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RELIGIOUS FREEDOM: THE FOUNDATION FOR SOCIAL

A b s t r a c t. The research presented is rooted in the academic approach to comprehend and lay into practice the theoretical key term “religious freedom”, that is a personal challenge experienced in Nigeria. For example, the continuous threat of the Islamic fundamentalist sect Boko Haram. The discussion here involves a very complicated and complex term including the neglect of the historical approach to the religious freedom, the position of the Catholic Church, its content and collective dimensions, its limits and finally the comparison between the religious and the ecclesiastic freedom. In this condensed version I would like to analyze: “What is Religious Freedom?”; “Religious Freedom as a Human Right”; “The Contribution of the Church to the Development of the Doctrine of Religious Freedom in the Church”; and finally “The Significance of Religious Freedom to Today’s Society”. Once more, it’s not a theoretical approach only, the discussion is about something real, happening *hic et nunc*, it’s a visible example with the functions of law, among which imperative ones ought to be mentioned: 1. Law is to aid a society in the achievement of its goals. It is to facilitate that attainment of the purpose or common good of the society; 2. Law is to afford stability to the society, that is, to provide good order, reliable procedures, and predictable outcomes; 3. Law is to protect personal rights and provide avenues of recourse, redress of grievances, and means for the resolution of conflicts; 4. Finally, law is to assist in the education of the community by reminding everyone of its values and standards. So, what is actually the role of the religious freedom for the social peace?

Key words: religious freedom, social peace, social fundament.

INTRODUCTION

Religious violence is a major concern for almost every society today. Many people in different parts of the world live in fear as they practice their

faith. In recent years, there has been a growing tension among world religions, especially between Christianity and Islam. Many people have lost their lives just because they are members of a particular religion. For instance, it seems it is a crime for a person to be a Christian in Northern Nigeria that is dominantly populated by Muslims. An Islamic fundamentalist sect known as *Boko Haram* (which means ‘Western Education is forbidden’) continues to attack Christians in that part of the country. The Islamic group has been responsible for the deaths of at least 450 people in 212 alone¹. Besides Nigeria, there are instances of religious violence in other countries. In India, for instance, Hindu-Muslim riots have been going on for more than seventy years. And recently Hindu fundamentalists have started attacking Christians. In Pakistan and Bangladesh, most Hindus have migrated. This is because the anti-blasphemy laws seem to target Christians in Pakistan. Christians are not an integral part of political life in Pakistan². In Egypt, religious violence has also continued to escalate since the ousting of former President Hosni Mubarak. Christian churches have been bombed and Coptic women and children are often kidnapped. In May 2011, members of the Salafi movement (a Sunni Muslim movement) attacked churches in Imbaba, a suburb of Cairo. The attack on Roman Catholic and Coptic churches caused the death of twelve people and injury to a hundred³.

The increase in religious violence poses a serious threat to the peace of the larger society, because the continuous attack on people and their faith will only call for reprisal attack. These reprisal attacks can easily lead to a complete breakdown of peaceful co-existence among people. We must learn to co-exist peacefully. This we can do by recognizing the individuals’ right to religious freedom.

WHAT IS RELIGIOUS FREEDOM?

When talking about religious freedom, we can identify four different aspects of religious freedom. These aspects are important to the understanding of this concept. The aspects are freedom of conscience, freedom of religious

¹ Cf. F. C a r r e r a, *Nigeria: Archbishop of Jos Criticizes Government, New People* (July-August 2012), p. 8.

² Cf. M. A m a l a d o s s, *Identity and Harmony: Challenges to Mission in South Asia*, in R.J. S c h r e i t e r (Ed.), *Mission in the Third Millenium*, New York: Orbis Books 2001, p. 25.

³ Cf. C a r r e r a, *Egypt: Violence against Christians*, p. 8.

expression, freedom of religious association and corporate and institutional freedom. The freedom of conscience is regarded as “pure religious liberty” while others are qualified or dependent on broader human rights⁴. It is however important to note that freedom of conscience and freedom of religion are usually used interchangeably. On the basis of the freedom of conscience “a strong argument can be made that people should be allowed to act on the basis of their religious convictions and should not be coerced to alter those convictions”⁵.

