned in their environment. They are unable to escape their Islamic surrounding which is often antagonistic to their Christian beliefs and that of their parents. Children who choose to believe in any religion other than Islam are seen as deviant (cf. Kraft 2007 Ch. 7 and 8). And if discovered, are labelled accordingly. These seven stressors have the potential to negatively impact and assault a child's self-esteem, psychological well-being and identity.

To empirically verify the impact of these stressors, a series of studies will have to be conducted including a control study of the normal psychological development of school-aged children in MENA. Erikson's (1968) seminal work on identity of youth and crisis provides a good theoretical basis. Also, findings from prior research examining the association between ethnic identity and self-esteem and adjustment will prove invaluable to understanding the impact of these seven stressors on children of BMBs (e.g. Phinney & Alipuria 1990 and Harel-Fisch et al 2012).

Drawing and extrapolating research findings from psychological and criminological literature that examine the psychological effects of imprisonment on inmates, Table 2 lists some of the possible psychological effects that these stressors of religious registration and education can have on children of BMBs (cf. for example Biggam & Power 1997; Dingwall & Harding 2002; Rokach & Cripps 1999; Temin 2001 and Wooldredge 1999).

2.6 Recommendations

Every child in MENA regardless of sex, creed and religion has a fundamental right to grow and mature into adulthood without feeling discriminated, marginalised and coerced into any belief system and social structure. Moreover, Article 26 of the UDHR (1948) states that "parents have a prior right to choose the kind of education that shall be given to their children."

MEC sees structural issues such as religious registration and compulsory religious education as root causes of human rights violation that continue to pose serious challenges to BMBs, the psychological well-being of their children, and the growth of the church.

It is imperative that human rights and advocacy work continues for the MENA region. Specifically, it is recommended that:

1. The wider church continues to educate their congregations about the structural and symptomatic issues that BMBs and their children face (Annual Report 2010);
2. Resources and finances be made available so that advocacy work can continue;
3. Psychologists and other trained clinicians document and verify the stressors and psychological impact that religious registration and religious education can have on children of BMBs.

3. Second prong: The parental buffer

Children of BMBs face unique and difficult challenges to their psychological well-being and identity as they grow up in the Islamic world, and particularly whilst attending school. The solution however is not to extract them out of their environment and relocate their families overseas, and especially to Western countries, unless of course there is an immediate physical threat to their lives. MEC sees this option as the last resort. Extraction is not helpful because it (1) removes Christian witness, (2) does not grow the local church, (3) avoids challenging underlying structural issues and (4) destroys the essential extended family and community bonds crucial to the identity and well-being of BMBs (cf. Emetuche 2010). Furthermore, relocation is a very stressful event for children, with the exception of the very young (i.e. infants and toddlers).

Regarding the fourth point, ironically, it is often these important relationships that are also a source of major stress to BMBs and their children. Kraft (2007:182) mentioned that the two main issues complicating child-rearing for converts in the Arab world are government religious identification, that is, religious registration and education; and family pressure. Most extended families and communities would be outraged to discover converts. Islamic law allows children to be forcibly removed from apostate parents and this has and continues to happen in practice up to the present day (cf. MEC Legal Documents 2005: Ch. 1 and Annual Report, 2010)!

There is no panacea for the challenges of BMBs and their children. However, if believing families are still to remain in their communities and we accept the assumption that extraction and relocation to a foreign country is the last resort, then we must as the wider church do what we can to assist our brothers and sisters and their children to be a viable witness and to live and ultimately be accepted by their communities.

It is the assumption of the article that despite the difficulties, as primary caregivers, believing parents, with God's enabling and the support of the wider church, are able to play a significant role in ameliorating the impact of religious registration and education, as well as other family and community pressures on their children. This article has identified four areas in which we can assist them.

Four areas of assistance to believing parents

3.1 Biblical foundation and application

Muslims who choose to follow Jesus enter their new life with the theological baggage they inherit from Islam. So, in our context, the more believing parents are assured of their faith and practice, the more they are able to support, encourage and teach their children to follow Jesus despite the contrary information, beliefs and practices their children observe in school and elsewhere (cf. Emetuche 2010 and Dutch 2000).

If missionaries are able to assist BMBs in developing a strong biblical foundation and application in an encouraging, open and consultative environment, rather than a top-down approach, this will assist BMBs not only with the necessary theological tools but also an open method of instruction that is conducive to help them raise their children as second-generation believers.

3.2 Contextualisation

Extraction in Muslim evangelism and discipleship contexts refers to the abandonment of Muslim tradition and culture after conversion to the Christian faith (cf. Emetuche 2010:7-8).

Thankfully, mission work is progressing beyond traditional colonialist, mission-station extraction-type approaches. In missionary circles, there is a general agreement for the need of contextualisation for BMBs and their children to remain within their culture and communities (cf. for example Cumming 2009 and other recent articles about the contextualisation of believers from Muslim backgrounds at the Lausanne.org website).

Indeed, missionaries have noted two "flash points" that galvanise community opposition to BMBs (cf. Dutch 2000 and Cumming 2009). The first is the visible adoption of Western Christian practice. These include erecting a church building, adopting "Christian" names, eating foods that defile, and disrespecting the Qur'an and Muhammad.

The second, especially for Muslim leaders, is whether BMBs continue to practice the moral and ritual requirements of the Muslim community with which they identify.

Missionaries need to acknowledge their influence and consequently their responsibility in the lives of BMBs. Their instruction not only in biblical doctrine and application, but also their views about culture and contextualisation can significant-

ly and positively influence the way BMBs view their role and place in their societies. This in turn can have a profound impact on the way parents instruct their children and how these children cope with stressors in school and their community.

The goal is to assist families to remain in their culture and communities as far as possible without diluting the essence of the Gospel. BMBs ultimately need to work out for themselves where the limit of contextualisation is for the sake of their identity, the psychological well-being of their children and witness in their communities. At the same time, missionaries need to work out where their boundaries lie in suggesting and imposing limitations to contextualisation.

3.3 Life skills

A missionary with over a decade of experience working with BMBs in Central Asia recently told me that missionaries often make the assumption that when Muslims choose to follow Jesus, their previous life, struggles and issues are wiped clean. It is as if they start with a clean slate, *tabula rasa*. Yes, their sins are forgiven, and the Holy Spirit may miraculously deliver them from certain conditions, but for most, the rebuilding of their lives in Christ require BMBs to systematically address past emotional issues, addictions and even demonic bondages. This is over and above the theological baggage they bring from Islam. To use a house analogy, the person may have given the key of the main door to Jesus, but they have not cleaned out or yielded individual rooms over to Him.

It is in this area where trained Christian counsellors, practitioners and prayer-healing ministries can contribute significantly to either train missionaries to address such issues directly or run clinics and workshops where BMBs can attend. It is unlikely that past issues will be addressed over a few sessions. It is often an ongoing journey with the BMB (cf. Register 2009:52).

As the wider church, we are able to help not only BMBs deal with past issues, but we can also coach and assist them for current and future challenges by providing them with necessary life skills and sharpening their existing ones. The caveat is that as we intervene in the lives of BMBs, we need to make sure that the atmosphere is consultative, encouraging, open, and not coerced. Furthermore, we need to be culturally sensitive and mindful of the specific challenges they face in their situation and community.

Indeed, past research has shown a positive correlation between life skills coaching and building positive self-esteem and self-confidence (cf. Green 2011 and Oztas 2010). Psychologists, counsellors, child specialists, life and business coaches are once again able to equip missionaries or run clinics and workshops where needed.

Some possible areas of life skills coaching that might be useful include: Stress management; Conflict resolution; Marriage enrichment; Boundaries; Healthy living; Financial management; Business and work and Effective parenting.

In regard to effective parenting, possible areas of coaching include: Delayed gratification; Sharing; Discipline; Conflict resolution and Creative thinking.

Dealing with past issues and assisting BMBs to acquire and sharpen their life skills in culturally appropriate ways should contribute significantly to them being able to handle the challenges and stressors of life. In turn, they will more likely be able to instruct their children not only to cope, but even thrive against the backdrop of stressors they face in school and their environment.

3.4 Role-modelling

With God's strength, missionaries must continue to strive in humility for authentic living amongst Muslim communities. We must practice what we preach. Also, as we help BMBs grapple with their cultural identity within their communities, we need to constantly examine our own assumptions and prejudices, and make the point to actively engage with the issues of contextualisation by reflecting on our own experiences, reading, attending seminars and discussing with others. We must be prepared to be flexible with our ideas and methodologies. The importance of the discipline of critical or self-reflection in either ministry or human services – as a reflection on how practitioners “help” people – cannot be overstated and is now a developing sub-field (cf. for example White, Fook & Gardner 2006).

Role-modelling does not mean that we require missionaries to be perfect. However, it demands that missionaries must strive to be open, real and even vulnerable to the people to whom they are ministering. Role-modelling works both ways. Missionaries should also be willing to learn from their BMB broth-

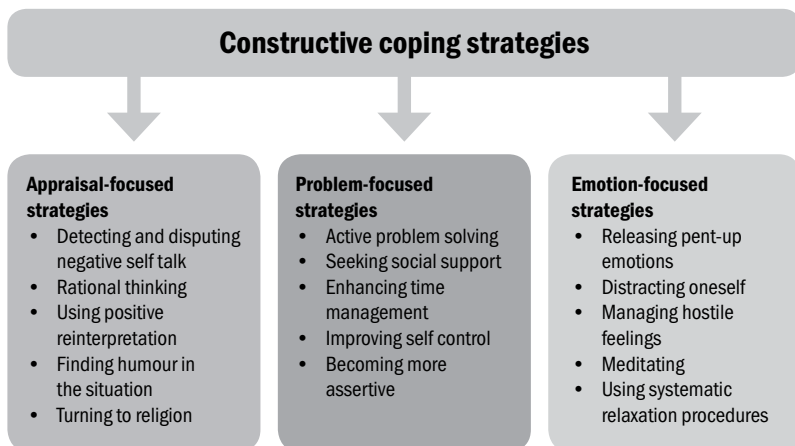


Figure 1. Constructive coping strategies

ers and sisters. In addition, they must be prepared to keep learning and growing in all areas of their lives. Then, they will be in a better position to assist BMBs and their children to face the various challenges and stressors of living in the Islamic world.

4. Third prong: Individual differences

4.1 Discussion

Children of BMBs face numerous stressors to their psychological well-being and identity as a result of religious registration and education, as well as other family and community pressures. This is over and above the normal developmental challenges that a child from the West would typically face.

It would however be simplistic to assume that every child will react negatively to these stressors and become maladjusted and damaged in some way. The ability to cope is also determined in part by the intrinsic coping mechanisms of each child.

Considerable effort has been made in regard to coping theory and research (cf. for example Lazarus 1993 and Carver & Connor-Smith 2010). Psychologists Weiten and Lloyd (2006: Ch. 4) in their book provide a useful summary of the findings. They define coping as “efforts to master, reduce, or tolerate the demands created by stress”. There are three general points for consideration:

1. There are many different ways of coping;
2. Individuals have unique styles of coping; and
3. Coping strategies vary in their effectiveness.

Less useful coping patterns include giving up, striking out at others, indulging or blaming oneself and using defensive mechanisms.

In contrast, constructive coping refers to “efforts to deal with stressful events that are judged to be relatively healthful.” The authors list three broad categories of constructive coping strategies, based on past research, shown in Figure 1.

4.2 Recommendations

As we consider the stressors of religious registration and education, and community on children and the buffer that their believing parents are for them, we need to understand that children are not passive agents who only react to their environment. Children respond and cope differently to stressors and parenting because of individual differences (cf. Gleitman 1995; Shaffer & Kipp 2010; Sigelman & Rider 2009; and Weiten & Lloyd 2006).

In view of this, it is recommended that:

1. We pray regularly for children of BMBs, that the Lord will strengthen and give them healthy coping strategies as they go to school and live in their communities;

2. We pray for parents of BMBs, that they will develop good coping strategies and be aware of their less effective ones so that they may recognise the positive and less positive patterns in their children and help them accordingly;
3. We pray for BMB fellowships to meet regularly to provide support to each other;
4. Missionaries continue to emotionally support and encourage believing families. Missionaries and their families can become significant others and provide BMBs with a temporary emotional haven when they meet while bearing in mind potential issues of co-dependency (cf. Register 2009 and Hemfelt, Minirth & Meier 2003); and
5. Psychologists, child-specialists and life coaches are able to further equip missionaries and BMBs in working out culturally-sensitive constructive coping strategies. For instance, missionaries can receive training – such as Sharpening Your Interpersonal Skills – SYIS – on how to emotionally and psychologically support BMB families.

5. Fourth prong: Long-term psychological outcomes

For children of BMBs, attending school in the Islamic world is stressful. In addition, they face other stressors at home and in the community they live in. Yet believing parents are able to provide some protection and buffer for them, especially if they are well supported. We have also seen that children react differently to these stressors because of individual differences.

The stressors, parental buffer and individual differences interact concurrently with the self-identity of children as they negotiate and renegotiate who they are, including their sense of worth (Gleitman 1995 and Weiten & Lloyd 2006). Only time will tell whether they will grow up to become well-adjusted adults, who have learnt to cope and even thrive in a challenging environment.

It is perhaps easier to define or at least consider what is not healthy. There are some long-term cognitive, affective and behavioural reactions that we can observe in children to get an indication of their overall psychological well-being in relation to the stressors they face. Unregulated and sustained maladaptive thinking, emotions and behaviours can lead to long-term mental, health and social problems (cf. Shaffer & Kipp 2010; Kraft 2007 and Gleitman 1995).

Cognitive adjustment – How well are children developing mentally? One area we can observe is their ability to handle ontological relativities. Simply put, can children come to terms with conflicting belief systems like Islam and Christianity? Are they able to cope with what is taught in schools as opposed to what they are taught by their believing parents? Are they stressed? Does information overwhelm them very easily? Are they able to deal with issues that have “grey areas” or clearly only those that are “black and white”?

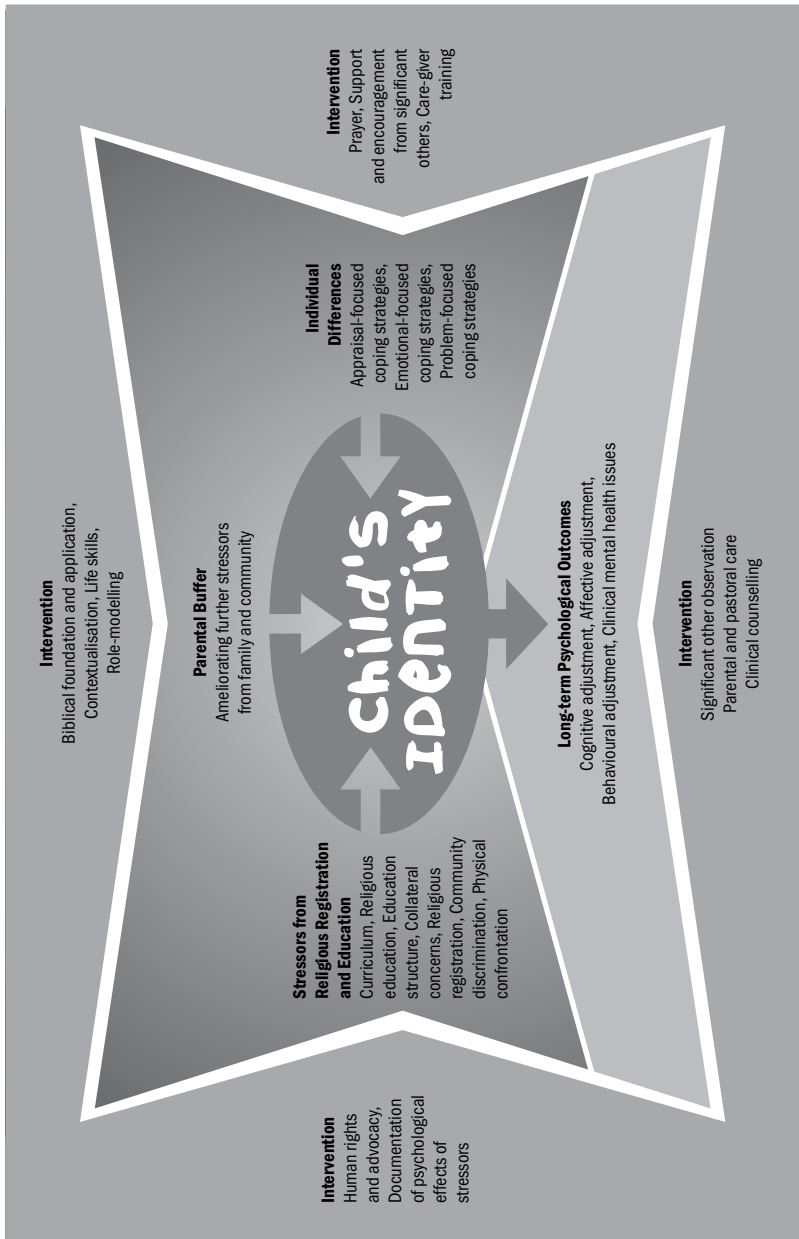


Figure 2: Framework of psychological stressors, issues and interventions in relation to identity of children of BMBs

Affective adjustment – How well are children developing emotionally? What are their reactions toward people who impose their belief systems or bully them? Do they have any compassion for them or only strong emotional reactions like anger or hatred? Can they forgive others? Do they have empathy for other people who are also marginalised?

Behavioural adjustment – How well are children exhibiting behaviours that are age appropriate? Are there any regressive behavioural patterns indicating extreme stress? For instance, do they regularly wet their bed or have sleeping difficulties? Another area to observe is their conflict resolution ability – do they always need to win arguments, withdraw or seek to have a workable compromise with others? In terms of relational connectedness, do they appear engaged or detached from their immediate and extended families or culture?

This is an area that can be very difficult for BMBs. Being an “honour and shame” society, their children experiencing clinical mental health issues may be labelled “crazy” if they receive professional intervention. This can bring a lot of embarrassment to the family. Specialist support with high discretion and cultural sensitivity is recommended (cf. Al-Krenawi and Graham 2000). Also, more research is required to examine and document the range of clinical issues impacting children of BMBs and what culturally sensitive interventions may be offered. With awareness and training, parents and significant others like missionaries are able to look out for signs of stress and lack of coping in children.

6. Summary and conclusion

One of the greatest issues facing BMBs is that their children are made subject to Islamic religious education and an education schooling system that is biased significantly by Islamic ideology and practice (cf. MEC Education Project 2006:6).

We need to continue to politically and legally challenge these affronts to the dignity and fundamental human rights of BMBs and their families. We can do this by tackling structural issues such as religious registration and education and by providing assistance to individuals.

Children also face pressures within their community and neighbourhood. They are assumed to be Muslims. They are expected to participate in Islamic religious activities. Apostasy is viewed very seriously and children and their believing parents can be severely penalised.

If parents who contextualise their faith, are seen by their community as still accepting of their Muslim culture and heritage, if they are not antagonistic or disrespectful to Islamic religion and tradition, it is possible for them to co-exist and be tolerated by their Muslim counterparts. Parents are also able to ameliorate some of the stressors that their children face in school and their community by gently in-

structuring them about the differences between the two religions, how people practise Islam and react to their own beliefs in Jesus.

With continued prayer, encouragement and coaching from parents and significant others such as other BMBs and missionaries, children are able to develop healthy coping strategies and identities to address such challenges. For those who are not coping well, specialist support from psychologists and counsellors who are discerning about the stressors and cultural issues may be needed.

We have discussed these issues in detail in the different sections of the article. Recall that the discussions and corresponding recommendations were organised into four prongs of a framework surrounding a child's identity. Figure 2 provides us with a pictorial representation.

One of the strengths of this suggested framework is that it examines a child's identity at multiple levels. It looks at individual factors, the influence of the immediate family (i.e. parents), the impact of the extended family and community, as well as wider structural issues such as religious registration and education.

Furthermore, it brings together research and experience from multiple disciplines such as law, missiology, criminology and psychology that are needed to document, explain and address such complicated issues.

In practical terms, the framework provides psychologists, counsellors and child specialists with specific ways of both short and long-term contribution. It assists human rights and advocacy specialists to be aware of the possible psychological effects that structural inequalities and discrimination can have on the well-being and identity of BMBs and their children. The framework also challenges missionaries to refine their skills and have greater awareness of the wider structural and cultural issues involved in discipling BMBs beyond traditional theology and ecclesiology.

On the other hand, one of the limitations of the framework is that it simplifies the issues, for example, the influence of the immediate family. There was no discussion of the influence and support of siblings. The article focused only on the parent-child relationship. The influence and support of other BMBs was also only briefly addressed.

This was intentional, however, in order to keep the discussion manageable. The goal was to provide practitioners with a relatively simple and usable framework to observe and understand the general issues, and in turn, develop intervention plans. A balance was sought to keep the framework simple and yet incorporate enough detail. Feedback and discussion are welcome to discuss the validity of the issues raised within the four prongs. Do others also consider them key issues? Are there other important areas that have been left out?

Another limitation is that in discussing psychological interventions like life skills training and the development of healthy coping strategies, there is an implicit assumption that such interventions are somewhat universal to the human condition.

The difficulty is that we are using psychological terms and definitions based on Western research. We inevitably make value judgements about what is considered normal and abnormal, healthy or unhealthy.

In defence of the framework, although I was trained in a Western university, I nevertheless come from an Asian background. Hence, I have sought to include psychological analyses and recommendations that appear, in my opinion, to be more universal and not culturally limited to the West. Of course this is still subjective and debateable. More research and commentary are needed. In the brevity of non-Western psychological literature, at least this is a beginning. Clinicians and practitioners from a non-Western background, and especially Muslim background, are able to give further constructive comments.

Finally, the recent Arab spring uprisings tell us unequivocally that the need for human dignity and personal freedom are universal goals, including people living in the Islamic world. There is only so much injustice and abuse that people are able to tolerate. It is hoped that the same deep desire for respect, dignity and choice that followers of Islam insist upon will also be extended to BMBs and their families. God is sovereign and only He can cause people group movements toward our Lord Jesus Christ. The church nevertheless has a responsibility to look after people in need and respond to injustices and inequalities. Every child in the Muslim world regardless of religion should have the opportunity to grow in an environment that minimises unwarranted fears and oppression. In particular, we must continue to persevere to increase awareness, address the structural issues, and improve our interaction and assistance to BMBs and their children. May we intervene with compassion, respect and cultural sensitivity. It is hoped that this article has actively contributed to this.