As a definition then we can say that Religious freedom is basically “the right of man or woman, as a person, to decide freely for or against religion, to express freely his mind on religious matters, for or against, and to confess it openly by worship, propaganda, educational efforts and so on”⁶. Religious freedom is first and foremost a right enjoyed by an individual to choose what to believe and to freely express this belief without any constraint. Apart from being an individual right, religious freedom, as a right, also applies to a group of people. A group of people enjoys this right just like an individual to hold on to a particular religious belief and freely practice what they believe.

RELIGIOUS FREEDOM AS A HUMAN RIGHT

Religious freedom is “primarily asserted against the State, and represents one of the fundamental rights of man, meaning, one of the rights a person, prior to positive law, which stems from his nature as a free and rational being”⁷. As a fundamental human right which nature bestows on every human being, no individual or group of people should be denied the right to practice their religious belief in the way they consider best for them. The state therefore cannot suppress any individual or groups from expressing their faith; rather, the state is expected to uphold and defend this right on behalf of all. Religious freedom, “since the 18th and 19th centuries, has become an element of nearly all the Constitutions of modern states, and it is also enun-

⁴ N. K o s h y, *Religious Freedom in a Changing World.*, Geneva: WCC Publications 1992, p. 22.

⁵ Ibid.

⁶ H.R. S c h l e t t e, *Religious Freedom*, in K. R a h n e r (Ed.), *Encyclopedia of Theology: The Concise Sacramental Mundi*, Freiburg–Breisgau: Burns and Oates 1975, p. 1403.

⁷ Ibid.

ciated in article 18 of the «General Declaration on Human Rights» of the United Nations”⁸.

Talking about religious freedom, we must also bear in mind that religious freedom is not only an individual affair. It is also a social issue, which is a notion that is larger than merely legal right. Religious freedom is a right which, having its root in the human race as such belongs to every human being and should be universally recognized and respected⁹.

Apart from understanding religious freedom as a human right, we can also say of religious freedom as a distinct kind of human right. When we say that religious freedom is a distinct human right, we mean that it is not “merely the application of the common human rights to religious matters or activities, but that it is a human right specifically different from the others, with its own peculiar notions and contents”¹⁰. The distinctiveness of religious freedom is contained in the fact that, unlike other human rights, it is concerned with human relationship with God, the Creator. This relationship of man with God places religious freedom on a transcendental level which other human rights lack. So then religious freedom is considered to be superior to other human rights, because of this transcendental relationship it guarantees between man and God.

THE CONTRIBUTION OF THE CHURCH TO THE DEVELOPMENT OF THE DOCTRINE OF RELIGIOUS FREEDOM

The journey of the church to its official teaching on religious freedom has not been an easy one. It took centuries before the doctrine of religious freedom was properly formulated and accepted by the church. The early church suffered the violation of her right to religious freedom, beginning with Emperor Nero. Even after Nero, edicts were formulated that encouraged the persecution of the church because of their beliefs. The persecution of the Church by Roman the State lasted over two centuries from 303-312¹¹.

The persecution was, however, brought to an end with the conversion of Constantine in 312 after he attributed his victory in battle against a rival

⁸ Cf. Ibid.

⁹ A.F. Carrillo de Albornoz, *The Basis of Religious Liberty*, London: SCM Press 1963, p. 33-34.

¹⁰ Ibid., p. 36.

¹¹ T. Bokenkotter, *A Concise History of the Catholic Church*. London: Image Books Doubleday 1990, p. 47-48.

emperor, Maxentius, who had managed to secure Rome as his stronghold, to Christ¹². The reign of Constantine brought a relief to the Christians. Having gained religious freedom, the church also found herself persecuting heretics. The way the church dealt with Donatist heresy in the early life of the church portrayed the church to be intolerant to religious freedom. For the Donatists, the church contains no sinners. They also recommended re-baptizing those outside Donatist church. Defending the position of the church against the Donatists, St. Augustine campaigned against re-baptizing and disputed the view that the true church contains no sinners. He therefore recommended that coercion be used to bring the Donatists back to the church¹³. This recommendation is viewed now as an infringement on religious freedom.