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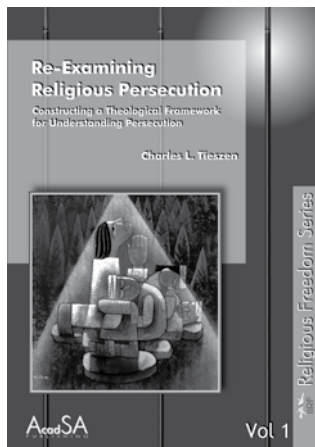
Re-Examining Religious Persecution

Constructing a Theological Framework
for Understanding Persecution

Charles L. Tieszen

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

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



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

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

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

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

Theological education in the context of persecution and economic hardship

Focus on TEE in Central Asia

Anneta Vyssotskaia¹

Abstract

This article examines the issue of theological education in the context of persecution and economic hardship. The author focuses on theological education by extension (TEE) as a key tool for the theological education of the persecuted and economically poor believers in the Central Asian countries that were once part of the USSR. The traditional TEE components suit the needs of the churches in that region allowing to flexibly provide continuous theological education in a difficult and challenging persecution context. The low cost of producing TEE study materials makes them a good solution for the churches experiencing economic difficulties.

Keywords Theological education, persecution, economic hardship, theological education by extension, TEE, Central Asia.

1. The responsibility of the church for the theological education of all believers

God gave his written word, the Bible, through his prophets to his church to instruct the believers of all generations in his truth. It is very important for every believer to know and study the word of God, to be able to interpret it in a theologically correct way and to also apply it in all areas of daily life (2 Tim 3:16, 17). Therefore, one of the major responsibilities and tasks of the church, which helps to ensure the preservation of sound Christian teaching both now and in the future, is to provide appropriate theological education to all church members from new believers to church leaders.

The leaders of the global evangelical community see the crucial role of theological education in strengthening and accompanying the mission of the church. This was expressed in the Cape Town Commitment of the Third Lausanne Congress on World Evangelization of 2010 affirmed by 4,000 church leaders from 198 countries.

¹ Anneta Vyssotskaia (*1960) is a member of WEA Religious Liberty Commission and Academic Council of International Institute for Religious Freedom, International director of Open Russian Theological Academy and a member of Increase Committee www.increasenet.org/. Her ministry focus is on Russia and Central Asia. Contact: E-mail: mavysot@gmail.com. – Acknowledgements: Sincere thanks to Mr. Michael Huggins, Rev. Dr. Graham Aylett, Rev. Tim Green and other Increase committee members for their help and encouragement in the process of work on this article.

For this reason, theological education should work in partnership with evangelism and church planting fulfilling two important tasks: 1. Training those who lead the church as pastor-teachers equipping them to teach the truth of God's Word with faithfulness, relevance and clarity; and 2. equipping all God's people for the missional task of understanding and relevantly communicating God's truth in every cultural context (The Cape Town Commitment, 2F4).

Fulfilling this commitment is an important task for the whole global evangelical community in the twenty-first century. However, some contexts make it more difficult to achieve especially when we look at the countries with continuous persecution and chronic economic hardship. The bigger the need for training new leaders, the more challenging and difficult it becomes because of the constant risk and poverty of the churches.

2. Theological education for the suffering church

Throughout the centuries of church history, even in times of most severe persecution, the church has made special efforts to pass on sound doctrine to believers and instruct them in the good knowledge of Christ's teaching. The apostle Paul showed a good example of commitment to this task by spending years of his life studying God's word and later passing his knowledge on to the believers in the Early Church despite continuous opposition and even being imprisoned for his faith.

In our day, the number of Christians around the world continues to grow with the majority of these new believers living in economically poor countries and often facing different forms of religious restriction and persecution. According to the statement made by an expert consultation on the theology of persecution in September 2009 in Bad Urach, Germany: "Due to the massive rise in population and the explosion in the numbers of Christians, never before in the history of the church have so many of Christ's followers experienced persecution as they do in today's contemporary world!" (Bad Urach Statement 2010:4).

Providing theological education in the context of persecution in many cases becomes an extremely difficult task because all kinds of religious instruction from teaching children in Sunday School to theological training of new church leaders often become a target for opposition from both government and society. Religious legislation in such countries may include different kinds of restrictions up to the level of a complete ban on the religious education of believers.

In addition to this, persecution for Christians is often accompanied by economic hardship caused not only by the generally poor economic situation in the country, but also aggravated by discrimination. In this situation of poverty, getting a good theological education from an established theological institution is very difficult and sometimes even impossible for many church leaders. This, in its turn, affects all the believers in their churches.

There is, therefore, a need to look for such forms of theological education that can be successfully and safely used in the context of persecution of the church and economic hardship.

3. Christianity in Central Asia: Past and present

The Central Asian region is a vast territory including five countries once part of the USSR: Uzbekistan, Turkmenistan, Tajikistan, Kyrgyzstan and Kazakhstan. The total population of Central Asia exceeds 60 million, the majority of whom are Sunni Muslims, and includes over 100 ethnic groups. According to legend, Christianity came to Central Asia from Persia in the first century through the Apostles Thomas and Andrew. Ancient documents confirm that Christianity was well established in Central Asia by the fourth century. There were Christian churches in that region and Christianity spread mainly through Nestorian Christians. However, starting around the fourteenth century Christianity was wiped out by Islam and Buddhism, and practically disappeared. A new stage of Christianity started about the mid-nineteenth century with the arrival of the Russian Orthodox Church and Russian farmer migrants. At the end of the nineteenth century many evangelical Christians also moved to that region from Russia, often as a result of persecution. Although the local population was quite tolerant of both Orthodox and evangelical Christians, during that period Christianity was still considered the religion of the non-ethnic people.

In the Soviet period all religions were controlled and persecuted by the state authorities and several generations grew up as atheists. The end of the Soviet regime brought various new freedoms including the freedom of religion. It opened the doors for missionaries from different countries and resulted in many new churches of different denominations. Multitudes of people were attracted to the churches. However, very soon the resurgence of traditional national religions led to restrictions on missionary activities. Islam became more active. Religious freedom and openness were gradually replaced by legal restrictions and the community became more closed and intolerant, especially in rural areas. Governments supported certain religions and denominations while resisting the activities of others, especially foreign missionaries and “non-traditional” religions. This was an attempt partly to use certain religious teaching as an ideological basis for the whole population and partly to reduce the threat of destabilization and ethnic conflicts in their countries. The next step was to amend existing laws to impose the legislative restrictions on sharing faith with other people, children’s work, religious literature and religious education of church members.

According to the Open Doors World Watch List 2012, all five Central Asian countries are included in the 50 countries where Christians experience different forms of persecution. Uzbekistan occupies the 7th place in that list, Turkmenistan 18th, Tajikistan 34th, Kazakhstan 45th, and Kyrgyzstan 48th.² The overall picture in Cen-

² <http://blog.opendoorsusa.org/Portals/106293/docs/WorldWatchList2012-sm.pdf>.

tral Asia is that the church has to survive and grow in the context of increasing persecution, economic hardship and sometimes ethnic conflict.

The restrictions on religious freedom generally in Central Asia are constantly growing. There is, in particular, a growing aversion to religious education of both adults and children, including evangelical Christians. It is getting more difficult to print, store and distribute religious literature. In Uzbekistan in particular it is considered a crime to keep “prohibited” books which may include even Bibles for personal use. Christian homes and church offices are regularly raided by police in search of Christian literature, Christian books, DVDs and other resources. These are confiscated and destroyed, and believers are made to pay large fines far beyond their financial capabilities.

To get detailed information about what exactly is happening in that region is an extremely difficult task because often such information is shared only within very closed circles of prayer supporters and partners. However, the overall picture of growing persecution is quite obvious. Some information on the situation in that region can be found in research and analysis reports of the WEA Religious Liberty Commission, Forum 18 and on websites of various Christian organizations like Open Doors, Barnabas Fund, and others.³

4. The educational needs of the churches in Central Asia

During the 70 years of the communist regime in the Soviet Union, Christianity together with other religions was under tremendous persecution from the atheistic society. This affected religious education. The number of religious educational institutions and students was very strictly limited by the Committee on Religious Affairs. Believers who wanted to study had to obtain a letter of approval from the Communist authorities in order to become students, and often experienced pressure from the KGB to act as “secret informants.” In the Protestant churches, discipleship and leadership training was mainly conducted by more experienced church leaders who had not received any theological training and who had hardly any study resources. Even the Bible was prohibited, not to mention other Christian literature. During that period Christian resources were secretly copied manually on typewriters or even by hand. The people who did it were in danger of long-term imprisonment. In such circumstances it would be impossible to expect a large-scale production of Christian study materials.

The spiritual revival of the early 1990s after the fall of the Soviet Union resulted in a massive church growth. However, theological education was not available or was not sufficient during that period. Only small numbers of church leaders could receive theological education in a limited number of theological institutions. Often the church

³ www.worldevangelicals.org/commissions/rlc/, www.forum18.org, <http://barnabasfund.org>, www.opendoors.org.

leaders in these new churches had a leadership charisma but lacked any theological training. They had to learn from God's word on their own, and from their own experience. God was calling people to ministry from all layers of the society and not many of them had even a good secular academic background. Sometimes young believers without much training were sent to plant village churches. Much zeal without knowledge often resulted in cult-like situations and heresies. Groups of foreign missionaries and churches of different denominations did their best to train new church leaders by starting seminaries and Bible colleges or by sending believers to study in other countries. However, the majority of church leaders received their theological training "on the job" by means of short-term seminars or correspondence courses. Some received their training by making regular monthly or weekly trips to bigger cities to attend intensive blocks of lectures. The situation still remains the same for Central Asia. Some church leaders have to travel to other countries to receive theological education from recognized theological institutions.

Since the collapse of the Soviet Union, one of the common trends in Central Asia has been the migration of the Russian population, including Russian church leaders, out of Central Asia to Russia, Germany, USA, Israel and other countries. At the same time, the number of the ethnic believers and church leaders is increasing. The forms of fellowship and the worship styles of the churches are changing towards forms more traditional in Central Asian culture, that is, towards smaller and less formal house churches. Under such circumstances, there is a growing need for a way for training more national church leaders and other believers in God's truth "on the job" based on study materials in their native languages. At present, Christian study materials in the local languages are often lacking or insufficient, which is a real hindrance to discipleship, especially in remote places. The educational background of the national believers in the rural areas in many cases is not as good as that of their fellow Russian-speaking believers in the big cities, which results in a need for more academically simple and clearly presented study materials in the local languages, especially at the basic level.

Now, twenty years later, in a context of growing restrictions on religious freedom and continuing economic hardship, the issue of theological education still remains of high importance in Central Asia. There is a need for finding the methods which would fit the context of that region and allow all church members to grow spiritually in a safer, more affordable and more flexible way. One of the well-proven ways to provide theological education to church leaders and other believers in such circumstances is by using theological education by extension (TEE).

5. Theological Education by Extension as an answer

Dr. Patricia Harrison in her article "Forty years on: The evolution of theological education by extension" gives an overview of TEE development from the early stages to the

early 2000s. TEE began in the early 1960s by the Evangelical Presbyterian Church of Guatemala as an attempt to provide theological education to untrained church leaders in rural areas. This attempt turned out to be so successful that the number of extension students far outnumbered those in residential programmes, and those being trained by extension showed a real commitment to ministry. The Guatemalan model soon spread throughout Latin America and to other parts of the world (Harrison 2004:315-316).

TEE combines three main components: self-study materials based on principles of active learning, a weekly group discussion led by a facilitator, and practical assignments for the student's life and ministry. All three components are equally important and their combination not only gives good knowledge of Christian doctrines to the students but also produces changes in their thinking and behaviour. Students not only learn the theory, but also discuss it in groups and are encouraged to apply what they have learnt in their everyday life. They grow both academically and spiritually which benefits the whole church.

One of the pioneers of TEE, Dr. Ross Kinsler, speaks about the way that TEE as a movement has given access to theological education to large numbers of people, especially natural leaders, regardless of their gender, age, previous academic background and financial circumstances. Many who had previously been, in the main, excluded from formal theological education, responded to the TEE challenge and pursued serious theological studies, largely at their own expense and often under difficult circumstances (Kinsler 2008:25).

TEE spread rapidly across the world and across denominational borders. Much work was done by the WEA (WEF) Theological Commission and other Christian organizations to promote TEE across the world. TEE became popular especially in non-western countries and retained its popularity during the 1970s to the 1990s. Many new courses were produced in different languages at different levels. The number of TEE students continued to grow rapidly in some countries, though not uniformly. National TEE associations and teams were formed, some of which continue to flourish and impact the churches today. Within the last decade a new wave of TEE national programmes has sprung up to support the growth of first-generation churches.

At present, TEE is used in many countries of the world where Christian churches experience persecution and/or economic hardships. In Asia these include Pakistan, India, Bangladesh, Thailand, Nepal, Philippines, China, Mongolia, etcetera .

In October 2010, over 70 leaders of TEE programmes equipping around 100,000 active students in nearly thirty countries of Asia met for a training conference entitled, "21st century TEE in Asia: Challenges and opportunities" held in Kathmandu, Nepal.⁴ Dr. Thomas Schirmacher, representing both the WEA Theo-

⁴ www.increasenet.org/about-increase/kathmandu-2010-press-release.

logical Commission and the Religious Liberty Commission at the conference, said in his special address: “The WEA sees TEE training as an integral part of the evangelical world. Imagine what would have happened without the work of TEE starting in the late 1960s and 1970s! We would miss thousands of evangelical leaders today.” He mentioned that the majority of evangelical students worldwide live where there is persecution or at least discrimination. As TEE is not so visible and not so high profile, it is suitable for difficult situations. In his opinion, TEE is a much-needed answer for theological training under persecution (Schirmmacher 2010:1).

Dr. Graham Aylett in a recent publication on TEE in the Asia Theological Association bulletin agrees with Dr. Thomas Schirmmacher when speaking about TEE as “learning on location.” In his opinion, “learning on location opens up an enormous range of possibilities, depending on the level of the programme and the group of people it is designed to reach.” One of the important advantages that TEE provides is that “leaders can learn on location in small groups and ‘remain under the radar’ in places where a visible theological college would attract attention” (Aylett 2012:1).

Among the proven advantages of TEE are: 1) it can provide a solid and practical theological education to believers in their natural environment without interrupting their ministry, work and family life; 2) it is aimed at all church members regardless of their previous academic background; 3) it is based on small groups and can be easily moved to different places, not attracting attention, which allows it to be safely used by the churches in the context of persecution; 4) it is low-cost and affordable to believers who live in situations of economic hardship.

These advantages make TEE one of the most valuable tools for providing theological education to believers suffering persecution and poverty.

6. TEE in Central Asia

While TEE has been used in Central Asia for almost 20 years, there is hardly any published information available on it. The information given in this article is mainly based on the oral stories and correspondence with some of the first pioneers of TEE in Central Asia and other countries of the former USSR.

The first attempts to introduce TEE to the churches in Central Asia were made in the early 1990s on the initiative of different missionaries and Christian organizations who used the well-recognized TEE courses developed by SEAN (Study by Extension for All Nations, www.seaninternational.com) for this purpose.⁵

⁵ Around the world, national TEE programmes are self-governing so they decide their own curricula. Either they use and contextualise courses originally developed elsewhere (the most widespread being from SEAN and Text Africa), or else they write their own courses (as with TAFTEE in India and PTEE in the Arab world). In this article the author focuses on the SEAN courses as they are the ones mainly used in Central Asia till now.

The first SEAN courses were translated into some central Asian languages, contextualized and field tested at that time. A CAR (Central Asian Russian) version of the first of the SEAN courses was also produced, in Russian, but contextualized for Central Asian culture. Unfortunately, the further development of TEE in Central Asia stopped for different reasons, one of which consisted of growing restrictions on missionary activity and religious freedom in the region. While the missionaries were gradually (and sometimes very rapidly) driven out of the region, the young national churches were learning to take on the responsibility for further development of the churches in their countries, including the religious education of their members.

However, no national workers were able to continue TEE work. There can be many possible explanations for this, however, one of the main reasons could be the *lack of proper training and understanding of how to use TEE*. In some cases only the student books were translated without tutor manuals. Even when tutor manuals were available, the group leaders did not know how to use them. The church leaders who were not familiar with TEE would soon lose interest in it, considering TEE materials just one of the numerous study resources. Another reason could be that although TEE study materials are low cost, the development of the new courses and translation of the existing ones into local languages still required considerable initial investment of time and money, which the local church leaders could not afford. The missionaries who were once involved in those translation projects are now retired or working in other parts of the world. The translations that were made into local languages are now not easy to find as they were stored in databases of missionary organizations and churches of different countries for years and sometimes completely lost.

From 2004 onwards, new attempts were made to bring TEE to Central Asia, this time using TEE materials in the Russian language. During the Soviet period, Russian people comprised about 25% of the population of Central Asia. After the collapse of the USSR many Russians moved out of Central Asia. Russian still remains the main language for international communication for the Central Asian people, especially in the cities. In terms of theological education and other church activities, Russian is also the key language for the churches in Central Asia.

Therefore, speaking about the development of TEE in Central Asia it is impossible not to mention TEE development in Russia. The translation of SEAN courses into Russian was started in the early 1990s in St. Petersburg Christian University (Logos). The original vision was to translate SEAN courses and to equip all SPbCU graduates with them so that after graduation they could use TEE courses in their churches in all parts of the former USSR. Later, the new leadership of SPbCU closed this project because of the lack of funds for this work and other priorities. The work did not stop completely, however, and a new approach was developed for reintroducing SEAN starting from the Far East of Russia. In 2004, after an intensive

training done by a group of international TEE experts, a new TEE organization was started, run by the Russian Christians, named the Open Russian Theological Academy (ORTA) with a vision to develop a high-quality TEE programme in the Russian language to be used by churches in Russia and elsewhere. The team translated and printed study materials and trained new tutors to lead TEE groups in the Russian Far East, Central Siberia, Moscow, St Petersburg and other parts of the Russian Federation. From 2006, ORTA's ministry started to spread to Central Asia and Russian-speaking communities in other countries. It is now an active national TEE team with a growing national and international reputation.⁶

In Central Asia, TEE is now being restored by the joint efforts of national church leaders and expatriate workers. The roles, however, now changed: the national Christians play the leading role in the production of the courses and training new tutors, while the expatriates provide consultancy and assistance to the national TEE teams.

A good example of a strong and successful TEE team in one of the Central Asian countries can be given without the names of the team and country for the sake of security. The team consists of several believers who received a good theological education in a recognized theological institution and a special training in how to use the TEE method. They now translate, contextualize and field-test TEE materials for their country, print study materials, run tutor-training seminars for the churches of different denominations and visit TEE groups. They combine TEE ministry with community development projects encouraging TEE students to apply biblical principles practically in their daily lives. A couple of years ago in cooperation with ORTA they started to run joint tutor-training seminars in other Central Asian countries.

In another Central Asian country, the translation of the first two SEAN courses "Abundant Life" and "Abundant Light" into the local language has been done and now churches of different denominations use TEE courses in both Russian and the local language. The translation, contextualization and field testing are still in progress. The good news about TEE is quickly spreading and more churches are now showing an interest in TEE, especially those who are actively involved in evangelism and church-planting, with many daughter churches in remote areas. Such circumstances make the church leadership aware of their need for a systematic discipleship and leadership training programme which meets the educational needs of all the churches of their denomination. In the past, churches with a charismatic background used a whole variety of training materials produced by different denominations. Now teachers are showing an interest in more Bible-based educational programmes for their believers. A leader of one of the largest churches in that country confessed at a big conference in

⁶ For some detailed information on TEE development in Russia and ORTA's history see Huggins M. (2008:269-294).

early 2012: “We have huge gaps in basic theological education. This is our desperate need.” Now more and more church leaders realize this need and are looking for an answer to meet this need. TEE is one of the best-proven answers to it and the number of TEE groups in that country is gradually growing.

In other Central Asian countries, still, only individual churches or individual denominations are familiar with TEE and use TEE materials in Russian. However, there is a need for further development of this work and especially for good-quality TEE materials in the local languages, which, in its turn, speaks about a need to establish national TEE teams in those countries which would take on the responsibility for translation, printing and training new TEE tutors.

Some comments from the church leaders in Central Asia on TEE:

I thank God for this wonderful programme through which I saw an opportunity for a deeper study of God’s word. This programme helped me to see the gaps in my knowledge, gave me hope for further spiritual growth and the desire to share this knowledge with others. (V., church pastor)

This programme can be used for studies in home groups in small kishlaks (villages) and big cities across all Tajikistan. (church leader)

I want this course to spread all over Kyrgyzstan and be available especially to those believers who live in remote villages and who have no churches. My vision is to train God’s servants in the villages. (M, director of national TEE team)

An example of TEE in a Central Asian country: One of the churches of the biggest and oldest church denomination in that country experiences a problem with the lack of trained church leaders. The church members are active evangelists but there was no discipleship programme in the church. The theological education of believers was traditionally limited to pastors’ Sunday sermons. There were no home group meetings. After a tutor-training seminar the church started home groups using SEAN courses. The pastor immediately noticed the good changes and spiritual growth in church members. As a result, the church started more SEAN groups in different locations. Some of the church leaders received more training in TEE and are planning to be involved in the TEE national teamwork.

7. Laying a good foundation – a new stage of TEE development in Central Asia

In order to help establish national TEE teams in all Central Asian countries, a training conference was held in autumn 2012 in Central Asia. The participants of the conference received intensive training in different aspects of running a national TEE

team: from translation and training new tutors to team work and administration issues. The training was provided by a group of experienced TEE workers including national TEE team members from Russia and Central Asia. The conference helped to lay a good foundation for the ministry of the national teams in their countries and also for future partnership of these national teams who live and serve God's people under the pressure of persecution and economic hardship.

At present TEE is mainly presented in Central Asia by SEAN courses, although individual courses from other TEE providers were translated into local languages. As the national TEE work continues to be better established, more courses could be obtained from other TEE producers and translated into local languages. More new courses could be developed in response to the country's needs by the national teams when they get more experience and training.

The TEE work in Central Asia is growing with a vision of strong partnership for national TEE teams, which is especially relevant in the context of Central Asia where different ethnic groups speaking the same language live in different Central Asian countries and the exchange of training resources is important. The work is now done and run by national Christians and has a potential to be more successful this time in contrast to the early 1990s when the translation work was mainly organized by foreign missionaries and stopped when they had to move out of Central Asia either because of religious restrictions or other reasons.

The needs related to further development of TEE in Central Asian countries include:

- establishing adequately trained national TEE teams in all Central Asian countries;
- providing further training to national TEE teams through conferences and seminars;
- translation of well-proved TEE courses into local languages, their contextualization and field-testing;
- promoting partnership and unity among national TEE teams;
- development of new courses relevant to Central Asian context (peacemaking, how to deal with poverty, health issues, Christian family, etc.).

Meanwhile, the awareness and interest of the national church leaders in Central Asia regarding TEE is growing and more churches start using this proven, effective, powerful and affordable instrument every year. The national TEE teams in Russia and Central Asia are learning to work in cooperation and partnership by discussing and planning work together, training new national TEE workers and exchanging study resources in different languages.

8. Conclusions

In this article the focus has been on showing how TEE can be effectively used to meet the needs of the poor and persecuted churches in theological education in

Central Asia when running the TEE programme becomes a responsibility of national church leaders. TEE well suits the need for good theological education of all church members in Central Asia. It allows the provision of continuous theological education in the local churches to all church members, to train and equip new church leaders for ministry in a flexible way. TEE study materials are low cost and affordable to all believers. Because of its effectiveness there, the same approach could be applied to other regions and countries of the world where Christians suffer from persecution and economical hardships and have similar needs in theological education.

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Spiritual formation for today's Indonesian churches through the psalms of lament

Dwi Maria¹

Abstract

Christians have discouraged the use of lament for various reasons. In Indonesia I never heard any single sermon preached on lament even though we have experienced many sufferings, persecutions and calamities. Current scholarly works on these psalms focus on their genre, life settings, and other academic considerations. However, in its life and practice the contemporary church is largely ignorant of the lament Psalms. The question is, how can we use them practically in our modern church setting? This article will answer this question through the usage of lament psalms as spiritual formation model for persecuted Indonesian churches.

Keywords Lament, Indonesia, persecution, spiritual formation.

1. Introduction

Indonesia is often referred to as the world's largest archipelago, a name which aptly represents its 17,000 or so islands which span more than 5,000 km (around 3,200 miles) eastward from Sabang in northern Sumatra to Merauke in Irian Jaya. For years, Indonesian Christians have suffered many persecutions and discriminations. Militant Islamic groups have flexed their muscles over the past few years. Some have been accused of having links with Osama Bin Laden's al-Qaeda, including the group blamed for the 2002 Bali bombings, which killed 202 people.

Lying near the intersection of shifting tectonic plates, Indonesia is prone to earthquakes and volcanic eruptions. A powerful undersea quake in late 2004 sent massive waves crashing into coastal areas of Sumatra, and into coastal communities across south and east Asia. The disaster left more than 220,000 Indonesians dead or missing.

Although Indonesia is a country with much disaster and suffering, I do not recall even one sermon based on a psalm of lament. It seems pastors and preachers do not know how to preach from lament psalms even in our worst situations.

¹ Dwi Maria Handayani is a faculty member and Assistant Academic Dean of Bandung Theological Seminary in Bandung, Indonesia. She received her ThM from International Theological Seminary in Los Angeles, CA in Old Testament. She is presently pursuing her PhD study at Asia Graduate School of Theology in the Philippines. Article received: 15 July 2012; Accepted: 24 August 2012. Contact: Dr. JI. Junjunan 105 Bandung, West Java, Indonesia 40173, Email: uwi202@yahoo.com.

Cultural influences, relational styles, theological perspectives and misunderstandings have discouraged the use of lament in the contemporary church.² Various arguments have been proposed throughout history as to why we should not use these psalms.

But the laments have an essential, marvelous and important function. They are an expression of genuine faith. By offering them up to God, we have the capacity to see our odious meditations and desperate thoughts transformed into something acceptable (Ps. 19:14). Despite all the debates concerning the use of lament in church services, it remains an important component of spiritual formation. Moreover, it is a way to step forward in faith, for we trust God with our most filthy ugliness in the knowledge that he will love us nonetheless.

In his article *The costly loss of lament*, Brueggemann explains the importance of lament psalms in the Christian life. Based on the important contribution of Westermann, Brueggemann builds his arguments that the absence of lament results first in the loss of *genuine covenant interaction*, because the second party to the covenant (the petitioner) has become voiceless or has a voice that is permitted to speak only praise. Secondly the *question of theodicy*³ (the defence of God's goodness in the presence of evil) is stifled.

In this paper I will explore the function of lament psalms in spiritual formation, especially in the context of persecuted churches in Indonesia today.

2. Methodological assumptions

To gain some perspective of the Indonesian church's spirituality and the context of lament psalms, these methodological assumptions will guide us throughout this study.⁴

2.1 Similar political and social settings

Oppression and persecution are the common experiences of today's Indonesian churches and the world of the lament psalms. With this similarity we can draw a close connection between the psalms and the churches. Since 1996 church persecution in Indonesia has increased, many churches have been burned and closed.⁵ The most recent case is the closing down of GKI Yasmin church that called Indonesian Christians to have a communal lament in the location.⁶ Not only physical

² Brian L. Webster and David R. Beach 2007. The place of lament in the Christian life. *Bibliotheca Sacra* 164 (October-December); 387.

³ Walter Brueggemann 1986. The costly loss of lament. *JSOT*, vol. 39, 57-71.

⁴ I borrow this approach from K. Jesurathnam, 2002, Towards a Dalit Liberative Hermeneutics: Re-reading the Psalms of Lament, *Bangalore Theological Forum*, Vol 34, 1-34.

⁵ Read Thomas Santoso 2003. *Peristiwa sepuluh-sepuluh situbondo*. Surabaya: Lutfansah Mediatama.

⁶ A Sunday mass being held at the house of a congregation member at the Taman Yasmin complex, and which was being attended by around 50 members of the GKI Yasmin church was forced to stop when

persecution, but also intimidations and threats caused some of the members of the church to leave their faith. In many laments we hear the psalmist crying out for justice. Politically the churches are helpless, their voices not heard by the ruling party, and so they ask God for mercy and justice. Christians are considered a minority in Indonesia. We are often marginalized and have no equal rights with the majority. So the struggling, persecuted Indonesian churches can easily identify with the struggles of the oppressed communities in the lament psalms.

2.2 Common theological issues

A major theme of lament is theodicy, and it is so with persecuted churches in Indonesia. The question, "Why is there evil when God exists?" has been discussed throughout the ages in Indonesia and remains a favorite theme today.⁷ One of the biggest challenges of persecuted churches is to prove that God is on their side. The tension created by the absence of God – very prominent in lament Psalms – is seen in the psalmist's cry to God to show himself both to the people of God and their enemies.

2.3 Similar hope for liberation

The main concern of the persecuted churches in Indonesia is their liberation from socio-cultural and political oppression. This hope is expressed in many lament psalms, where oppressed and marginalized people seek justice and freedom by crying out to God.

3. The function of lament psalms in spiritual formation

Recent study of the lament psalms indicates the increased awareness of scholars concerning the neglect of lament psalms in the life of the contemporary church. Sally Ann Brown and Patrick D. Miller explained that the rediscovery of lament as a pattern for Christian prayer, public worship, and the care of souls had already been under way for some time prior to 2001. By the late 1990s, studies such as Daniel Migliore and Kathleen Billman's *Rachel's cry: Prayer of lament and the rebirth of*

a group of Muslim protesters arrived and demanded that the congregation halt the service. Hendrik, one of the congregation members whose house is located only one kilometer from the location of the church, said that they had performed the mass at his house since the church premises had been sealed by the Bogor municipal administration. "We use the house as we have no other place to pray." According to Hendrik, a group of protesters arrived shouting and insisted that the congregation, mostly women and children, stop their mass. (*The Jakarta Post*, Jakarta, Sunday, 22 January 2012.)

⁷ One of the best reference books on Muslim theodicy used in Islamic symposium in Indonesia at 2009 is written by Ibrahim M. Abu Rabi 2010. *Theodicy and justice in modern Islamic thought: The case of Said Nursi*. Burlington, USA: Ashgate.

hope,⁸ were reintroducing the church to the much neglected lament prayers of the Bible as resources for worship and Christian ministries of care. These efforts relied, in turn, on the fruits of nearly a decade of fresh work on lament in biblical studies. Years earlier, Donald Capps had discussed the role of lament psalms in grief counseling in *Biblical approaches to pastoral counseling*.⁹ A number of articles published in the mid 1990s called for the recovery of lament psalms in the liturgy.¹⁰ In 2010 Federico Villanueva also published his work on preaching lament.¹¹

In order to find the connection between lament psalms and the Indonesian Christian community we will try to draw a connection between the two worlds.

3.1 Sitz im Leben (the life setting) of the psalms of lament

Herman Gunkel is the pioneer on this issue. He said that the communal laments (*Klagelieder des Volkes*) were used by the people to respond to public calamity or disaster. The lament festival was held at the public sanctuary. Gunkel explained that when they lamented, they also used some religious rituals such as withholding from food and drink, restraining from marital relations and civil business, weeping, tearing their clothes and blowing the trumpet to call upon God to listen to their cry. These lamentations include their confession of sin and plea for forgiveness.¹²

Regarding the setting of personal or individual laments, Gunkel believed the life setting was difficult to determine because of the formulaic character of the language. The laments were derived originally from services of worship and later used as spiritual songs by the individual. These psalms were occasioned by apparently life-threatening situations, such as illness, misfortune and persecution from enemies – though one needs to be careful about taking the images too literally. Gunkel further noted that a peculiar feature of personal or individual laments within the psalms was a decisive transition from an early plea to a confident trust that Yahweh would act to redress the situation.¹³

Mowinckel found the cult to be a fertile ground for understanding the setting of these psalms. For him the life setting is the festival of Enthronement which is modelled after the Babylonian New Year festival.¹⁴

⁸ Daniel Migliore and Kathleen Billman 1999. *Rachel's cry: Prayer of lament and the rebirth of hope*. Cleveland: United.

⁹ Donald Capps 1981. *Biblical approaches to pastoral counseling*. Philadelphia: Westminster.

¹⁰ Edited by Sally Ann Brown, Patrick D. Miller 2005. *Lament: Reclaiming practices in pulpit, pew, and public square*. Louisville, Kentucky: Westminster John Knox: xiv.

¹¹ Edited by Grenville J.R. Ken., Paul J. Kissling & Laurence A. Tuner 2010. *He began with Moses: Preaching the Old Testament today*. Downer Grove, Illinois: Intervarsity: 64-84.

¹² Hermann Gunkel, *An Introduction to the Psalms: The Genres of the Religious Lyric of Israel*. Macon, GA: Mercer, 1998, 83.

¹³ *Ibid*, 19-21.

¹⁴ Sigmund Mowinckel 1962. *The psalms in Israel's worship vol.1*, Trans. by D.R. Ap. Thomas. Oxford: Basil Blackwell: 106-129.

In contrast with Mowinckel who suggested the cult as the life setting of lament, for Westermann the life setting was difficult to determine. For Westermann, lament as a genre had a long and independent history in the religious-social history of Israel. As deliverance in the Old Testament was God's response to a cry of distress, lament was therefore an integral part of God's saving deeds or events.¹⁵

Walter Brueggemann calls the laments the psalms of *disorientation*. He writes:

The use of these "psalms of darkness" (laments) may be judged by the world to be acts of unfaith and failure. But for the trusting community, their use is an act of bold faith, albeit a transformed faith. It is an act of bold faith on the one hand, because it insists that the world must be experienced as it really is and not in some pretended way. On the other hand, it is bold because it insists that all such experiences of disorder are a proper subject for discourse with God. . . . But the transformation concerns not only God. Life also is transformed (the lamenter's life).¹⁶

So we make three observations: First, lament was centered in the cult festival and used as part of the Israelite liturgy in their temple setting, or in personal worship in the situation of disaster, persecution, distress or enemy attack. Secondly, lament was a prayer addressed to Yahweh, a cry to God to redeem or liberate a helpless people from their difficult situations. Thirdly it was an act of faith, showing that the worshippers trusted God as their ultimate helper. Even though their situation seemed hopeless by the world's standards, the worshippers believed God could save them.

These three observations are relevant to our ongoing discussion about the relevance of the psalms of laments for spiritual formation in Indonesia's persecuted churches.

3.2 The structure of the psalms of lament

Claus Westermann, in his scholarly work, made a major contribution to the study of lament. He divided the psalms of praise into two categories – declarative and descriptive – and then related praise to lament, showing how the psalms moved from plea to praise.¹⁷ Federico Villanueva advanced the contribution by discussing the return of lament from praise to lament again, with his study on Psalm 12.¹⁸ The common structure of community lament as stated by Westermann is:¹⁹

¹⁵ Claus Westermann 1981. *Praise and lament in the psalm*. Atlanta: John Knox: 20-39.

¹⁶ Walter Brueggemann 1984. *The message of the psalms*. Minneapolis: Augsburg: 52.

¹⁷ Claus Westermann, 52.

¹⁸ Federico Villanueva 2008. *The uncertainty of a hearing*. Leiden: Brill: 133-153.

¹⁹ Claus Westermann, 52.

- Address
- Introductory petition
- Lament
- Confession of trust
- Petition (double wish)
- Vow of praise

This basic structure appears in most lament psalms. Other aspects may include, in varying situations, an intercession with God, a confession of sin, a recollection of God's earlier deeds of deliverance, and an assurance of being heard.²⁰

Federico Villanueva completed the work of Westermann. He showed in his research that lament psalms also move from praise to lament. Using the canonical approach Villanueva investigated the context of Psalm 12 and concluded the structure of this psalm was not unique but was found throughout the Psalter.²¹ In his summary, Villanueva stated that this anti-climactic ending created a tension between what God said and the reality of the psalmist.²²

The fact that lament psalms do not always end in praise is important to note. We need to remember that the journey of faith is a continuous struggle from lament to praise or from praise to lament, until the world faces its final lament or praise at the judgement.

Persecuted churches in Indonesia are now lamenting their bad situation. We all hope this lament will soon turn into praise. But life can in no way be predicted. Not every lament will end in praise, but faith is strongly present in every lament psalm.

4. The psalms of lament and spiritual formation

4.1 Pursuit of truth

When churches get burnt down in Indonesia, the victims are eager to find a reason. But the situation creates theological conflicts which are not easy to answer. Similarly in the lament psalms, we see many questions and conflicts in the life of the psalmist. Questions like, "How long oh God?" "Why God?" "God, do you know what is happening down here?" "Will you help us?"

These honest questions passionately pursue the truth which is a vital aspect of knowing God and growing in him. However, these kinds of questions are often considered as expressions of a lack of faith and of disrespect towards God the Almighty.

²⁰ Ibid, 69.

²¹ Federico Villanueva, 152.

²² Ibid, 153.

The most common argument against lament is that it indicates lack of faith and exposes too much of human doubt. Also, for some reason, the evangelical church has embraced the idea that religion should always be peaceful and soothing and religious folk optimistic and positive. By contrast, the lament psalms which express so much suffering, loss, sadness, frustration, doubt and desperation are not so popular in Indonesia.

Lament psalms teach us, however, that we can be honest with God and ask questions without him being offended. These psalms help us to truly embrace and express our painful feelings to God. They express struggles, sufferings and disappointments to the Lord.

Lament psalms force us to delve deeper. They acknowledge a valid dimension of Christian experience – the “dark side” of faith. Walking with God is not always relaxing and cheerful, optimistic and positive. Walking with God demands a journey through the real world of suffering and disappointment.

Lament psalms recognize the reality of evil and its impact on all people. The world is full of darkness, dangers, sadness, suffering and difficulties. We live in a groaning creation (Rom. 8:18-23). The Spirit teaches us how to groan through psalms of lament. The psalmists are honest with their feelings. It is clear they are pursuing truth in their frustration, doubt and anguish, and are desperate for an answer from God.

This effort to pursue truth is an essential part of spiritual formation practice. God wants a real relationship with us, and needs us to be real with him. This is the heart of a genuine relationship. Faith sees all experiences of life, including its worst, in terms of our relationship with God. The goal of prayer is not “theological correctness” but a real relationship in real life with a real God who really wants to know the real us. Craig Broyles writes:

The psalms allow for a free vent to one's feelings. Remarkably, believers are not required first to screen their feelings with a reality check or to censor “theologically incorrect” expressions before voicing their prayer to God. In effect, God allows our feelings to be validated, even if in the final analysis they miss the mark.²³

Only true believers experience crises of faith. Only those who doubt take their faith seriously. The opposite of faith is not doubt, frustration, or complaint, but unbelief. Only those with true faith have the freedom to express their doubts and frustrations to God. It is impossible to experience the agony of the absence of God unless we have at one time known the comfort of his presence.

²³ Craig Broyles 1999. *Psalms*, Peabody: Hendrickson: 32-33.

Lament psalms demonstrate that the psalmists have a realistic faith. They are bluntly honest with the realities of life, and yet they take the promise of God seriously. Such faith grounds our spiritual formation and enables us to grow into maturity.

4.2 Pursuit of intimacy

The common feeling of the persecuted churches is the distance of God or even his absence. Why does God allow such disaster, suffering and persecution? Where was God when all those situations happened? Sometimes others who do not face the same situation come up with analyses, conclusions or even accusations to the victims, which only add to their sorrow and pain. Often they increase the feeling of God's distance. This situation provides an opportunity to start pursuing intimacy with God.

God and grief come together in the Scriptures more often than we might think. The psalms of lament provide an interesting look at this dynamic relationship. Through lament, the one praying engages in relational conflict in order to pursue relational depth. Such disclosure and honesty opens up the possibility for intimacy that otherwise would not exist. The expressions of lament indicate the close relationship the psalmists have with God. Only those who have a close connection dare to argue, complain, protest and question. Not only that, but in lament we also see trust, faith, dependence on and praise to God.

The laments typically begin with a personal address to God, who is not some distant stranger: "My God, my God, why have you forsaken me?" (Psalm 22:1).

In the foreword of Ann Weems' book *Psalms of lament* Walter Brueggemann says, "It is a trusting utterance set down in the middle of an ongoing friendship of trust and confidence."²⁴ The very fact that the writer is addressing these feelings to God suggests a level of confidence that God will in fact listen and care enough to do something about the situation. The Psalter is bold enough to believe that the Divine can be persuaded to change history because of this complaint. It is the risky honest speaking to God in the first part of the lament that paves the way for new possibilities in the relationship.²⁵

The dynamic emotional dimension of lament that swings from lament to praise and then returns to lament afterwards shows a relational struggle expressed in poetic language. Along with the emotional struggle, the reader can feel the tension between the closeness and the distance of God, the absence and the presence of God, and the psalmist's joy and frustration towards God.

²⁴ Ann Weems 1995. *Psalms of lament*. Westminster: John Knox Press: x.

²⁵ Brueggemann, 56.

The goal of spiritual formation is Christian growth. That growth entails development of character, inner transformation, and a deepening friendship with God and others. Lament psalms show us that growth through human suffering and affliction, doubt and frustration, joy and praise. They all deepen one's spiritual life and relationship to God.

4.3 Pursuit of faith

It has been reported that many Indonesian Christians have recently abandoned their faith and chosen to deny Christ in order to save their lives from persecution. Of course this is not an easy issue to discuss. But although the psalmists' doubts about God are never stated clearly in the laments, the struggles of faith are there.

The movement from lament to praise and from praise to lament is not just a psychological or liturgical experience, although it includes these. Nor is it a physical deliverance from the crisis, although that is often anticipated. The movement is a profoundly spiritual one. It is a spiritual battle.

The struggles between belief and doubt intensify and sometimes come to a climax in a cry of desperation or exclamation of joy. The reality of faith in lament is honest and truthful, and important for our spiritual maturity.

4.4 Pursuit of justice

The main question of the lament psalms concerns the justice of God. When evildoers persecute the people of God and God seems to ignore them, the issue of God's justice becomes paramount in the mind of the psalmist.

The pursuit of justice is an important aspect of spiritual growth. We believe in the justice of God. In the case of persecuted Christians in Indonesia, one of the newest cases was the closing down of a large church in Bogor. This created a mass movement to seek justice in the Supreme Court. Even though the church won the case, they did not regain their church. So the communal lament was used as a means of protest against the government and to draw the attention of the international community.

That was the first communal lament I ever noticed in Indonesia, and it functions as a testimony that Christians have one voice in their cry for justice – not only to the government but ultimately to God.

As stated by Bland and Fleer in their book, *Performing the psalms*, communal lament is important to show an evil world that the people of God take a firm stand on issues of social justice:

Without communal lament, the cry for social justice remains behind the closed doors of private discussion. Or worse, it is left in the hands of faithless secular

advocates, and the community of faith has no voice in the public square. Without communal lament, social justice becomes the task of the individual rather than the church.

Without faithful communal lament, sin and injustice remain private matters of individualistic concern. Sin and injustice, just as spirituality itself, remain private. It is an individual problem and not a structural one. It is a personal problem and not a generational one.

Without faithful communal lament, communities of faith do not share the hurt and pain of public, national, or global tragedies and anxieties. Without faithful communal lament, we do not participate as communities in the realities of the human predicament. Consequently, we exist as superficial, inauthentic, and uncaring communities in a fallen world filled with hurts and pains.²⁶

5. Conclusion

Based on our study of the lament psalms and the assumptions we used, we can see the importance of lament psalms for spiritual formation. Through the similarities in the life settings and the unique structure and movement of lament psalms, we can draw a close parallel between the Psalter and the persecuted Christians in Indonesia.

The function of lament psalms in spiritual formation can be seen in four categories: the pursuit of truth, the pursuit of intimacy, the pursuit of faith and the pursuit of justice. The importance of communal lament is stressed as a means of testimony to the world.

The persecuted churches in Indonesia will surely benefit from the lament psalms as they anticipate the ultimate justice of God and their ultimate praise to him, while evildoers will experience the ultimate lament.

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A natural law right to religious freedom

A reformed perspective

David VanDrunen¹

Abstract

This article presents a Protestant defense of a natural law right to religious freedom, properly understood. Though arguing from the classic natural law text, Romans 1:18-32, that human persons have no ultimate natural law right to religious freedom before God, this article finds strong support in the account of God's covenant with Noah in Genesis 8:20-9:17 that human persons do have a penultimate natural law right to religious freedom before fellow human beings, a blessing granted by God.

Keywords Religious freedom, natural law, Christianity, Bible, Romans, Genesis, Noah.

The threats to religious freedom are real around the world, though they take a variety of forms. Two events that have transpired in the very week that I write this article provide a good example. In Egypt, the candidate of the Muslim Brotherhood was declared the winner of the presidential election, and though the full ramifications are unclear at this time, it raises legitimate fears that the most important opponent of religious freedom in much of the world today – radical Islam – has taken another significant step forward. Meanwhile, in the United States, the Department of Defense conducted a ceremony at the Pentagon celebrating Gay Pride Month (when only a couple of years ago the American military was discharging personnel for disclosing their homosexual orientation), symbolizing the progress of a movement seeking to transform basic social attitudes toward sex and marriage, a movement that is perhaps the most worrisome threat to religious freedom in contemporary Western democratic societies, according to some commentators.² In light of how

¹ David VanDrunen (*1971) is an ordained minister and an attorney, and serves as the Robert B. Strimple Professor of Systematic Theology and Christian Ethics at Westminster Seminary California. Among his books are *Natural law and the two kingdoms: A study in the development of Reformed social thought* (Eerdmans, 2010) and *Living in God's two kingdoms: A biblical vision for Christianity and culture* (Crossway, 2010). He was the recipient of the 2005 Novak Award, awarded each year by the Acton Institute to a young scholar who has advanced the understanding of theology's connection to human dignity, the importance of the rule of law, limited government, religious liberty, and freedom in economic life. American spelling retained. Article received: 12 July 2012; Accepted: 10 November 2012. Contact: c/o Westminster Seminary California, 1725 Bear Valley Parkway, Escondido, CA 92027, USA, www.wscal.edu, Tel. +1.760.480.8474, Email: dvandrunen@wscal.edu.

² On this movement's threat to religious liberty, see, e.g., Stephen Baskerville, The sexual agenda and religious freedom: Challenges in the western world, *JRF* 4:2 (2011): 91-105; and David Novak, *In*

different these two groups – radical Islam and the gay-rights movement – are, proponents of religious freedom should feel all the more motivation to establish sound theoretical foundations that will better enable them to defend this human right in a variety of different circumstances.

For Christians – especially Protestants – the defense of religious freedom will only seem plausible if one can make a case that Scripture itself teaches that human beings have a right to this liberty, or at least that biblical teaching is consistent with such a claim. The fact that Scripture commands Christians to be concerned for the welfare of their fellow believers (John 13:34-35) and to love all their neighbors (Luke 10:25-37) may be sufficient motivation to get Christians interested in issues of religious liberty. But given that religious freedom ordinarily becomes a pressing issue only in religiously pluralistic contexts, in which claims about the authority or meaning of holy books is disputed, Christians should also be interested in whether *unbelievers* should be concerned about religious freedom, why they should be, and how to convince them of this.

This raises the question of whether religious freedom may have foundations in natural law. By “natural law” I refer to the basic idea that there are universal moral obligations binding upon all people in all places, and that all people at some level know these obligations even without biblical revelation, because they are grounded in human nature and human beings’ place in this world. In the pluralistic contexts in which claims to religious freedom are most pertinent, Christians have great incentive to argue that this is not simply a right they claim because of what the Bible says but actually a moral issue pertaining to human nature and the human condition generally. In other words, appeals to natural law (whether implicit or explicit) are ways to communicate that religious freedom is not a uniquely Christian concern but a universal human concern.

This raises two big questions: is there such a thing as natural law and, if so, does it communicate the universal moral obligation to respect the religious liberty of all human beings? With respect to the first question, Roman Catholics to this day continue to place high value on natural law in their conception of ethics, and though many Protestants in the twentieth century came to have a negative view of the idea of natural law (for a variety of reasons I cannot explain here), a growing number of Protestant writers in recent years have rediscovered that natural law was also a standard part of historic Reformation theology and are exploring its contemporary importance.³ With respect to the second question, prominent advocates of religious

defense of religious liberty (Wilmington, 2009), chapters 1 and 4.

³ E.g., see Thomas K. Johnson, *Natural Law Ethics: An Evangelical Proposal* (Bonn, 2005); Stephen J. Grabill, *Rediscovering the natural law in Reformed theological ethics* (Grand Rapids, 2006); J. Daryl Charles, *Retrieving the natural law: A return to moral first things* (Grand Rapids, 2008); David Van-

freedom in the present day, such as Roman Catholic philosopher Robert George and Jewish theologian David Novak, have defended this human right in terms of natural law.⁴ In this article I examine two important biblical texts, Romans 1:18-32 and Genesis 8:20-9:17, and argue that they not only affirm the existence of a natural law morally obliging all people but also provide crucial insight into what this natural law has to do with religious liberty. First I reflect upon Romans 1, which indicates that certain conceptions of religious freedom are untenable, though it points to an inherent human dignity that others ought to respect. Then I turn to Genesis 9, where I find the most promising ground for developing a positive account of the natural law foundation for religious freedom. Genesis 9, I claim, establishes that God has called the whole human race to engage in productive cultural activity and that no people should be disqualified from this endeavor based upon their religious profession and practice, and furthermore that God has granted judicial authority to human beings only to enforce matters of intra-human justice, but no jurisdiction over matters of religious worship that lack a true human victim.

1. Natural law and universal religious accountability before God (Romans 1)

Romans 1:18-32, along with Romans 2:14-15, is probably the part of Scripture most readily associated with natural law. It is not difficult to see why. Near the beginning of this passage Paul states: “what can be known about God is plain to them [unrighteous and ungodly people who suppress the truth – 1:18], because God has shown it to them” (1:19).⁵ The question immediately arises: how can Paul say that God’s wrath is revealed against “*all* ungodliness and unrighteousness of men” (1:18) when so many people have never been exposed to the Scriptures and seemingly do not know God’s law? Paul explains it in terms of *natural revelation*, that is, God’s revealing himself in nature itself (in distinction from his revelation in the Bible): “For his invisible attributes, namely, his eternal power and divine nature, have been clearly perceived ever since the creation of the world, *in the things that have been made*” (1:19). This prompts another question: is it justified to speak of natural *law* as part of this natural revelation of God? The way Paul ends 1:19 – “so they are without excuse” – shows that the answer is yes. Natural revelation holds

Drunen, *Natural law and the two kingdoms: A study in the development of Reformed social thought* (Grand Rapids, 2010); *Natural law: A Lutheran reappraisal*, Robert C. Baker and Roland Cap Ehlke (eds.) (Saint Louis, 2011); and *Natural law and Evangelical political theory*, Jesse Covington, Bryan McGraw, and Micah Watson (eds.) (Lanham, MD: Lexington, forthcoming).

⁴ See Robert P. George, Religious liberty and the human good, in *IJRF* 5:1 (2012): 35-44; and Novak, *In defense of religious liberty*, chapter 2.

⁵ Quotations of Scripture are from The Holy Bible, English Standard Version (ESV), copyright © 2001 by Crossway Bibles, a publishing ministry of Good News Publishers.

all people accountable before God, and this implies that God requires a proper response to it. In other words, natural revelation puts people under moral obligation before their creator, and thus we are justified in speaking of a “natural law” (which is God’s own law).

Several things in the following verses confirm this conclusion. For example, in 1:26-27 Paul writes of people exchanging “natural relations for those that are contrary to nature.” Certain patterns of sexual behavior are in accord with the world God has made, he is claiming, and certain patterns are not. In 1:32, still writing about the whole human race (most of which had never read the Scriptures), Paul states: “Though they know God’s decree that those who practice such things [the sins described in 1:29-31] deserve to die, they not only do them but give approval to those who practice them.” To put it another way, all people by nature *know* that sin deserves just punishment, but sinful people praise each other’s sins instead. This teaching in Romans 1 clarifies what Paul says about natural law in 2:14-15: “For when Gentiles, who do not have the law, by nature do what the law requires, they are a law to themselves, even though they do not have the law. They show that the work of the law is written on their hearts, while their conscience also bears witness, and their conflicting thoughts accuse or even excuse them. . . .”⁶

Romans 1, therefore, demonstrates the existence of the natural law. But does it shed any light on the question of religious freedom? It does, particularly in verses 21-23, which immediately follow Paul’s statement about natural revelation holding all people inexcusable: “For although they knew God, they did not honor him as God or give thanks to him, but they became futile in their thinking, and their foolish hearts were darkened. Claiming to be wise, they became fools, and exchanged the glory of the immortal God for images resembling mortal man and birds and animals and creeping things.” These verses compel the following conclusion, I believe: human beings have *no ultimate* natural law right to religious freedom *before God*. Below I will identify and defend a different kind of natural law right to religious freedom that human beings do have, but Romans 1 helps us to see what this right is not. No human being can stand before God and claim the right to be religious or commune with the divine in whatever way he chooses. Rather, natural law requires each person to worship *the one true God* – the creator of heaven and earth – and

⁶ Though some interpreters have argued that 2:14-15 should be translated differently and does not teach a doctrine of natural law, a natural law interpretation has been the predominant view through the history of Christianity and continues to be widely affirmed today. Among older theologians, see e.g. Thomas Aquinas, *Summa Theologiae* 1a2ae 91.2; and John Calvin, *Commentaries on the Epistle of Paul the Apostle to the Romans*, trans. John Owen (reprinted Grand Rapids, 2003), 96-99. Among recent commentators, see e.g. James D.G. Dunn, *Romans 1-8* (Dallas, 1988), 98; Douglas J. Moo, *The Epistle to the Romans* (Grand Rapids, 1996), 148-151.

to worship him properly. While natural law may not provide a great deal of information on what that proper worship consists of, natural law at least demonstrates the foolishness of idolatry. What is more, Paul's larger point, both in 1:18-32 and especially as he brings this larger section of Romans to a conclusion in 3:9-20, is that natural law (as well as the law of Moses) exposes the dire sinfulness of every person, such that no one by his own efforts can meet the standard of God's judgment. According to Paul, only through the redemptive work of Jesus Christ and faith in him can anybody be justified before God (3:21-5:21), and such faith comes through the hearing of God's word preached (10:9-17). As an ultimate matter, natural law does not leave people claiming rights of religious freedom before God, but brings them face-to-face with their responsibilities to serve the one true God aright and with their failure in this regard (apart from Christ).

These considerations encourage us to think critically about the way natural law is sometimes invoked in defense of religious freedom. Though George, in a recent article in this journal, advocates certain notions of human dignity that I also affirm, my analysis of Romans 1 calls other aspects of his natural law conception of religious freedom into question. After making a case for religious freedom in terms of "practical reason," George, now speaking specifically as a Roman Catholic, appeals to the idea "that there is much that is good and worthy... in non-Christian religions" and that religion generally "enriches, ennobles, and fulfils the human person in the spiritual dimension of his being." This leads to "a rational affirmation of the value of religion as embodied and made available to people in and through many traditions of faith." Similarly, he states later that the right to religious freedom permits people of many faiths to "engage in the sincere religious quest and live lives of authenticity reflecting their best judgments as to the truth of spiritual matters."

George's conclusions are consistent with the documents of the Second Vatican Council he cites in support, as these reflect the evolving teaching of Rome on matters of religious freedom and the spiritual status of non-Christians.⁷ But these conclusions sit awkwardly next to Paul's discussion of natural law and the human condition in Romans 1 and the rest of that epistle. According to Paul, all people's natural condition is not one of seeking religious and spiritual truth with sincerity, honesty, and integrity, but of suppressing the truth about God manifest in natural revelation. Rather than non-Christian religion enriching and ennobling people, Paul describes it as degrading people made to know and serve the one true God. Natural law, in

⁷ The Vatican II documents he cites are *Dignitatis Humanae* and *Nostra Aetate*. For the background of these documents, see John O'Malley, *What happened at Vatican II?* (Cambridge, MA, 2010). For a brief discussion of how Roman Catholic doctrine on the spiritual status of non-Christians has changed over the centuries, see David VanDrunen, *Inclusive salvation in contemporary Roman Catholicism*, *New Horizons* (October 2011): 6-8.

Romans, does not lead humanity down the road to spiritual enlightenment and nobility, but makes its condemnation before God more plain. The only solution to the human plight Paul offers is one not known through the light of nature: the death and resurrection of Jesus and faith in him through the preaching of the gospel.

To summarize my basic initial conclusion: in accord with Romans 1, human beings do not have an *ultimate* natural law right to religious freedom *before God*. God holds all people accountable for serving him properly, and by the light of nature alone all people know who God is but respond to him sinfully, a condition rectified only through Christian faith. This conclusion makes problematic natural law arguments for religious freedom (such as George's) based upon the spiritual profit that humanity generally gains through sincerely seeking God by the light of nature in a host of different religions.

Nevertheless, in Romans 1 it is also evident that one of the chief sins of people under natural law is a failure to treat their fellow human beings with proper respect. Paul mentions murder, for example, as evidence of how people violate God's natural law (Rom 1:29). In other words, one of the things required by natural law is treating fellow human beings with the dignity they deserve. This raises the question whether this mutual respect human beings owe to one another includes respect for freedom of religion. I believe the answer is yes, and this points the way to a different, but better, argument for a natural law right to religious liberty.

2. A better basis for a natural law right to religious freedom (Genesis 9)

In this section I present this better biblical case for a natural law right to religious freedom. I turn here especially to the covenant God made with Noah after the flood, as recorded in Genesis 8:20-9:17. My conclusion from this text is that there is a *penultimate* natural law right to religious freedom *before fellow human beings* (a right granted by God). To support this conclusion I first offer some general comments on the nature of the Noachic covenant and its relation to natural law. Then I point to two aspects of this covenant that indicate why all people have a natural obligation to protect the right of religious freedom for all fellow human beings.

2.1 God's covenant with Noah and natural law

To understand the character of the Noachic covenant and its relation to natural law, we must reflect briefly on God's original work of creation. The account in Genesis 1 provides a crucial foundation for a sound theory of natural law: God made this world to be orderly, meaningful, and purposeful. Genesis 1 repeatedly describes God giving things their proper place and proper role as part of a larger cosmos. Even more significantly, Genesis 1:26-28 reports humanity's creation in the image

and likeness of God. These human beings not only have a certain nature – they are bodies and souls, having reason and will – but they are also called to a great moral task, that of ruling the rest of creation under God’s ultimate and benevolent rule. The opening of Scripture, therefore, confronts readers with the reality not only of an orderly and meaningful universe but also of a profound human dignity and vocation.⁸

The fall into sin (Genesis 3) threatened to call all of that into question, but God preserved this world and humanity’s place within it, even while he put them both under a curse (3:14-19). After temporarily suspending his ordinary preservation of the world in the great flood (6:11-8:19), God resumed it by means of a covenant (8:20-9:17). This covenant is of great significance, since it sets the terms for God’s providential rule of the universe for as long as “the earth remains” (8:22) – which means it is still in force today. Two initial considerations indicate why this covenant is important for developing a biblical view of natural law and lays the groundwork for further reflection about religious freedom.

First, the terms of this covenant extend far beyond a narrow relationship between God and human beings, for they reach the cosmic order broadly: “seedtime and harvest, cold and heat, summer and winter, day and night, shall not cease” (8:22). Though this cosmic order lies under the curse of God (Gen 3:17-18; Rom 8:20-22), these words indicate that the world still has order, purpose, and meaning – the very things observed in the original creation account of Genesis 1.

Second, this covenant also deals with human beings specifically, and treats them as image-bearers of God. Here we see another point of significant continuity with the original creation account. Not only does God repeat twice the original command to be fruitful and multiply (9:1, 7; cf. 1:28) but he also explicitly uses the language of image-bearing: “Whoever sheds the blood of man, by man shall his blood be shed, for God made man in his own image” (9:6). It is evident that human beings retain a profound dignity and that this dignity has great implications for intra-human relations.

Thus, those crucial foundations for a sound natural law theory – the orderly meaningfulness of the cosmos and natural human dignity – remain in place in the fallen world as maintained by God under his covenant with Noah after the flood. I now dig a little deeper into the terms of this covenant in order to explain and support my claim that people have a penultimate natural law right to religious freedom before their fellow human beings.

⁸ A recent statement by the “Evangelicals and Catholics Together” movement also appeals to this account of human creation in Genesis 1 to lay the foundation for its promotion of the right to religious liberty; see In defense of religious freedom, in *First Things* (March 2012): 30.

2.2 A universal covenant with the whole human race

First, further examination of the Noachic covenant shows that God entered this relationship with the entire human race. After defending this conclusion, I will suggest its significance for the question of religious freedom.

The universal nature of this covenant is evident several times in the biblical text. God says to Noah that he establishes this covenant “with you and your offspring after you” (9:9). In fact, it is “between me and you and every living creature that is with you, for all future generations” (9:12) – with “every living creature of all flesh that is on the earth” (9:16; cf. 9:17). This universal feature of the Noachic covenant distinguishes it from later biblical covenants – such as the one with Abraham and the one at Sinai, or the new covenant – in which God separates a part of the human race from the rest and enters a unique relationship with them. This difference corresponds to the distinct purposes of these covenants. Whereas these later biblical covenants promise benefits of salvation from sin, the Noachic covenant promises only preservation from the worst effects of sin. This is demonstrated even in the signs of the covenants: the signs of the later covenants (such as circumcision, Passover, baptism, and the Lord’s Supper) symbolize forgiveness of sins through the shedding of blood, while the sign of the Noachic covenant, the rainbow (Gen 9:13-16), does not symbolize bloodshed but God’s promise not to destroy the earth again with a flood. It is evident, therefore, that the divine commands in this covenant are moral tasks for the human race as a whole, not for only a part of it. Being fruitful and multiplying, eating plants and (cooked) meat, and administering justice (9:1-7) are vocations for humanity in general. No religious qualification is necessary for participation; God calls all human beings to such tasks regardless of religious profession or membership in a particular community of faith.⁹ The Noachic covenant thereby creates common space for the cultural interaction of all people, which is nevertheless not morally neutral space.¹⁰

⁹ Here and throughout the remainder of this article I am assuming that during Old Testament Israel’s life in the land of Canaan the situation, under God’s appointment, was different and unique. The right to religious freedom under the Noachic covenant, which I am defending, did not exist in the same form under the Mosaic covenant within the bounds of the Promised Land. My position on this point seems to be somewhat different from that of Glenn Penner in, *A biblical theology of persecution and discipleship: Part 1. The Pentateuch*, *JRF* 1:1 (2008): 51-52.

¹⁰ I believe, therefore, that the Noachic covenant provides an excellent foundation for explaining the possibility of having “neither a naked nor a sacred public square, but a civil public square open to the full range of convictions” (Evangelicals and Catholic Together, *In defense of religious freedom*, 32), and for avoiding “the extremes of imperialism on the one hand and obsequiousness on the other” (Novak, *In defense of religious liberty*, x; cf. 106). (By “obsequiousness” Novak refers to the temptation for religious believers to accept passively whatever social arrangements their societies impose upon them, without interest in contributing constructively to the good of their societies.) For a similar perspective see also Thomas K. Johnson, *That which is noteworthy and that which is astonishing in The Global*

The implication of this for the question of religious freedom is rather simple, but deeply significant. The simple implication is this: if God has called the entire human race (regardless of religious identification) to participate in the cultural life of society while he preserves this present world, then no human being has the authority to exclude other human beings from full participation because of their religious profession or practice. It is important to remember that the covenant with Noah is a *blessing of God* (9:1). The commands about procreation, eating, and justice that follow are not simple imperatives but involve a privilege that God grants to all people to be active members of civil society – and this despite the ongoing blight of human sin (8:21) and the specter of a final judgment in the distant future. Since God blesses people with these privileges without respect to religious profession, then if a human being strips another human being of these privileges because of religious profession, he is defying the natural order established by God. (Whether one can strip another of these privileges because of some other reason is a different question, which I address below.)

Here, then, is one reason from Genesis 9 to recognize a natural law right to religious freedom. As part of the natural order sustained in the covenant with Noah, God has granted to each human being in the present age the great blessing of participating in the life of human society, without religious qualification, and thus each person may claim, against any fellow human beings who would seek to add such a qualification, the unhindered right to this participation.

2.3 The responsibility for intra-human justice

In considering my argument in the previous subsection, a reader might lodge the following objection: Yes, the Noahic covenant indicates that all human beings, whatever their religion, have the right not to be obstructed in their participation in activities such as procreation, eating, and administration of justice, but this does not necessarily mean that no one may obstruct them from performing certain acts of religious devotion. In other words, even if the Noahic covenant grants universal rights to engage in general human endeavors whatever one's religious profession, does it leave open the possibility that society might justly suppress the worship and teaching of certain religions? In this subsection I address this sort of question and argue that the answer is negative. In the Noahic covenant God grants one kind of religious freedom as well as the other.

To defend this claim I turn attention back to Genesis 9:6: "Whoever sheds the blood of man, by man shall his blood be shed, for God made man in his image." Of the many interesting and significant things in this verse, perhaps none is as pro-

found as the fact that God, the supreme governor and judge of the world, has delegated aspects of the administration of justice to human beings. In the previous verse (9:5), God states that *he himself* will “require a reckoning for the life of man,” but then in 9:6 states that he who sheds the blood of a man will receive retribution “by man.” This delegation of justice really should not surprise us, given the fact that God identifies human beings here as those made “in his image.” As noted above regarding Genesis 1:26-28, to be the image of God means to have a commission to rule the world under God’s supreme authority. Though dispensing retributive justice against fellow humans would have been unnecessary in an unfallen world, in a fallen world imposing just punishment upon wrongdoers becomes a necessary aspect of human rule. To rule a sinful world entails, in part, ensuring that those who injure another human person receive appropriate and proportionate retribution: eye for an eye (or in the spirit of Genesis 9:6, blood for blood). The punishment must fit the crime.

This observation returns us to the question of religious liberty. What God delegates to human beings here is the administration of *intra-human* justice. To put it another way, God ordains that human beings should impose punishments for injuries inflicted *upon each other*. What God does not do is delegate authority to impose just punishment upon wrongs that a human being commits *against God himself*. From one perspective, of course, any injury inflicted upon a human being is a wrong against the God whose image that person bears, so I will modify my claim in this way: God delegates to human beings the authority to impose punishments for wrongs insofar as they are injuries inflicted upon each other, but not for wrongs insofar as they are inflicted upon God.

And thus we return to the question with which this subsection began: does the Noahic covenant shed any light on whether human society might prohibit or penalize the worship or instruction of a particular religion? It does indeed shed light, and it indicates that human beings do not have such authority. According to the Noahic covenant, human beings have the authority to use force against one another in order to impose proportionate penalties for intra-human wrongs. For intra-human crimes such as murder or theft, there are concrete and definable injuries, and just judges can design penalties that match their severity. But acts of (improper) religious worship are offenses against God. In such cases human beings are inherently incapable of imposing a proportionate penalty: what sort of human punishment is proportionate to a wrong done against an infinite and eternal God? Even if one were to claim that a teacher of a (false) religion was corrupting the religious sensibilities of the youth, for example, and thus be guilty of an intra-human injury, it is difficult to perceive how any human court could objectively determine the character and extent of this injury so as to impose a proportionate penalty.

3. Conclusion

In this article, I have attempted, as a Reformed Christian, to provide a sound biblical footing for the claim that all human beings have a natural law right to religious freedom. Having explored both Romans 1:18-32 and Genesis 8:20-9:17, I hope it is now evident what I meant by making the nuanced claim that though human beings do not have an ultimate natural law right to religious freedom before God, they do have a penultimate natural law right to religious freedom before their fellow human beings (as granted by God himself). The right to religious freedom, I have argued, has nothing to do with any alleged sincerity or integrity of human persons as seekers of God, or with the alleged spiritual profit that people derive from devotion to any of the world's major religions. According to Paul, natural law requires worship of the one true God only, and because of sin no one properly follows the dictates of natural law in a way that brings spiritual profit before this God. As an ultimate matter, God accords human beings no natural law right to religious freedom but a natural law obligation to serve him properly.

But in penultimate terms – that is, in terms of God's temporal governance of intra-human affairs in civil society – there is more to the story. By his covenant with Noah, God sustains the cosmic order and the dignity and vocation of human beings as his image-bearers – and hence he also sustains the reality of the natural law. This covenant divinely grants to all image-bearing human beings, without religious qualification, the blessing of participation in the common affairs of human life, but grants authority to no one either to deprive others of this blessing because of their religious profession or to punish people for their practice of a particular religion. In short, because of God's re-establishment of the natural order and humanity's place within it, under the covenant with Noah, each human being may claim a right to religious freedom against fellow human beings who threaten to take it away.

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The Christian claim for universal human rights in relation to natural law

Two perspectives

Pavel Hošek¹

Abstract

In this article the author analyzes and compares two contrary perspectives on the role of natural moral law in Christian ethics, especially in Christian public claims for universally valid moral principles and values such as those underlying the concept of universal human rights and the corresponding notion of religious freedom. The first perspective under consideration is presented in the published works of the Czech Christian human rights activist and defender of religious freedom Božena Komárková, the second perspective is presented in the writings of the American Reformed theologian Thomas K. Johnson.

Keywords Human rights, natural law, Christian ethics.

Freedom of religion is generally considered to be one of the basic “universal human rights.” Since the human rights discourse has become widely accepted and influential in the contemporary world, Christians engaged in defending their own or other peoples’ freedom of religion have to think through the relation between Christianity and universal human rights, and in particular, they have to decide whether they should use the world-wide consensus concerning human rights and support their claim for religious freedom in public debates by referring to a generally acknowledged and accepted set of universal human rights, including the right of freedom of religion. In this article I want to present and compare two alternative ways of substantiating the Christian claim for universal human rights and freedom of religion in relation to the notion of natural moral law.

1. Christianity and human rights

The relation between Christian theology and the idea of universal human rights is very complex, both historically and conceptually.² In the contemporary world, many

¹ Doc. Pavel Hošek Th.D. (*1973) teaches religious studies and ethics at the Evangelical Theological Seminary in Prague and at the Protestant Theological Faculty of Charles University, Prague, Czech Republic. He specializes on interfaith relations and the relation between Christian theology and religious studies. Contact: hosek@etf.cuni.cz.

² For a general summary of issues involved see William Brackney 2005. *Human rights and the world’s major religions. The Christian tradition*. London: Praeger Perspectives.

Christian organizations support and defend the rights of people who suffer from human rights violations, such as denying or limiting freedom of religion, whether it concerns fellow Christians or adherents to other faiths. On the other hand, many Christian churches and individual theologians have opposed the concept of universal human rights, including freedom of religion, as theologically wrong and unacceptable. Moreover, in countries with a strong coalition between the majority church and the political establishment, the rights of some groups and individuals (especially freedom of religion) have been denied, and in some countries this is still happening. Some human rights activists actually see religion (Christian or any other) primarily as a problem – as a source of justification for those who legitimize their abuse of power and their violations of human rights. Some of these activists also suggest that the greatest enemy of religious freedom is in fact religion. Yet, at the same time, many other human rights activists suggest, on the other hand, that if we give up on a religious, theological foundation and justification of human rights, including freedom of religion, we are weakening our claim for their universal validity and applicability.³

This is why many Christian theologians emphasize theological and spiritual values that have played an essential role in identifying, defining and shaping human rights in European and American history. But there is one very important disagreement among Christian thinkers, who emphasize the specifically Judeo-Christian origin of the concept of universal human rights, including freedom of religion. Some of them refer only to the Bible (and its understanding of God and humanity) to substantiate their claim for universal validity of human rights and refuse to support their argument by any reference to a universally recognizable natural law of morality. Others believe that to make a Christian claim for universal human rights (and the corresponding claim for religious freedom) plausible, even for those who do not share the Christian faith, a reference to some kind of universally human basis of morality such as the Stoic notion of “natural law” is legitimate and in fact necessary. In this article I am going to present and compare these two conflicting views, the first represented by the Czech Christian human rights activist and defender of religious freedom Božena Komárková (1903-1997), the second represented by the American Reformed theologian Thomas K. Johnson.

2. Božena Komárková and the Christian origin of human rights

In many of her writings Božena Komárková emphasized what she considers as unquestionable evidence for the biblical and theological roots of human rights and

³ See for example Max Stackhouse 1999. Human rights and public theology, in Carrie Gustafson and Peter Juviler (eds.), *Religion and human rights. Competing claims?* New York: M. E. Sharpe: 4ff, and also Max Stackhouse 2003. Sources and prospects for human rights ideas. A Christian perspective, in *The idea of human rights: Traditions and presence*, Jindřich Halama (ed.). Praha: ETF UK: 194 and 199.

the notion of religious freedom.⁴ She always claimed that the whole concept of human rights and religious freedom was inspired by Judeo-Christian biblical and theological values and teachings, and, in particular, by the Calvinist stream of the Reformation in its Anglo-Saxon form.⁵ She also claimed that this was not a matter of historical coincidence, in other words, that this theological origin of human rights and the concept of religious freedom has to be acknowledged and emphasized, because if it is forgotten, denied or viewed as coincidental and unnecessary, the whole concept of universal human rights with its unconditional validity will lose its essential foundation and may not survive.⁶ Human rights without substantiation in theology, that is, without reference to the transcendent guarantee of human dignity, are an extremely vulnerable concept.⁷ Human rights and religious freedom must be viewed in the context of God's covenantal relationship with humanity. They must be understood in relation to God's call to freedom, responsibility and obedience.⁸ Only if we anchor human rights in God's will for humankind can we insist on their universal and unconditional validity.⁹ Human rights are not created or issued by the state. They only make sense with reference to God who revealed Himself to humanity in Christ.¹⁰

Even though the logic of Komárková's argument seems sound and convincing, she and those Christians who make this claim have to face a serious difficulty. In the contemporary context of cultural and religious pluralism, insisting on a very close tie between human rights and a particular type of Christian theology may make it quite difficult to convince others about their universal applicability – especially those outside the Christian community.¹¹ In many of her articles, Komárková argues again and again that there is sufficient historical evidence that human rights as they appeared in Europe and America have been derived from particular spiritual values of the Judeo-Christian tradition, more precisely, from its Anglo-Saxon Calvinist Protestant form. She claims again and again that without these religious values, human rights cannot stand in the longterm perspective. She insists that if human rights and the corresponding notion of religious freedom are viewed simply as a

⁴ See especially her book *Lidská práva* 1997. Heršpice: Eman and also *Puvod a význam lidských práv* 1990. SPN Praha, and an English translation of her papers related to human rights Komárková, *Human rights and the rise of the secular age* 1991. Heršpice: Eman (to be referred to below as HRRSA).

⁵ Cf. Pavel Keřkovský, Introduction, *Human rights and the rise of the Secular Age*, 15, see also Komárková, Human Rights and Christianity, in HRRSA, 69, 72, 82.

⁶ Komárková, Are Christian institutions possible?, in HRRSA, 42, and also Three observations, in HRRSA, 180.

⁷ Komárková, The reformation and the modern state, in HRRSA, 129.

⁸ Komárková, Human rights and Christianity, in HRRSA, 70.

⁹ *Ibid.*, 99.

¹⁰ *Ibid.*, 42.

¹¹ Cf. Stackhouse, *Sources and prospects for human rights ideas. A Christian perspective*, 183ff.

legal matter, as a consensus of a particular society, without reference to any guarantee transcending all human institutions and societies, they can be changed and abolished by political authorities just as they were accepted. But how does such an understanding of human rights relate to Hindus, Buddhists or Muslims? And can one say something significant about human rights in societies without these historical roots?

There is no question that Komárková's argument has actually been quite effective and fully intelligible in her central European context, because of its strong Judeo-Christian cultural heritage. In fact she was a courageous human rights activist and defender of religious freedom in Communist Czechoslovakia, challenging the totalitarian government of this country for human rights violations and severe limitations of religious freedom, and she was persecuted by the Communist government on that account.¹² Her arguments were meaningful for her central European listeners and readers, both Christian and secular. After all, she was speaking to an audience that shared the history she was referring to; the history leading up to formulating the human rights declarations and charters defending religious freedom was in a significant sense their history, which was true even of those who did not share her Christian faith. All her readers knew what she means by the word "human" in the phrase "human rights," and all her readers basically agreed with that concept of humanity. But what if she spoke to Buddhists or Hindus? What if she spoke to Muslims? How would her insistence on the Christian theological origin of human rights affect her claim for their universal validity in a religiously plural context, that is, in today's social and political reality in both Europe and America, not to mention other parts of the world?

Komárková is obviously right in claiming that the universal validity and unconditional applicability of human rights is better substantiated if it is anchored in theology, that is, in God's universal will for humankind, than if it should just be based on human governments and their unpredictable decisions.¹³ Yet, at the same time, the way Komárková links human rights and their origin with a specific theological tradition (Anglo-Saxon Calvinist Protestantism) makes it very difficult to persuade non-Europeans and non-Christians of their universal applicability. The fact that human rights are derived from one particular tradition might seemingly limit their relevance for those who do not share the accepted religious values of that tradition or who were not raised in a cultural environment shaped by these values. Religious pluralism in the contemporary world is a serious challenge for any universalist

¹² See Keřkovský, Introduction. *Human rights and the rise of the secular age*, 7ff.

¹³ Cf. also Thomas Johnson, Human rights and Christian ethics 2005, in *Communio Viatorum*, III, 329, see also his *Human rights. A Christian primer* 2008. Bonn: VKW, 61f.

claim, especially if that universalist claim is derived from such particularist theological presuppositions.

Historically speaking, there is no question that many important Judeo-Christian values have played a very significant role in the discussions leading to the formulation of the most important human rights declarations, such as the US Declaration of Independence in 1776, the French Declaration of the Rights of Man and of the Citizen in 1789 (very much influenced, in fact, by the American Declaration of Independence) and also the United Nations' Universal Declaration of Human Rights in 1948.¹⁴

But the more evidence we bring for the decisive Jewish-Christian influence on the rise and development of human rights discourse in Western culture, the more we are faced with the problem of their universal validity and applicability. If human rights are intrinsically tied with a "Western," "Euro-American" or "Judeo-Christian" history and particularity, why should we expect them to be viewed as valid and binding for Buddhists or Hindus or Muslims? Why should Japanese or Chinese or Pakistani people feel obliged by a document based on Euro-American Christian theology?

3. Religious pluralism and different understandings of humanity

In trying to answer this question, we have to acknowledge the fact that speaking about "human" rights as a universal concept, we are actually using the adjective "human" in a normative sense, which implies a particular sort of anthropology (i.e. a particular view of what the word "human" means). And here we face a problem, which does not seem to be sufficiently addressed in Komárková's proposal. The problem is that each cultural and religious tradition has its own particular view of humanity, that is, its own normative anthropology, based in its sacred texts. Let us look briefly at the Muslim, Hindu and Buddhist understandings of humanity, to see some of the most obvious similarities and differences in comparison with the Judeo-Christian anthropology which has had, as we have seen, a strong impact on the rise and development of universal human rights discourse in Western culture.

In the Islamic tradition, the general understanding of human nature is similar to Jewish and Christian anthropology. In spite of that similarity, the Islamic view of humanity is unique. In Islamic sacred texts and their later normative interpretations, we find a very specific understanding of human beings: every man and woman is born as a "Muslim," that is, with an innate inclination to be submitted and obedient to the Creator. Each and every human being should therefore live in accordance

¹⁴ Cf. Stackhouse, *Sources and prospects for human rights ideas. A Christian perspective*, 186f, see also Johnson, *Human rights and Christian ethics*, 326.

with the revealed law of human behavior (*shari'ah*). Human dignity, sanctity of human life and equality of all human beings, gender roles, family structures, etcetera are all based on these theological presuppositions.¹⁵ In Islamic sacred texts (Qu'ran and *sunna*) we find many principles and ideas similar to those underlying the 1948 UN Declaration of Human Rights.¹⁶ At the same time, Islamic interpretations of Qu'ran and *sunna* are in certain areas in quite obvious tension with how human rights are understood in Western countries,¹⁷ especially in areas such as the social role of women,¹⁸ status and treatment of non-Muslims, religious freedom, etcetera. The fact that Muslims have serious objections to the UN Declaration of Human Rights has actually led some of their leaders to formulate and publish specifically Islamic declarations of human rights in accordance with Muslim faith and tradition.¹⁹

The Islamic view of humanity, as we have seen, is therefore not exactly the same as the implicit anthropology of the 1948 UN Declaration.²⁰ Now, whereas Judaism, Christianity and Islam have (in spite of significant differences) many things in common, since all three are monotheistic religions, and all three refer to Abraham and the ancient Israelite patriarchs as their forefathers, in the case of the two most well known religious traditions which have their roots in India, Hinduism and Buddhism, we encounter a completely different framework.

In Hindu tradition, which is in itself very diverse and multifarious, man is a (potentially) divine being, temporarily imprisoned in this material world, a being whose individual destiny is determined by *karma*. The quality of one's *karma* depends on how that person lived in previous lives. The goal of human existence is to

¹⁵ Cf. Roger Garaudy 1990. Human rights in Islam: Foundation, tradition, violation, in *The ethics of world religions and human rights*, Hans Küng and Jürgen Moltmann (eds.) London: SCM Press, 46ff. Cf. also T. Johnson 2008. The twofold work of God in the world. *MBS Texte* 102, 5.

¹⁶ Cf. Riffat Hassan 1982. On human rights and the Quranic perspective, in *Human rights in religious traditions*. Arlene Swidler (ed.). New York: The Pilgrim Press, 51ff. Cf. also RA Jullundhri 1980. Human rights and Islam, in *Understanding human rights. An interdisciplinary and interfaith study*, Alan Falconer (ed.) Dublin: Irish School of Ecumenics, 34ff.

¹⁷ Cf. Abdullah Ahmed An-Naim, Quran, Sharia and human rights: Foundations, deficiencies and prospects, in *The ethics of world religions and human rights*, 61ff. For a recent analysis of this problem see Christine Schirrmacher, Islamic human rights declarations and their critics, in *International Journal for Religious Freedom*, 4/2011, 37ff.

¹⁸ Cf. Nikki Keddie, The rights of women in contemporary Islam 1988, in *Human rights and the world's religions*, Leroy Rouser (ed.), Notre Dame: University of Notre Dame Press, 76ff. Cf. also Miriam Cooke, Bruce Lawrence 1996. Muslim women between human rights and Islamic norms, in *Religious diversity and human rights*, Irene Bloom, J. Paul Martin, Wayne Proudfoot (eds.). New York: Columbia UP, 313ff.

¹⁹ Cf. especially *The universal Islamic Declaration of Human Rights* (1981 Paris), and *The Declaration on Human Rights in Islam* (1990 Cairo).

²⁰ For a general summary of issues involved see Muddathir Abd Al-Rahim 2005. *Human rights and the world's major religions. The Islamic tradition*. London: Praeger Perspectives.

achieve ultimate liberation from these conditions, that is, to achieve ultimate union with the divine Ground of all reality, the union of individual *atman* with divine *Brahma*, which is often illustrated as the waters of a river reaching its mouth and dissolving themselves in the waters of the ocean. The human individual, that is, the “subject” of human rights, is viewed as a temporary entity determined by the current state of his or her *karma*, and understood as an intermediate stage in spiritual development, a stage to be overcome and left behind. Now, the divine ground of human being can be viewed as a foundation of a specifically Hindu understanding of human dignity, sanctity of human life and value of each individual.²¹ The Hindu tradition therefore contains elements supporting what in the West is called human rights.²² On the other hand, the sacred texts of Hinduism contain views that are in obvious tension with human rights as they are generally understood (the caste system, the social status of women, of untouchables etc.).²³ This is naturally caused by the fact that Hindu tradition has a very specific understanding of humanity (of what it means to be human), only partially compatible with the anthropology of the 1948 UN Declaration.²⁴

The same is true about Buddhism. Its basic teaching about the human condition, its main problem and the proposed solution of this problem have very practical consequences. The individual self – as the “subject” of human rights – actually “does not exist.” The empirical self is an illusion, it is a self-deception. And this self-deception, moreover, is one of the major obstacles and barriers on the way to spiritual liberation (reaching Nirvana). At the same time, all human beings (actually all sentient creatures) are, according to Buddhist ontology, mutually dependent and interconnected, and all of them are on their way to ultimate liberation from omnipresent suffering. The most important Buddhist virtue is compassion (*karuna*) – compassion with all sentient and therefore suffering beings. This compassion is a powerful motivation for sacrificial care for others. Moreover, Buddha rejected the unjust Hindu stratification of society (caste system). It should not be surprising therefore that in Buddhist history we find many admirable examples of defending what we call today human rights: emancipation of women, care for the poor and ill

²¹ Cf. Kana Mitra, Human rights in Hinduism, in *Human rights in religious traditions*, 77ff. Cf. also Carrie Gustafson, Gandhi’s philosophy of *Satyagraha*: Cautionary notes for the international penal lobby, in *Religion and human rights: Competing claims*, 88ff.

²² Cf. John Carman, Duties and rights in Hindu society, in *Human rights and the world’s religions*, L. Rouser (ed.), 113 ff. Cf. also Joseph Elder, Hindu perspectives on the individual and the collectivity, in *Religious diversity and human rights*, 54ff.

²³ See especially the monograph Arvind Sharma 2003. *Hinduism and human rights*. Oxford: OUP.

²⁴ For a general summary of issues involved see Harold Coward 2005. *Human rights and the world’s major religions. The Hindu tradition*. London: Praeger Perspectives.

people, etcetera.²⁵ On the other hand, Buddhist teaching has sometimes been interpreted to imply that outward conditions of human life actually do not matter. It is therefore not necessary to reform unjust social structures and fight against abuses of power and human rights violations, because what is really important (spiritual liberation of human beings) is actually independent of the outward circumstances of human existence.²⁶ In Buddhist history, this indifference towards social conditions has led to much passivity and a lack of engagement in facing the structural evils in society.

Again, as was the case with Islam and Hinduism, we see in Buddhism a very specific anthropology, which has a very significant yet not quite complete overlap with the implicit understanding of humanity to be found in the 1948 UN Declaration and subsequent documents.²⁷ As we have seen, religious and cultural plurality is a serious challenge for the universal validity and applicability of human rights, especially if they are presented as anchored in a specifically Judeo-Christian understanding of humanity. Many critics coming from non-European cultural and religious backgrounds naturally see human rights as formulated in the UN documents as culturally particularist (Western, Euro-American, and Judeo-Christian) and they often criticize their implicit “Western individualism” as a cultural value that cannot be translated and applied in non-European contexts shaped by different religious and cultural values.²⁸

It seems obvious that if we as Christians want to make an effective public case for universal human rights, and if we want to join forces with all people of goodwill, be they Hindu, Buddhist, Muslim or secular, we have to look for a common language with those who do not share our Christian presuppositions. We have to search for a generally acceptable normative view of humanity, as a shared platform for communication and cooperation with people of other faiths or of no faith. And here I see a major problem in Komárková’s proposal.

The key question in relation to her approach to human rights and their universal validity is the following: Should we as Christians, as we try to make a public claim for human rights and religious freedom, just witness, proclaim and “preach” our understanding of humanity, based on biblical texts, without any attempt to make it

²⁵ Robert Thurman, Human rights and human responsibilities: Buddhist views on individualism and altruism, in *Religious Diversity and Human Rights*, 87ff. See also Taitetsu Unno, Personal rights and contemporary Buddhism, in *Human rights and the world’s religions*, 129ff.

²⁶ See K. Inada, The Buddhist perspective on human rights, in *Human rights in religious traditions*, 66ff, and also Sulak Sivaraksa, Human rights in the context of global problem-solving: A Buddhist perspective, in *The ethics of world religions and human rights*, 79ff.

²⁷ For a general summary of issues involved see Robert E. Florida 2005. *Human rights and the world’s major religions. The Buddhist tradition*. London: Praeger Perspectives.

²⁸ Cf. Stackhouse, *Sources and prospects for human rights ideas. A Christian perspective*, 183ff.

intelligible and plausible for those who do not share our faith? Or should we, in light of cultural and religious pluralism, try to identify and formulate trans-cultural, trans-contextual universally acceptable norms of human behavior and criteria of humanity?

There is a danger, I think, that if we only insist on the essential tie between Christianity and human rights (which I think we should), without ever trying to show that they make good sense even without explicit reference to the Bible, the claim for their universal validity will be seriously weakened, and we may actually end up leaving the victims of human rights violations in non-Christian societies in the hands of their oppressors. These oppressors will naturally insist that if human rights and the corresponding notion of religious freedom are Christian, they only apply to Christians. Those who are in a position of power can always refer to all sorts of cultural and religious particularities of their society and thereby avoid any accountability for their exercise of injustice or for denying the religious freedom of their subjects. It seems obvious that the contemporary world needs trans-cultural publicly debatable universally binding normative principles of human behavior and criteria of humanity, which would make sense for Hindus, Buddhists, Christians, and even Atheists – in order to protect potential victims of injustice.²⁹ And in this particular respect, Komárková's view of human rights and their universal validity is deficient, I think, especially in comparison with an alternative view of a Christian approach to human rights as proposed by Thomas K. Johnson, to whose analysis I now turn.

4. Thomas K. Johnson and the relation between human rights and natural moral law

Thomas Johnson is an Anglo-Saxon Calvinist Protestant theologian, that is, he belongs exactly to the tradition to which Komárková refers in her analysis of the origin and essence of human rights. Yet his perspective is different. He agrees with Komárková in emphasizing the Christian origin of universal human rights discourse and a decisive influence of Christianity in its development. He also agrees with her that for Christians, human rights need to be anchored theologically, namely, with reference to God as their transcendent guarantee.³⁰ Yet Johnson disagrees with Komárková on one very important point, related to the basis on which we (as Christians) make public claim for the universal validity and applicability of human rights. For Johnson it is very important for Christians to make an understandable public case for human rights without only referring to the Bible to substantiate their argument.³¹ He is convinced that Christians have to formulate their view of human

²⁹ *ibid.*, 192ff.

³⁰ Johnson, *Human rights and Christian ethics*, 326.

³¹ Johnson, *Natural law ethics*, ch. 1 and 5, see also *Human rights and Christian ethics*, 334 and Biblical

rights in a way that makes sense for the believers of other faiths as well as for non-believers. There is one tradition of Christian ethical discourse, as Johnson points out, which offers suitable conceptual tools for demonstrating universal relevance and applicability of Christian moral values outside of the Christian church, namely, natural law ethics.³²

There has been much debate and misunderstanding concerning the question whether and in what sense Christian ethics should use the notion of universal God-given natural moral law.³³ Whereas Roman Catholic theologians seem by and large quite comfortable with the notion of a God-given natural moral law, based on the doctrine of creation, many Protestant thinkers, including Božena Komárková, have argued strongly against basing Christian ethical claims on natural law, a concept they viewed as theologically questionable and actually alien to a “biblical way of thinking.”³⁴ Komárková also claims that natural law is an “illusion” because each society has defined what is “natural” very differently.³⁵ Moreover, Komárková views the notion of natural law as typical of “Roman Catholic scholasticism,”³⁶ as anchored in a questionable static metaphysical and cosmological framework,³⁷ and as basically incompatible with a biblical worldview and Protestant Christianity.³⁸

For these theological reasons, Komárková is convinced that it is a serious mistake if Christians try to base their claim for universal human rights on natural law³⁹. I think it can be demonstrated that Komárková’s judgments concerning natural law are not quite justified. Or in other words, that these judgments are only justified in relation to certain types of natural law reasoning, which is exactly what Johnson is demonstrating in his analysis of the relation of natural law and Christian ethics. He shows quite convincingly that the sort of arguments Komárková and some other Protestant thinkers present against natural law only apply to a particular kind of

principles in the public square 2008. *MBS Texte* 108, 4, 17ff.

³² See Johnson’s monograph 2005. *Natural law ethics. An evangelical proposal*. Bonn: VKW. Cf. also his *The twofold work of God*, 4.

³³ Cf. the following recent literature on theological legitimacy of the concept of natural moral law: Stephen J. Grabill 2006. *Rediscovering the natural law in reformed theological ethics*. Grand Rapids: Eerdmans; J. Daryl Charles 2008. *Retrieving the natural law: A return to moral first things*. Grand Rapids: Eerdmans; David VanDrunen 2010. *Natural law and the two kingdoms: A study in the development of reformed social thought* Grand Rapids: Eerdmans; Robert C. Baker and Roland Cap Ehlke (eds.) 2011. *Natural law: A Lutheran reappraisal*. Saint Louis: Concordia; and Jesse Covington, Bryan McGraw, and Micah Watson 2012 (eds.), *Natural law and evangelical political theory*. Lanham, MD: Lexington.

³⁴ Komárková, Natural law and Christianity, in *HRRSA*, 48.

³⁵ *ibid.*, 43, 45.

³⁶ *ibid.*, 41, see also her Human rights and Christianity, in *HRRSA*, 70.

³⁷ *ibid.*, 44.

³⁸ *ibid.*, 46.

³⁹ *ibid.*, 50.

natural law concept.⁴⁰ If natural law is not viewed as an abstract principle unrelated to God's activity or as an immanent law independent of God, but if it is instead anchored theologically in the framework of the dynamic relation between God and humanity, in the doctrine of creation and the unity of humankind under God's sovereign rule, and especially in relation to the classical theological notion of general revelation, there seems to be no reason to reject this concept and to weaken thereby the public claim of universal applicability and validity of Christian moral values, especially those that underlie universal human rights and the corresponding notion of religious freedom.⁴¹

Now somebody might object that this theological understanding of natural moral law anchored in the Christian doctrine of creation and general revelation is open to the same sort of criticism as Komárková's position: namely, that it is offering a particularist (i.e. biblical) foundation for a universalist claim, unintelligible for those outside the community of Christian faith. But we have to distinguish two different discourses with two different audiences (and two different sets of criteria): one is the internal debate among Christian theologians about legitimate biblical and theological foundations of a particular notion (natural moral law in this case), the other is the public debate about human rights and religious freedom in which Christians participate together with people of other faiths and of no faith. In the first debate, reference to creation and general revelation makes sense and is in fact necessary. In the second debate, criteria of intelligibility and validity are different. Instead of referring to the particular doctrines of Christian revelation, reference to empirical evidence, common sense, generally accessible knowledge, universally accepted values such as human dignity, etcetera are to be used to support one's arguments.

In other words: if Christians want to make a convincing public claim for universal human rights and the corresponding notion of religious freedom, it does not seem to be enough to just refer to the Bible, especially if we want to invite all people of goodwill (Hindus, Buddhists, Jews, Muslims, Atheists), not just fellow Christians, to join hands in fighting against human rights violations and to support religious freedom in the contemporary world. I am convinced that the notion of natural law provides a meaningful conceptual framework for making an effective, understandable and plausible public claim for universal human rights, a claim that, unlike some other Christian public claims in this area, cannot be dismissed by pointing to the fact that historically, it is derived from one particular sacred text of one particular faith and therefore does not seem to apply to people who base their

⁴⁰ Cf. Johnson, *Natural law ethics*, ch. 1 and 2.

⁴¹ Cf. Johnson, *Natural law ethics*, ch. 5, see also Human rights and Christian ethics, 334 and also his Christ and culture 2011. *Evangelical Review of Theology* 35/1, 14f.

lives on different sacred texts or on no sacred text at all.⁴² This claim is not weakened by the fact that in the internal Christian debate, Christian theologians have to base the notion of natural moral law on biblical doctrines of creation and general revelation. Why? Because the notion of natural moral law can be easily adapted by people of different cultural and religious backgrounds and can serve as a shared platform for communication, peaceful coexistence and cooperation. And we need such a platform. And the fact that each religious and cultural tradition will have a different and tradition-specific substantiation of that platform does not make its functioning impossible.

5. Natural moral law and Christian public defense of human rights

The strength of natural law ethics is its reference to common sense, to generally accessible knowledge, to trans-cultural criteria of value and meaning, to observable general principles, as they can be supported by empirical research⁴³ and also as they can be found in all cultural and religious traditions,⁴⁴ in other words, its reference to what Christian theology calls general revelation. There are certain kinds of behavior that are obviously incompatible with humanity. Always and everywhere. And this fact should not be dismissed by referring to cultural differences. Christian natural law ethics has the immense advantage that it can be argued for publicly, it can be supported by research and empirical evidence and defended in the public square, it can be formulated in universally understandable language, and therefore it cannot be silenced by referring to its Christian origin or bias.⁴⁵

This is the reason why I find Božena Komarková's appeal to universal human rights vulnerable and Thomas Johnson's argumentation more convincing. As Johnson points out, the Bible and the Reformers do in fact teach the doctrine of general revelation, that is, an awareness of God and his will and his moral law, available at least to some degree to all people and at all times and places⁴⁶. As Johnson reminds his readers to make this point clear, the prophets in ancient Israel do not teach the non-Israelite nations what is right and what is wrong (as if these nations did not know), they in fact presuppose that these nations know the difference, but do

⁴² Cf. Johnson, *Natural law ethics*, 88ff.

⁴³ *ibid.*, 75ff.

⁴⁴ *ibid.*, 85ff.

⁴⁵ Johnson, *Human rights and Christian ethics*, 334.

⁴⁶ Cf. Johnson, *Natural law ethics*, 131ff, cf. also *Human rights. A Christian primer*, 47ff and *The spirit of the Protestant work ethic and the world economic crisis 2009*, *MBS Texte* 137, 8f, and *The twofold work of God in the world*, 3ff, and *The protester, the dissident and the Christian 2012*, *MBS Texte* 168, 3f. Cf. also his *Law and Gospel: The hermeneutical/homiletical key to reformation theology and ethics 2012*, *Evangelical Review of Theology*, 36/2, 153f.

not act accordingly.⁴⁷ Moreover, drawing on Max Weber's sociological and cultural analyses, Johnson points out that religion can in fact provide or inspire values that gain general acceptance and have far reaching influence outside the religious community, and biblical religion can provide such influential values to public cultures precisely when the biblical values correspond closely with God's general revelation of the moral law. Christians should consciously use this sociological/theological observation in their active involvement in public debates on human rights and religious freedom.

I think it is obvious that in the context of contemporary cultural and religious pluralism, Johnson's proposal to base the Christian public claim for biblical moral values and for universal validity of human rights on the God-given natural moral law (anchored – for Christians – in the doctrine of creation and general revelation), offers a more promising platform for public debate and intercultural dialogue and cooperation than Komárková's appeal to the Christian roots of human rights accompanied with a strict rejection of the notion of natural law. I think it is vitally important for contemporary Christians to be able to present their ethical convictions in ways that are intelligible and hopefully acceptable for non-Christians, in other words, in ways that make it clear that their plausibility does not stand and fall with accepting the Christian faith and our sacred book. I think it is necessary for contemporary Christians, as they strive to fight for human rights and religious freedom, to join hands with all people of goodwill, not just with fellow Christians. And I think that the sort of ethical theory proposed by Johnson can serve as a suitable and theologically sound platform for such an alliance, based on shared values and concerns. I don't think Komárková's view of human rights and natural law offers such a platform.

Moreover, if we look carefully into the sacred books and traditions of non-Christian religions, we find much evidence supporting Johnson's perspective. In spite of many abovementioned differences in the area of metaphysics and religiously defined anthropology, ethical guidelines and moral values tend to be quite similar across all religious traditions.⁴⁸ There is actually much more commonality among world religions in the area of ethical values and ideals than in the area of theological doctrines and metaphysical concepts, which substantiate those ideals and values.

⁴⁷ Johnson, *Natural law ethics*, 141ff, see also his *The protester, the dissident and the Christian*, 5 and *Biblical principles in the public square*, 5ff. See also his *Christ and culture*, 14ff and *Law and Gospel: The hermeneutical/homiletical key to reformation theology and ethics*, 159.

⁴⁸ See on this point a classical presentation of those similarities in Clive S. Lewis 1978. *The abolition of man*. Glasgow: Collins, 49ff, and also the very influential statement of the same claim in Hans Küng 1991. *Global responsibility*. New York: Crossroad Publishers. Komárková tends to neglect or underestimate this trans-cultural consensus in the area of moral values by claiming as she does that each society defines what is morally "natural" very differently. It is not quite true I think.

In all existing world religions we find some version of the so-called Golden Rule. Moreover, the rules of interpersonal relationships as they are defined in all existing world religions agree generally with the principles of the second half of the biblical Decalogue. This relatively far-reaching consensus among world religions in the area of ethical values and ideals has been acknowledged and officially confirmed in documents such as the Declaration toward a Global Ethic approved by the Parliament of World Religions in Chicago in 1993.⁴⁹ I think that the most plausible explanation for this universal consensus from a Christian perspective is the theological understanding of God-given natural moral law, anchored in the doctrine of creation and general revelation.

To summarize and conclude, in a contemporary situation of cultural and religious pluralism, I find Thomas Johnson's proposal to develop a publicly understandable Christian natural law ethics more convincing than the alternative proposal of Božena Komárková. Johnson's proposal, based on the doctrine of creation and general revelation, supported by empirical evidence, generally accessible knowledge and appeal to common sense is providing a suitable platform for cooperation with all people of goodwill and a theologically sound, yet, at the same time publicly intelligible basis for claiming the universal validity of human rights, including the right for religious freedom. The alternative proposal by Božena Komárková is less convincing, precisely because she refuses to relate her Christian claim for human rights to a universally human normative basis of morality such as the natural moral law, which could serve as a plausible and acceptable platform of dialogue and cooperation, not just for Christians but also for people who do not share the Christian faith.

⁴⁹ *Declaration toward a global ethic*. Parliament of the World's Religions. Chicago, 1993, www.parliamentofreligions.org.



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Interim report of the Special Rapporteur on freedom of religion or belief

United Nations General Assembly, A/67/303

Summary, distributed 13 August 2012

Special Rapporteur on freedom of religion or belief

In the present report, the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, provides an overview of his mandate activities since the submission of the previous report to the General Assembly (A/66/156), including his country visits, communications and other activities.

The Special Rapporteur then focuses on the right of conversion as part of freedom of religion or belief. In this context, he distinguishes the following four subcategories: (a) the right to conversion, in the sense of changing one's own religion or belief; (b) the right not to be forced to convert; (c) the right to try to convert others by means of non-coercive persuasion; and (d) the rights of the child and of his or her parents in this regard. The Special Rapporteur outlines the international human rights framework and specific violations for each of these subcategories and addresses some typical misunderstandings. In his conclusions and recommendations, the Special Rapporteur calls upon States to consistently respect, protect and promote the human right to freedom of religion or belief in the area of conversion. He reiterates that the right to conversion and the right not to be forced to convert have the status of unconditional protection under international human rights law. Freedom of religion or belief includes the right to try to persuade others in a non-coercive manner; any restrictions on missionary activities deemed necessary by States must strictly abide by article 18 (3) of the International Covenant on Civil and Political Rights. The rights of the child and his or her parents must be guaranteed effectively in the context of conversion issues. Lastly, the Special Rapporteur provides specific recommendations with regard to domestic legal provisions, various areas of administration and school education and non-State actors.

Editorial note: The full 23-pages report can be read at: <http://tinyurl.com/Bielefeldt2012>



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

PO Box 535
Edgemoor 7407
Cape Town
South Africa
CapeTown@IIRF.eu

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

Noteworthy

The noteworthy items are structured in five groups: Conferences and news, annual reports and global surveys, regional and country reports, specific issues, and journals and articles. Though we apply serious criteria in the selection of items noted, it is beyond our capacity to scrutinize the accuracy of every statement made. We therefore disclaim responsibility for the contents of the items noted. The compilation was in part produced by the interns Ashley Berry and Lauren E Johnson and edited by Dr. Stephen Baskerville and Dr. Christof Sauer. Submissions welcome to: noteworthy@iirf.eu.

Conferences

16-18 March 2013, Istanbul, Turkey

International Consultation on Religious Freedom Research. Organized by the International Institute for Religious Freedom (IIRF), in collaboration with the Working Group on Human Geography of the University of Tübingen, Germany, the Unit for Church and Law, Beyers-Naudé Centre, Stellenbosch University, South Africa, the Department of Constitutional Law and Philosophy of Law, Faculty of Law, University of the Free State, South Africa and the Study Group on Religious Freedom and Persecution (International Association for Mission Studies). Results to be expected in IJRF and a consultation compendium. www.iirf.eu.

3-6 October 2013, Newport and Providence, Rhode Island, USA

“No Person Shall Be Any Wise Molested”: Religious Freedom, Cultural Conflict, and the Moral Role of the State. Organized to mark the 350th anniversary of the 1663 Rhode Island Charter by Newport Historical Society, the Pell Center for International Relations and Public Policy, Salve Regina University, the George Washington Institute for Religious Freedom, the John Carter Brown Library, and Brown University. <http://tinyurl.com/callforpapers2013>.

News

Italy: Observatory on Religious Freedom

Rome, 28 June 2012: Following the lead of other countries, Italy too has set up an Observatory on Religious Freedom to monitor and combat violations of religious freedom around the world, beginning with the areas at risk where religious minorities are being persecuted. The Observatory was established by the Italian Minister of Foreign Affairs and the City of Rome and is run by a Coordinator, the sociologist Massimo Introvigne and four members: two diplomat

expert on Human Rights, Diego Brasioli and Roberto Vellano, and two representative from NGOs: Attilio Tamburrini and Roberto Fontolan. www.esteri.it/MAE/EN.

Canada: Office of Religious Freedom

Vaughan, Ontario, 19 February 2013: Prime Minister Harper announced the establishment of the Office of Religious Freedom within the Department of Foreign Affairs and International Trade, and announced the appointment of Dr. Andrew Bennett as Ambassador to the Office. www.pm.gc.ca/eng/media.asp?id=5307. For more information about the Office, visit: www.international.gc.ca/religious_freedom-liberte_de_religion/index.aspx.

Annual reports and global surveys

Human Rights Watch: World Report 2013

HRW: New York, 2013, 665 p, US\$ 30 (book), free online: www.hrw.org/world-report/2013. 23rd annual global report, summarizing key issues and events concerning human rights in more than 90 countries for the time period of late 2011 to November 2012.

Pew Forum: Cross-national influences on social hostilities

Pew Research Center's Forum on Religion & Public Life: Washington, DC, October 2012, 12 p. <http://tinyurl.com/pewcna2012>. An analysis which documents countries where influences from abroad were reported to have contributed to religious hostilities or restrictions.

Pew Forum: Global blasphemy laws

Pew Research Center's Forum on Religion & Public Life: Washington, DC, November 2012. <http://tinyurl.com/pewgbl2012>. An analysis by the Pew Research Center's Forum on Religion & Public Life finds that as of 2011 nearly half of the countries and territories in the world (47%) have laws or policies that penalize blasphemy, apostasy, or defamation. Of the 198 countries studied, 32 (16%) have anti-blasphemy laws, 20 (10%) have laws penalizing apostasy and 87 (44%) have laws against the defamation of religion, including hate speech against members of religious groups.

USCIRF: Constitutions of majority Muslim countries

Washington, Dc: USCIRF, 3 August 2012, 156 p., www.uscirtf.gov/reports-and-briefs/special-reports/3787.html. Full title of updated report The religion-state relationship & the right to freedom of religion or belief: A comparative textual analysis of the constitutions of majority Muslim countries and other OIC members.

IHEU report on the discrimination/persecution of non-religious and atheist in 2012

International Humanist and Ethical Union (IHEU): Freedom of Thought 2012: A Global Report on Discrimination Against Humanists, Atheists and the Nonreligious, 10 December 2012, 72 p, <http://tinyurl.com/IHEU2012>. This report shows that atheists, humanists and other nonreligious people are discriminated against by governments across the world.

Open Doors International: World Watch List 2013

Harderwijk, Netherlands, 5 January 2013, www.worldwatchlist.us; www.opendoor-suk.org/resources/persecution. The Christian advocacy agency has published its annual list measuring and describing persecution of Christians in the 50 countries with the worst scenarios. The list is based on a revised and more detailed questionnaire than its predecessors. See an article in this issue of IJRE.

Regional and country reports

Burma: "Threats to our existence": Persecution of ethnic Chin Christians

Chin Human Rights Organization, Ontario, Canada, September 2012, 132p. <http://tinyurl.com/chinburma2012>. Documentation of religious freedom violations and other serious human rights abuses, and recommendations for actions by the government of Burma and the international community.

Egypt: Variety of motives in conversion to Islam

Arab West Report 42, 8 December 2012, <http://tinyurl.com/Huls2012>. Cornelis Hulsman: Conversions of Christians to Islam; forced or free? Findings from 1995-1996. This is a critical response to the 2012 report "Tell My Mother I Miss Her" by Christian Solidarity International which has been reported in the previous issue. It contains links to extensive research and documentation not previously published.

France: Reaction to ban of face veil

Recommendations from the Office of High Commissioner for Human Rights, International Center for Advocates Against Discrimination (ICAAD), New York, USA, 18 January 2013, 15 p., <http://tinyurl.com/arlbw5y>. The ICAAD released a summary report of recommendations for France pertaining to that country's 2011 face veil ban and failure to ratify several international agreements pertaining to human rights and religious freedom. The ICAAD and its partner organizations urged lawmakers to ratify these agreements in light of France's review before the UN Human Rights Council on 21 Jan. 2013.

India: Evangelical Fellowship of India: “Persecution Watch”

EFI, Delhi, India, 23 January 2013, 18 p., <http://tinyurl.com/EFI2012>. The EFI has released its annual summary report of religious persecution of Christians in India for the year 2012, noting 131 acts of violence against Christians, ranging from intimidation to jailings and physical attacks. Although the number of incidents is down from 2011 (140), the report analyzes similar trends.

Indonesia: Handbook of policing and the right to have a belief, to have a religion and to worship

Jakarta: KontraS, 2012. According to our information so far in Bahasa Indonesian only: “Panduan Pemolisian & Hak Berkeyakinan, Beragama, dan Beribadah” www.kontras.org. Printed copies: Jl. Borobudur No.14 Menteng, Jakarta Pusat 10320, Tel.Tlp: 021-3926983, 3928564, Fax: 021-3926821, Email: kontras_98@kontras.org. Based on monitoring in August-September 2011: From the forward: „The conclusion from KontraS’ finding also expresses uncertainty, and it results in minimal enforcement practices by police in ensuring the protection of those fundamental rights. Several acts by intolerant civic groups (vigilante) show the worrying escalation of violence. In this book, KontraS deems it a strategic importance to support the police in building sensitivity in protecting minority rights to have beliefs, to hold religion and to worship.“ (Cf. The Jakarta Post, Jakarta, 16 June 2012).

Iran: UK-Parliamentary report on the persecution of Christians

Christians in Parliament All Party Parliamentary Group, UK, October 2012, 36 p. <http://tinyurl.com/APPGreport>. Detailing the persecution of Christians in Iran and asking the British government to pressure Iran to uphold the right of religious freedom.

Pakistan: WCC-Communiqué of the public hearing on the misuse of blasphemy law and rights of religious minorities

World Council of Churches, Geneva, Switzerland, September 2012, <http://tinyurl.com/wccpakistan>. Participants of the hearing urge Pakistan to stop abuse of blasphemy law which leads to human rights violations.

Pakistan: “The Condemned: Ahmadi persecution in Pakistan”

The 27-minute documentary is a collection of testimonies in which those Ahmadis who have faced persecution narrate the target killings of loved ones, discrimination at the hands of fellow students and what it is like to live in jail as a blasphemy convict. www.youtube.com/watch?v=oJndACY6QV0.

Turkey: Real estate ownership problems

The story of an alien(ation): Real estate ownership problems of Non-Muslim foundations and communities in Turkey. Turkish Economic and Social Studies Foundation, Tesev Publications: stanbul, 2009, 66p., ISBN 978-605-5832-07-0, www.tesev.org.tr, www.archons.org/pdf/TESEV-alienation.pdf

USA: Petition to designate Boko Haram as a foreign terrorist organization

Jubilee Campaign and US Nigeria Law Group et al., 2012, 66 p. www.adfmedia.org/files/BokoHaramFormalPetition.pdf. The petition to Secretary of State Clinton requested that she officially designate Boko Haram, a Nigerian terrorist group with ties to Al Qaeda, a foreign terrorist organization. Boko Haram has killed thousands of people, including foreign nationals over the course of nine years.

Specific Issues

Muslim Public Affairs Council: “No compulsion in religion: A faith-based critique of the ‘Defamation of Religions’ concept”

MPAC: Washington, DC, 2013, 10 p., <http://tinyurl.com/MPAC2013>. A position paper in opposition to the Organization of Islamic Conference’s proposal that the United Nations Council of Human Rights adopt a blasphemy resolution as part of international human rights law. The MPAC opposes this concept as both against Islamic tradition and as practically ineffective for combating religious bigotry.

Journals and articles

The Graduate e-Journal Regulating Religion

Religion and Diversity Project, Ottawa, Ontario, Canada, Summer 2012. <http://tinyurl.com/ejournal2012>. The aim of this new journal is to provide a life after the classroom to graduate papers, in particular master’s degree students’ papers, by making them accessible to interested scholars and students, as well as to a wider public. The first issue includes:

- “Facebook and Fanatics: Islam and the Arab Revolutions” by Jonathan Austin
- “To Pray or Not to Pray, is that the Question?: How the Increasing Desire for State Neutrality Affects Prayer Before Council Meetings in Canada” by Lauren Forbes
- “Towards a Muslim nihil obstat? The Displacement of Muhammad Kalisch and its Implications for Governing the Muslim Minority in Germany” by Hanna Röbbelen
- “Religious Equality in Kenya? Adjudicating the Constitutionality of Kenya’s Kadhis’ Courts” by Rachel Sweet Vanderpoel

The Review of Faith & International Affairs

September 2012, 102p. <http://www.tandfonline.com/toc/rfia20/10/3>. This issues is guest edited by Alan D. Hertzke who writes on “Urgent questions and strategic mod-

els for religious freedom advocacy”. Some articles freely accessible. The Review is the Journal of the Center on Faith and International Affairs at the Institute for Global Engagement.

Missionalia: Special issue on Zimbabwe

Vol 39:3 Nov 2011 (which appeared in February 2012). Some articles address issues of religious freedom. Available on Sabinet to subscribing libraries: www.journals.co.za.

Evangelical Mission Quarterly

- Abhijit Nayak: By suffering and blood: God’s mission in contexts of persecution and martyrdom. EMQ, July 2012:274-281.
- J. Keith Bateman: Symposium on persecution: Don’t call it persecution when it’s not. EMQ January 2013.

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Book reviews

Silenced: How apostasy and blasphemy codes are choking freedom worldwide

Paul Marshall, Nina Shea

Oxford: Oxford UP, 2011, 448 pp., ISBN 9780199812288, Pbk. US\$ 35.00, Hardcover US\$ 99.00.

The “think tank” of the Hudson Center for Religious Freedom in Washington (USA) has drawn attention to itself for years with solid professional publications on a large range of political themes, among them the themes of religious freedom, Islam, and Islamism. The present monograph is devoted to a subject that, on the whole, has been only seldom treated: apostasy and blasphemy, that is, the defection from Islam and blasphemy and its consequences. With this extensive study, Paul Marshall (Senior Fellow) and Nina Shea (Director of the Center for Religious Freedom at the Hudson Institute) offer a comprehensive insight into the realm of the, in part, extremely limited freedom of opinion and religion in Islamic-dominated states.

The focus of the study, however, is not the history of the theoretical framework, that is, an explanation of the regulations in Sharia law on the defection from Islam, or a description of the views of present-day Muslim theologians on the subject. The focus is much more on the practical effects of Islamic regulations regarding apostasy and blasphemy, as well as on the portrayal of the consequences for those who are charged with apostasy by others: To be sure, only in very few Islamic-dominated countries there exists a national law that forbids the defection from Islam, or makes it a punishable offence. One of the exceptions is, for example, North Sudan, whose criminal law provides for the death penalty in the case of apostasy. In contrast, some Islamic-dominated countries refer in their constitutions to the right of freedom of religion. But, the reference to religious freedom in the constitutions of Islamic countries means in practice merely that Muslims as well as non-Muslims are allowed to retain their religions, and non-Muslims may convert to Islam, but in no case that Muslims may leave their faith.

Why is this the case when there is no law against it? The reason for this lies in the fact that, according to unanimous opinion, the classical Sharia law developed up to the tenth century threatens the death penalty for defection from Islam. This is true for Sunni as well as Shiite criminal law. It is also true, though, that Sharia law is no longer valid in criminal law in most Islamic states, but rather still only in civil law. For this reason, too, it is hardly possible to bring an apostate to court and to convict him legally because of his defection from the faith. It is, nevertheless, pos-

sible in many countries to force the compulsory divorce of a husband converted to Christianity from his (Muslim) wife, because the civil law is oriented on Sharia law and does not allow a marriage of a non-Muslim with a Muslim woman. It is also possible to disinherit him as a non-Muslim and to take his children away from him. In addition, it is a social reality in many parts of the Islamic world that people who leave Islam are molested, discriminated against, and, in some cases, persecuted or even killed in broad daylight, or by their families, because numerous exponents of Islamic theology continue to preach in mosques and scholarly circles the obligation to execute the one who has fallen away from Islam.

The study by Marshall and Shea is divided into three parts: The first part consists of a survey of those parts of the Islamic world in which the problem of apostasy is significant, and of the ways in which it has an effect in those parts. Some countries, such as Saudi Arabia, Iran, Afghanistan, Egypt, and Pakistan, are presented separately; the human rights situation for minorities and dissidents in these countries is also explained. The emphasis here is not only upon individual persons who turn their backs on Islam, but also upon entire groups, such as the post-Koranic communities of the Bahai or the Ahmaddiya, which are considered per se as heretics and infidels and, in countries like Iran, possess no right at all to exist.

The second part presents the attempts of Islamic institutions such as the OIC (Organization of the Islamic Conference) to portray any kind of critical reporting about Islam as a violation of human rights and, on the basis of the supposed "human right" of the immunity of Islam to critical reporting, to demand the protection of the religious feelings of Muslims on the social as well as the political level. These explanations are supplemented by the discussion of Islamic organizations that, through various channels, attempt to mount pressure in Western countries which would muzzle any critical opinion about Islam. Organized protests, whipped up by Islamic groups because of Danish Muhammad caricatures, and the legal opinion (fatwa) pronounced by the former Iranian ruler Ruhollah Chomeini on Salman Rushdie containing a death sentence against Rushdie fall into this category. Marshall and Shea urgently warn Western countries against being impressed by these deliberate attempts at intimidation on the part of Islamic or Islamistic personalities and organizations, and against yielding to this pressure in the opinion that they could get rid of the pressure in this way.

The third and last part of the study contains two models by Muslim theologians for moderating the classic Islamic texts from the Koran and the tradition on the theme of apostasy: The first comes from the well-known Egyptian Koran scholar Nasr Hamid Abu Zaid who, because of his moderate historical-critical reflection upon the Koran in the mid-1990s in Egypt, was persecuted and had charges brought against him; the second is from the professor for Islamic studies from the Maldive Islands, Abdullah Saeed, who rejects any justification for Islam to persecute

dissidents and apostates, and who justifies this rejection by citing the Koran and the tradition.

The extensive study by Marshall and Shea is supplemented by numerous examples of accusations of apostasy or blasphemy that illustrate for the reader all the implications and drama of the subject and that show him or her how precious our freedoms are, most especially the freedom of religion. There is, for example, the young Ismailite Shi'ite who, in Saudi Arabia in 2002, was stopped by the religious police because he had listened to music in his car. In response to the question why he was not listening to recitations from the Koran, he answered that that was too boring to him. He was subsequently sentenced to eight years in prison and two thousand lashes because of slander of the Koran. Or, there is also the torn copy of the Koran that was found in 1997 in a mosque in Pakistan about a mile from a predominantly Christian village, whereupon an angry mob incited by clerics stormed the village and burned down 326 houses and fourteen churches, kidnapped seventy people (among them young women and girls), raped several and forcibly married them to Muslim men.

The struggle for sovereignty in the interpretation of Islam, which already is being carried out energetically via the media in Europe by Islamic organizations, certainly will intensify further in the future. It is time that the debate about the boundaries of a reasonable critique of religions and their advocates on the one side, and about the social good of a hard-won freedom of opinion and the press that needs to be preserved on the other, be taken up courageously by decision-makers and discussed widely in society.

Prof. Dr. Christine Schirrmacher, Institute of Islamic Studies (IIS) of WEA; Prof. of Islamic Studies, ETF Leuven/Belgium; Lecturer, Department of Islamic Studies, University of Bonn/Germany

Censored: How European “hate speech” laws are threatening freedom of speech

Paul Coleman

Vienna: Kairos Publications, 2012, 164p., ISBN: 978-3-9503055-6-2, €9.90/US\$ 13.25.

“When should freedom of speech be limited in a free society?” (p. 3). As the author notes, the answer to this question is far from easy. However, while some limitations on speech will always exist, ill-conceived hate speech laws enforced through penal law should never be considered to be a valid restriction on speech. This is the view taken by Coleman as he considers hate speech laws in the European context.

Censored is divided into two parts, with Part One outlining the various problems with hate speech laws and Part Two reproducing the laws themselves, translated

into English where necessary. During Part One, Coleman approaches the issue of hate speech from three different perspectives: the history of hate speech laws, their present day application and their possible future.

In outlining the history of hate speech laws, Coleman guides the reader through the drafting stages of various international human rights treaties which followed the Second World War, noting that it was the communist led nations which were the driving force behind the internationalisation of hate speech provisions. As he notes, “despite the eventual collapse of communism in Europe, the notion that the state must be empowered to censor speech through the criminal law spread throughout the whole of Europe – filtering down from the international provisions and into domestic legislation” (p. 27).

Coleman then turns from the past to the present day in his review of the use of hate speech legislation, documenting over 30 hate speech cases from 15 different countries across Europe. In outlining the cases, he asks the reader to consider the crux of the matter: “Where does the greater risk lie, in allowing citizens to speak controversially and offensively, or in allowing the state to censor what it considers to be controversial and offensive?” (p. 34).

In the final section, Coleman considers the future of Europe’s hate speech laws. He makes several predictions based on Europe’s current trajectory, concluding that if things continue, “the scope of ‘hate speech’ laws will be further expanded and more speech will be regulated and censored ... so that ‘controversial’ views are only allowed in highly limited circumstances” (p. 70-1). However, Coleman also presents an alternative future, one in which freedom of speech is truly protected, and he concludes with a summary of rulings on speech restrictions in the US Supreme Court, commenting that “while the US began the 20th century with a censorship approach, it ended the century with a truly liberal one” (p. 83).

The layout and format of the book is clearly designed to engage readers on a popular level as well as those already in the field. Therefore, in constructing his case against hate speech laws, the author relies less on formal academic arguments and more on presenting actual hate speech laws and cases themselves for the reader to assess. *Res ipsa loquitur* could be the maxim of the book, and while it is a brief contribution to the hate speech debate, Coleman makes a compelling case against the use of hate speech laws by allowing the facts to speak for themselves.

Professor Ján Mazák, PhD, former Advocate General of the Court of Justice of the European Union and former President of the Constitutional Court of the Slovak Republic

Living together with disagreement: Pluralism, the secular, and the fair treatment of beliefs in law today

Iain T. Benson

Ballan, Australia: Connor Court Publishing, 2012, 53 p., ISBN: 9781921421709, (pbk.), Aus\$ 14.95.

Words matter; definitions are important. And this is especially true with regard to the global discussion of freedom of religion and the role of religions within societies. Iain T. Benson has offered definitions which, though rooted primarily in his thoughtful critique of legal developments within multi-cultural Canada, hold promise for reasonable solutions on the international level. In this little book Benson offers thoughtful definitions of a small number of words which are crucial for the discussion of how religion and the state should be related in decisions coming from the courts: secular, secularism, pluralism, religion, belief, and conduct. Some can be summarized.

What does “pluralism” mean? Benson notes that pluralism is often taken to mean a kind of relativism in which moral positions cannot have any public validity, but a much better understanding of pluralism has been offered by the representatives of “structural pluralism” such as James Skillen. In this definition pluralism means a just society is one in which multiple (plural) institutions representing diverse spheres of experience function together in freedom under the protection of law. From this flows an understanding of religious freedom to mean that a just government will provide equal public protection to multiple (plural) faiths and faith communities. This is pluralism that is neither relativistic nor inclined toward totalitarianism, and which is not opposed to the important role of religious communities within pluralistic societies.

What does “secular” mean? Benson notes that “secular” has too often been defined as “free from religion” under the influence of atheistically driven secularism in western society, so that atheistic or agnostic beliefs are given a privileged status in secular societies. But if religion or belief is a normal part of human life (of which atheistic belief is one example), “secular” and “religious” refer to different human functions, not to competing worldviews, so that within a properly secular society moral convictions arising from traditional religious beliefs have a place in public discussion just as much as moral convictions arising from atheism have a place in public discussion. Within this better definition, a secular state is not anti-religious nor will it promote atheism. A secular state will simply restrict its activities to the

properly non-sacred dimensions of life, while recognizing that public moral discussion in a civil society will always be influenced by plural religions and worldviews.

Benson points out that the use of better definitions has begun in legal rulings within Canada, but that the use of these better definitions is still inconsistent and contested. In some other countries these better definitions have yet to be introduced, which is why his book is a worthy contribution to global freedom of religion.

Thomas K. Johnson, Ph.D., Professor of Theology and Ethics, Martin Bucer Seminary, Olivet University, and the International Institute for Christian Studies

Religious Freedom: Why Now? Defending an Embattled Human Right

Timothy Samuel Shah, principal author; Matthew J. Franck, editor-in-chief; and Thomas F. Farr, chairman of The Witherspoon Task Force on International Religious Freedom, with contributions by David Novak, Nicholas Wolterstorff, and Abdullah Saeed

Princeton, NJ: The Witherspoon Institute, 2012, 86 p., (pbk), ISBN: 978-0-9814911-9-6, US\$ 9.95.

This is a very important book which summarizes and analyses some of the deepest and most urgent matters of public and religious life. It is the result of a two day meeting in May 2011, in which 30 experts with a wide range of academic disciplines and professional experience from a variety of religious traditions discussed the basis, condition, importance, and future of religious freedom. Everyone teaching civics, social studies, religion, or ethics at the secondary or university level should read it, as well as people in the foreign service of their countries and religious leaders.

Four themes are central to the argument of the book:

(1) Religion, in the sense of the effort of individuals and communities to understand, express, and seek harmony with a transcendent reality, is central to human experience, so that the suppression of religious belief, expression, or practice runs against the grain of human nature and experience. Because of the centrality of religion to being human, coercion in the realm of religion is an assault on human dignity. This means that protecting freedom of religion is a universal demand of justice and not merely the demand of a particular nation or culture.

(2) In society, religious freedom is bundled or closely interconnected with several other freedoms, such as the freedoms of speech, assembly, and the press, which together contribute very significantly to human well-being and societal flourishing. Religious freedom contributes to security, stability, prosperity, and the equality of women, along with other social, political, and economic goods. Religious repression tends to foster violence, tyranny, instability, economic stagnation, and female oppression. Any state or culture that coerces the consciences of its members in religious matters invites the hostility and alienation of those it is coercing, prompting a long term process of self-destruction. The journey from conflict to peaceful competition among faiths is the only way forward for societies that seek stability, prosperity, and a flourishing civil society.

(3) There are very significant legal protections of freedom of religion, some of which were articulated early in American history in US state constitutions and then in the US Bill of Rights (First Amendment), which were enshrined internationally during the twentieth century by the United Nations in the *Universal Declaration of Human Rights* (1948), the *International Covenant on Civil and Political Rights* (1966), and the *Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief* (1981). These or similar legal guarantees of freedom of religion now cover, in principle, more than 90% of the world's population.

(4) The gap between law and reality is stark and is creating a humanitarian crisis of the first order. In practice, a worldwide erosion of religious liberty is causing large scale human suffering, grave injustice, and significant threats to international peace and security. In 2009, the Pew Research Center reported that “nearly 70% of the world's 6.8 billion people live in countries with high restrictions on religion.” And the following study in 2011 showed that the problem was getting worse, that restrictions on the freedom of religion are growing. This restriction on freedom of religion is one of the important contributing factors to growing religious extremism and violence on a global level. Conversely, freedom of religion frequently tends to reduce or pre-empt a religious movement's violent tendencies because the movement is socially forced to defend its ideas of justice, freedom, equality, and the common good in the free market place of ideas.

From this analysis, the task force, obviously based in the US, developed a long list of recommendations, many of which are oriented to particular steps the US government should take to more effectively make freedom of religion a diplomatic and foreign policy priority. Similar steps could and should be taken by other national governments and the European Union. Additionally they encourage the world's religious bodies to work more closely to identify global threats to freedom of religion and to forge common responses (a central task of this journal on behalf of evangelicals). And poignantly they observe that culture drives politics, meaning that the values, assumptions, and convictions of a people can eventually shape the actions

of their government. It is for this reason that I have so strongly recommended that educators and religious leaders read and use this book in their efforts.

Thomas K. Johnson, Ph.D., Professor of Theology, Philosophy, and Public Policy, Martin Bucer Seminary, International Institute for Christian Studies, and Olivet University

Religion and the Global Politics of Human Rights

Thomas Banchoff and Robert Wuthnow (eds.)

New York: Oxford UP, 2011, 324 p., ISBN 978-0-19-534338-0, US\$29.95.

The book argues that democratization of Africa, Latin American and Asia has empowered religious groups to participate freely on matters of human rights in their particular social and political contexts. However, these religious groups often face resistance from the “state” and from “other social actors.” Nevertheless, in recent decades religion and the global politics of human rights have become bedfellows. Most scholars agree that religion and human rights needs each other.

The editors divide the book into four sections. The first is the Introduction, which has two chapters. Part I looks at Islam and the global politics of human rights. This part has two chapters. The chapters address issues of human rights, democracy, using Indonesia as a case study; they address Muslims, human rights, and women’s rights in Islam. Part II focuses on three regions: Latin America, Sub-Saharan Africa and Southeast Asia. This section has three chapters that deal with matters ranging from religious pluralism, democracy, human rights, gender justice, religion, human rights in Buddhism and minority rights in these regions. Part III looks at four key countries: India, China, Russia and the United States. The four chapters in this part deal with the politics of rights in India, religion, state power and human rights in China, religious communities and rights in the Russian Federation, and Human rights, the Catholic Church and the death penalty in the United States.

The book explores religious and faith communities’ efforts to address and to promote human rights agendas across the globe. The key human rights issues addressed include cases of religious persecution, intolerance, rights of minorities in Latin America, and Asia, of female genital mutilation, gender injustices, and rights of women in Africa and capital punishment in the United States of America. Other issues discussed include human rights, women’s rights, religious liberty, right to life, and bodily integrity from the world’s major regions, political systems and faith traditions.

The book supports an “inclusive approach to the religious politics of human rights” by combining both religious and liberal understandings of the quality and

dignity of all human beings as productive and efficient ways of engaging in the global politics of human rights. The book advances the position of different patterns of practical involvement in the politics of human rights, within and across the countries and regions mentioned in the book. The authors conclude, “The scope and impact of religious engagement” of religious and liberal viewpoints “depend on the state and its structures as it does on the values and practices of the faith communities themselves” (p.7).

This is a well-written and edited volume by leading international scholars from different disciplines reflecting on the important place religion plays in matters of politics and human rights in different social and political contexts. The book is a must read for people who are interested in issues to do with human rights, religious liberty for minority groups and it is written from various religious, and secular viewpoints. The book would also be helpful to religious organizations working with non-faith organizations interested in the politics of global human rights as they address issues to do with human rights and religious freedom.

Prof. James Nkansab-Obrempong, Associate Professor of Theology, Dean of NEGST and Head of Theology Department, Africa International University (AIU), Nairobi, Kenya

The disenchantment of secular discourse

Steven D. Smith

Cambridge, MA; London: Harvard UP, 2010, 285 p., ISBN 978-0-674-05087-7, US\$ 27.00.

According to Steven Smith the transition to the modern world occurred when it came to be accepted that progress in knowledge would be enhanced by leaving behind the metaphysical (and theological) cosmos in favour of a world viewed as complete in its empirically observable dimension – “God, although not being denied, was to be excluded from scientific explanations, and later, from public political justifications” and consequently a “secular” worldview has come to dominate some areas of life – “It is the cage of secular discourse, within which public conversation and especially judicial and academic discourse occurs today”. The secular vocabulary within which public discourse is constrained to operate is, says Smith, insufficient to convey our full set of normative convictions. This makes the addressing of normative matters problematic, says Smith. He further comments that when we attempt to engage in reasoning about vital normative concerns, our performances turn out to be “a pretty shabby and unsatisfactory affair”. Life is, according to

Smith, still good, irrespective of this limitation pertaining to normative matters and the bad state of discourse. This leads one to the question as to how this is possible amidst such limitations to normative issues. According to Smith, “smuggling” assists in countering the adversity posed by such limitations; for example, where the concept of “freedom” or “equality” becomes an honourable label used to smuggle in an advocate’s particular conception of what is good and valuable. In other words, concepts such as “freedom” and “equality” turn out to be receptive vessels into which advocates can pour virtually any content they like, or that they can persuade others to follow. Another example is that of the “harm” principle, according to which liberals argue for their favoured positions on questions of individual freedom. The same also applies to applications of the concept of “human dignity” so as to “dress up different people’s earnest intuitions approving or disapproving some particular law or practice”. Smith expands on this by looking critically at the “secular subversion of religious freedom”. Here Smith comments that the modern liberal state is expected to operate on grounds that are “not religious”, where the sorts of theological and biblical arguments that once dominated discussion of the proper relations between church and state now seem inadmissible. Today the “problem of church and state” has become a problem to be resolved within the state’s secular jurisdiction and in secular terms which, needless to say, have crucial implications for the issues of “separation of church and state” and freedom of conscience. Smith then further illustrates this dilemma by referring to the “ministerial exception to employment discrimination laws against the background of the sex of a person”, where the language of “equality” and “neutrality” are applied so as to qualify a specific subjective approach which does not necessarily appreciate and accommodate religious views on the matter. The conclusion in all of this is that, according to Smith, public discourse is impoverished because the constraints of secular rationalism prevent us from openly presenting, examining, and debating the sources and substance of our most fundamental normative commitments, which in the end, results in the superficiality of discourse. Smith therefore calls for more openness to alternative possibilities – “We can call off the cultural border patrol agents who police the boundaries of discourse . . . to keep out would-be entrants who lack a certified secular passport”.

Steven Smith’s *The Disenchantment of Secular Discourse* is, in the context of public discourse, a criticism of the Enlightenment project and a confirmation of the Enlightenment delusion. The idealistic belief in the divinity of reason separated from theology and the transcendental has led to a superficiality and subjectivity of public discourse. Consequently, this has marginalised the deep layers of religious insights and participation on popular concepts such as human dignity, equality, harm and freedom as well as on important yet contentious moral matters such as obscenity

regulation, abortion, euthanasia, and prohibitions on membership to religious associations based on specific forms of sexual conduct. This work is undoubtedly of relevance to jurists, theologians, ethicists, philosophers and political theorists who advocate the inclusion of all beliefs in public discourse and activity.

Shaun de Freitas, Associate Professor, Department of Constitutional Law and Philosophy of Law, University of the Free State

Believing in Russia – Religious Policy after Communism

Geraldine Fagan

London & New York: Routledge, 2012, 291 p., Hardcover ISBN 978-0-415-49002-3, e-book: 978-0-203-09537-9, US\$ 155.00.

In the area of research on the relationship between the state and churches in the post-Soviet space there is a deficit of books describing the more than twenty years old history of religious freedom as a whole. In fact, no such scholarly monographs have been ever published in Russia. The contribution of Geraldine Fagan is that she made an attempt to collect a practically immense material and present it as one history of how people believe in Russia. But it turned out a difficult task due to the paradoxes shaping the attitudes to faith in the post-communist space and the danger of presenting faith and religious situation in the country only on the basis of the human rights information.

One of the key achievements of the book is that it presents a rich factual material on the development of religious legislation in Russia up to 2009 (pp. 53-193). The most detailed description is given of the period from the late 1990s to the early 2000s, when a discussion was taking place on the Law on Freedom of Conscience of 1997 and its practical application (pp. 62-88). In addition to this, the monograph presents the most prominent cases of discrimination of believers in different regions of Russia, which include both Christians (Catholics, Baptists, Pentecostals, Evangelicals, Adventists, etc) and other religions, for example Muslims and also new religious movements (Scientologists, Jehovahs Witnesses). A separate paragraph is dedicated to the policy on combating extremism and the enforcement of anti-extremist legislation in Russia (pp. 155-171). Therefore, the material presented in the book helps to see the main manifestations of the religious policy of the Russian Federation during its formation – from Yeltsin to Medvedev and Putin.

However, the difficulty of the analysis of this situation is that the policy of the state in the sphere of religion, the wishes and actions of the local bureaucracy in the regions, the turn to the Soviet type ideology together with respect for the Orthodox

Christianity – are too diverse and contradictive. The manifestations of the religious policy are not well combined into a whole picture within the framework of the monograph, just like it is in the real life.

The history of freedom of religion and belief in the Russian Empire, the USSR and later in the modern Russia is interesting as a history of overcoming authoritarianism, including Orthodox and Soviet, and at present also a symbiosis of the Orthodoxy and the Soviet stereotypes, a combination of the oppressed position of religious minorities (Protestants, part of the Muslims and new religious movements) and the privileged position of the Russian Orthodox Church. However, in Fagan's book the historical excursions are presented as separate stories taken out of the context, often without considering the chronology (Chapter 1, pp. 6-23 is dedicated to the tradition of religious freedom, however, no chronology is taken into consideration in this chapter; for unknown reasons special attention is paid to Old Believers and Buddhists).

As the author notes, the first three chapters show the role of Orthodoxy and the privileges of the Russian Orthodox Church, its impact on politics and public opinion. In terms of content, it is difficult to make a distinction between chapters 2 (Native land protected by God) and 3 (Rites of spring), both chapters (pp. 24-68) speak about Orthodox Christianity, they briefly mention sociological studies, both federal and regional legislation are mentioned and also deal with the Law on Freedom of Conscience 1997, just like in the subsequent chapters.

The main chapters of the book (Chapters 4-8) describe the changes and the enforcement of the religious legislation in the 2000s. This part of the book is mostly descriptive, it lacks a clear structure and presents an analysis of the numerous stories narrated by the author. Because of the diversity of the facts it is difficult to understand the main concept of the author.

Geraldine Fagan approaches the material presentation from the position of a human rights activist who studied a multitude of sources (in the book, 90 out of 291 pages contain comments and references). The book is a combination of the dry journalistic narration of the facts of discrimination (repeating the style and manner of their presentation in the reports on the situation in Russia, which were prepared by a former representative of Keston Institute [Oxford, UK] in Moscow, Lawrence Uzzell, and in the articles of Keston News Service and Forum 18 written by G. Fagan and her colleagues) and the literary political essays.

In the conclusion (pp. 194-200), as well as in separate chapters, the monograph by G. Fagan specifies the paradoxes of the Russian situation in the post-Soviet time – first of all it is the dominant position of the Orthodox faith (and the ideology based on the support of Orthodoxy) in the society and among bureaucracy, the Russian Orthodox Church (ROC) as a symbol of identity, repressions of the religious

minorities, which are not as severe as in the Soviet period and are often expressed in ideological campaigns (especially against Jehovahs Witnesses, Scientologists, Pentecostals and some Muslim groups whose literature is considered extremist), which do not strengthen the ROC and do not decrease the influence of the others I.e. oppressed religious confessions. In the monograph claiming to present the situation of the believing Russia as a whole, the role and influence of the religious minorities is underestimated – for example, in many regions (Kaliningrad, part of Ural and the southern part of Russia, Siberia and the Russian Far East) the Protestant churches can be hardly called a "minority" because they represent an influential part of the civil society.

The author leaves it to the reader to make final conclusions and does not try making deep conceptual conclusions based on the mosaics of believing Russia under Putin. Fagan rather avoids answering by noting that the ruling elite is not much interested in the religious policy but more in supporting the stability and welfare of the country. The sphere of religion remains unregulated up to the degree to which it does not challenge the strategic interests of the elite (p. 195). In the book it is noted that among the top Kremlin bureaucracy there are those who support the secular model of the state and those who lobby the interests of the ROC. Fagan makes a conclusion that Russia did not turn into an Orthodox state and that the ROC is not so closely connected and interwoven with the state. However, the descriptions of the mass campaigns against those who believe differently, the outrageous cases of violations of freedom of conscience turn out to be contradictive to this conclusion or at least make it a spontaneous effort to explain a complicated situation. The representatives of the ROC participate in the majority of cases of persecution (likewise in the formation of the religious legislation), the Orthodox believers also take part in the anti-sectarian campaigns in mass media, and the policy and combating sects are motivated by Orthodox reasons. The author pays attention to the nebulous official rhetoric on «traditional religions», but the practice shows that it is not enough for an analysis of the real situation. Moreover, the formal documents of the ROC contradict both the joint position of the Kremlin and the ROC on combating the political opposition after elections 2011-2012, and the general policy of the authorities to approve practically all proposals of the ROC in 2009-2011. The patriarchate of Kirill changed the situation and made the religious policy more definite (although technically this period is also presented in the book, but in reality this presentation is small and its significance is rather omitted). However, at the end of her research the author still emphasizes that everything can change very quickly – “A Russian harnesses slowly but rides fast”.

Roman Lunkin, PhD, Institute of Europe, Russian Academy of Sciences, president of Guild of Experts on Religion and Law

Coping with violence in the New Testament

Pieter G. R. De Villiers, Jan Willem van Henten (eds.)

Studies in Theology and Religion 16, Leiden, Boston: Brill, 2012, x+305 pp., cloth, ISBN 978-9-00422-1048, €99.00.

This collection of essays had its origin in a conference on violence in the New Testament held at the University of Stellenbosch, South Africa. The authors are with one exception from South Africa and the Netherlands. They aim “to contribute to the recent scholarly debate about the interconnections between violence and monotheistic religions by analysing the role of violence in the NT as well as by offering some hermeneutical perspectives on violence as it is articulated in the earliest Christian writings” (ix).

The volume opens with two introductory essays by J. W. van Henten, “Religion, Bible and Violence” (3-21) and J. Punt, “Violence in the New Testament and the Roman Empire: Ambivalence, Othering, Agency” (23-39). The remainder of the volume consists of nine case studies: A. van Aarde, “Paul’s Version of ‘Turning the Other Cheek’: Rethinking Violence and Tolerance” (43-67); F. Tolmie, “Violence in the Letter to the Galatians?” (69-82); R. van Houwelingen, “A Godfighter Becomes a Fighter for God” (83-100); E. van Eck, “Jesus and Violence: An Ideological-Critical Reading of the Tenants in Mark 12:1-12 and Thomas 65” (101-131); W. J. C. Weren, “The Use of Violence in Punishing Adultery in Biblical Texts (Deuteronomy 22:13-29 and John 7:53-8:11)” (133-150); J. van der Watt & J. Kok, “Violence in a Gospel of Love” (151-183); P. B. Decock, “Images of War and Creation, of Violence and Non-Violence in the Revelation of John” (185-200); P. G. R. de Villiers, “Unmasking and Challenging Evil: Exegetical Perspectives on Violence in Revelation 18” (201-225) and T. Nicklas, “The Eschatological Battle according to the Book of Revelation: Perspectives on Revelation 19:11-21” (227-244). As an epilogue, P. G. R. de Villiers discusses the “Hermeneutical Perspectives on Violence in the New Testament” (247-273). The volume closes with bibliography (275-294) and indexes of passages and subjects.

Despite the wide range of topics that is covered, this volume does not address the dire violence which Jesus and his immediate followers experienced. The subject index does not contain “persecution” or “suffering”. Jesus, the apostles and countless other Christians had to suffer to a different degree for their convictions. One of the few areas where the ethics of Jesus are relatively detailed is precisely on how to deal with such animosity and overcome it in the Spirit of Christ. Like no other book in the New Testament, 1 Peter addresses suffering and offers strategies for coping (see now P. A. Holloway, *Coping with Prejudice: 1 Peter in Social-Psychological Perspective*, WUNT 244; Tübingen: Mohr Siebeck, 2009). Perhaps it would have been wise to

include authors whose life experiences do not derive from contexts of generous religious freedom. This shortcoming is probably due to the recent focus on the relationships between monotheistic religions and violence and its (necessary) concentration on violence perpetrated by religions. However, even of that there is plenty in the New Testament. For a survey of the NT evidence regarding violence against Christians see Glenn M. Penner, *In the Shadow of the Cross: A Biblical Theology of Persecution and Discipleship* (Bartlesville: Living Sacrifice, 2004).

Prof. Dr. Christoph Stenschke, Forum Wiedenest, Bergneustadt, Germany, and Department of New Testament and Early Christian Studies, University of South Africa

Christian Zionism examined: A review of ideas on Israel, the church and the kingdom

Steven Paas

Nürnberg: VTR, 2012, 135 p., ISBN 978-3-941750-86-9, Euro 14.95.

There is a need for thoughtful books that probe the issues concerning Israel and the current Middle East conflict. Dr. Steven Paas contributes to this need in “Christian Zionism examined”. The book offers a poignant critique of the Christian Zionists movement. Paas cites Christian Zionism for excessive defense of the modern State of Israel and failure to present a balanced and biblical based theology.

Dr. Paas is not intent on examining a divergent theological view, but on rendering it inoperative. In Chapter 2, Paas unequivocally states that, “Christian Zionism is a consequence of erroneous methods of Bible reading” (15). Such expressions do not further Christian dialogue or build bridges to reconciliation.

Paas emphatically states throughout the book that the modern State of Israel is not linked to any millennial promise or biblical prophecy (37). This raises the question, what is the basis of the claims of the Jewish people to a national historic homeland? Embedded in the biblical claims of a Jewish homeland is the right of return by the Jewish people to the Land of Israel.

As Christian educators and leaders we must find a way to engage in dialogue concerning Israel, Palestinian and biblical truth. Christian Zionists for their part must find a way to include the rights and well being of Palestinians into an “end time” equation. This requires accepting the reality that God has allowed almost 2 million Palestinians to abide in the biblical land of Israel. Those Christians on the other side of the end time issue whether they are called amillennialists or super-

sessionists, must find a way to uphold the rights of the Jewish people to return to our ancient homeland after 2,000 years of exile and persecution.

As a Messianic Jew who has returned to the Land of my forefathers, these are not just theological issues or patriotic concerns but matters of self-preservation. For those of us who live in the land of Israel, whether Jew, Arabs, or Druze, the issues of right, homeland, security and justice are not academic but matters of our lives.

Efraim Goldstein, D.Min, Or Hagalil Congregation, Nahariyya, Israel

Origenes. Aufforderung zum Martyrium

Eingeleitet und übersetzt von Maria-Barbara von Stritzky

Origenes: Werke in deutscher Übersetzung 22. Berlin: W. de Gruyter; Freiburg: Herder, 2010, 131 pp. Cloth, ISBN 978-3-11-020505-3, 978-3-451-32948-7, €60.00.

The present volume offers the Greek text and a fresh German translation of Origen's treatise on Christian martyrdom (best known under its Latin title *Exhortatio ad martyrium*). It is the first extant detailed treatment of martyrdom in the ancient church and has had a wide impact on subsequent notions of persecution, suffering and martyrdom. Although a number of English translations are available (e.g. Origen, *An Exhortation to Martyrdom, Prayer and Selected Works*, translated and introduced by R. A. Greer; New York 1979, 41-79), this German edition (part of a new comprehensive projected edition of the writings of Origen) is to be noted for its detailed and up-to-date introduction. In it the author discusses the title of the treatise, its literary genre as a *logos protreptikos* and its language and style. She addresses the occasion (the impending persecution of Christians under Roman emperor Maximianus), the time (235 AD) and place of writing (Caesarea in Palestine) and the addressees.

A further instructive section traces Origen's theology of martyrdom (11-25). Von Stritzky surveys the terminology involved and sketches Origen's understanding of martyrdom as a gift of divine grace, his distinction of two types of martyrdom (martyrdom in public and martyrdom in concealment which is known only to God). Origen further saw martyrdom as a struggle against demonic forces and as an expression of love of God and of the imitation of Christ. In addition, he understood martyrdom as a second baptism for the forgiveness of sins and described the positive outcomes of martyrdom for the martyrs. Martyrdom is understood as the highest level of assimilation to Christ. Martyrs who give their lives for Christ attain true and eternal salvation.

The Greek text in this volume is that of the edition of P. Koetschau, *Die griechischen christlichen Schriftsteller der ersten drei Jahrhunderte* (GCS), Origenes 1, xix-xxii. Von Stritzky offers some comments in footnotes and notes all quotations from and allusions to Scripture in Origen's treatise. In this way it becomes clear to what extent Origen strove to develop a biblical theology of martyrdom. She lists translations of the treatise in major languages and secondary literature (115-19).

The introduction is most helpful in understanding how Origen, one of the most prolific authors of his day understood martyrdom and sought to prepare and encourage those likely to suffer martyrdom. While some of Origen's arguments require careful scrutiny, other aspects have rightly become the backbone of a Christian understanding of martyrdom and continue to deserve attention in developing a theology of martyrdom for the 21st century (a task that has hitherto been sadly neglected in the West). Origen's treatise also indicates that from the very beginning of post New Testament Christian reflection of martyrdom, something else was and is in mind, than the many deaths (religiously or otherwise motivated) that are referred to in many of today's media as "martyrdom".

Prof. Dr. Christoph Stenschke, Forum Wiedenest, Bergneustadt, Germany, and Department of New Testament and Early Christian Studies, University of South Africa

Allah: A Christian Response

Miroslav Volf

New York: Harper Collins, 2011, 336 p, ISBN 978-0061927089, US\$ 25.99.

Miroslav Volf is the son of a pentecostal preacher from a country that no longer exists, Yugoslavia. He has witnessed the destruction of his country through ethnic conflict and wars. Religion played an important role in these conflicts. Ever since, Volf is reflecting on issues of religion and conflict. He is currently professor at Yale Divinity School in the USA and can be considered an expert in this field.

Volf's search for reconciliation and peace is an important force behind his book *Allah, A Christian Response*. His thesis is, that Muslims and Christian should acknowledge that Allah and God are the same, if they ever want to live in peace with each other. With examples from history he shows how essential this is. Sometimes Christians looked for similarities and for what Christians and Muslims had in common, often they emphasized the differences. This immediately impacted relationships in society.

Volf searches for the connections. By summarizing the teachings of some great thinkers of Islam, like Al-Ghazali, he portrays an image of Islam that is much closer to Christianity than often thought. He does not ignore or erase the differences, but

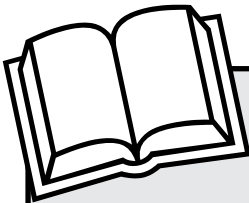
also wants to be completely honest and fair about Islam, both with respect to the place of violence in Islam as supposed legalism.

Volf emphasizes that he fully subscribes to the truths of classical Christianity. When he says that Muslims and Christians ultimately speak about the same God, this does not imply for him that Islam and Christianity are basically identical or different expressions of the same divine mystery. Neither are they both valid ways of salvation. He is not speaking about 'salvific' knowledge of God, but about relevant knowledge of God for society. He does not develop a missionary vision, but a political.

It is fascinating what Volf is writing. He refuses any kind of simplistic or hostile stereotyping of Islam. He makes a theological effort of Jesus' commission to approach every enemy as a friend. His thesis, that we can only live in peace when we acknowledge that we worship the same God, for is limited. I think the challenge for Muslims and Christians is more to live in peace precisely when they disagree on certain issues, whether this concerns their view of God or of daily life as communities. That exactly is the crucial dilemma when relationships between Muslims and Christians worldwide are critical. How can both communities be loyal to their faith in God and to what God demands from them and still constructively work for peace in the world. That does not exclude recognition of basic things we have in common, but it creates more space to also include in the process the difficult aspects of the relation between Muslims and Christians. It can also help to continue discussing religious freedom and persecution, concerning Christians and Muslims.

Nevertheless, I think that *Allab, a Christian Response*, is a book that no leader in church or society can ignore. The issues it raises cannot be disregarded, they need to be discussed.

Prof. Dr. Bernhard Reitsma, Extraordinary Professor VU University Amsterdam for The Church in the context of Islam



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

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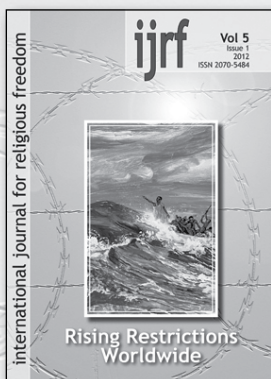
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IJRF is published twice annually and aims to provide a platform for scholarly discourse on religious freedom in general and the persecution of Christians in particular. It is an interdisciplinary, international, peer reviewed journal, serving the dissemination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

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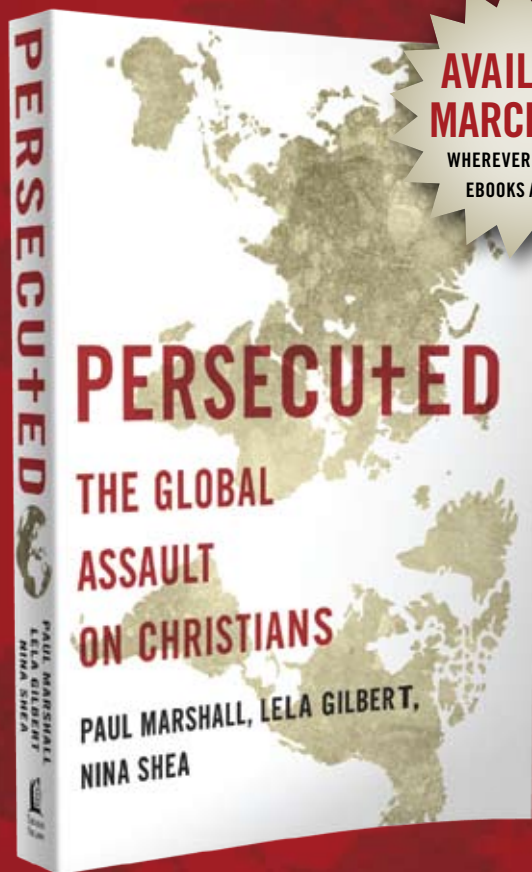
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