The recommendation of St. Augustine later influenced the position of the medieval church on religious freedom. In an attempt to safeguard true doctrines, the church used force to bring back heretical movements that attempted to break away from it. The church used a method known as inquisition to deal and bring back the heretics. The inquisition was used as a kind of coercion to prevent heresies and to maintain Christianity as the only true and official religion. Many heretics were put to death through the inquisition. The inquisition, we must point out, was a terrible act of violence against people with different religious views (heretics). Such acts cannot be excused because it is a violation of a person's right to freedom of conscience; hence, religious freedom. The inquisitors believed that an unrepentant heretic would go to hell, into that fire (Mt. 13:41-42) which Christ said 'shall never be quenched'. So, the inquisitors wanted by all means to bring the heretics to confession, with the hope that he might repent even in the flames and be saved 'yet so as by fire'¹⁴.

Upholding the thinking of that time, St. Thomas Aquinas was of the view that faith cannot be coerced. According to him, unbelievers, who have not received the faith, should not be compelled to accept the faith. But heretics and apostates, he says, can be coerced. They should be submitted even to bodily compulsion, that they may fulfill what they have promised, and hold to what they, at one time, received¹⁵. With his view, Aquinas, on one hand,

¹² Ibid., p. 50-51.

¹³ Cf. C.D. F a u l, *Donatism*, in *New Catholic Encyclopedia*, vol. 4, Washington: The Catholic University of America 1976, p. 1001-1003.

¹⁴ Cf. Ibid., p. 230-231.

¹⁵ Cf. T. A q u i n a s, *Summa Theologia*, Maryland: Christian Classic II-II, q. 10, a. 8.

upholds the right to religious freedom by stating that unbelievers ought not to be compelled to accept the faith, while on the other hand, he justifies the violation of the same right to those who accepted the faith. His justification is based on the thinking that the heretics are reneging on their promise to the faith. But he fails to take into cognizance the fact that every human being enjoys freedom of conscience regarding what to believe or not to believe. We can say then that medieval Church was opposed to religious freedom.

In the nineteenth century, the medieval intolerance to religious freedom continued. Papal pronouncements gave the impression that it was wrong to promote religious freedom. Popes Gregory XVI, Pius IX and Leo XII issued some of these denunciations of religion freedom. For instance, Pope Gregory XVI, in his first encyclical, *Mirari Vos*, condemned the call for the freedom of religion by Lamennais and the liberal Catholics. He described “freedom of publication as abominable or detestable and condemned universal liberty of conscience as sheer madness and the result of indifferentism; the pope also disapproved of the separation of Church and State”¹⁶. Pope Pius IX also remained faithful to the teaching. And on December 8, 1864, he published the *Syllabus of Errors*. It was an index of some eighty errors, arranged in ten sections, referring to the relevant papal documents dealing with them. This document re-emphasized the Church’s stand against religious freedom. In the *Syllabus*, he stated clearly that man was not free to profess the religion he believed to be true guided by the light of reason.

Just like his predecessors, Pope Leo XIII, despite recognizing the importance of religion to man, showed that the Church was still averse to religious freedom in 1899, in his encyclical *Rerum Novarum*, where he distinguished between religious and political Americanism and condemned the notion of adapting the doctrines, though not the practices, of the Church to the needs of modern society¹⁷. Generally the Church did not encourage religious freedom until the Second Vatican Council. Vatican II brought a major shift in the church’s stand on religious freedom. The Church, for the first time, made positive declaration on religious freedom with the promulgation of *Dignitatis Humanae* (Declaration on Religious Liberty), in December 7, 1965 (DH).

The council fathers, in *Dignitatis Humanae*, declares religious freedom as a “human right that makes all persons immune from coercion on the part of

¹⁶ J.D. Holmes & B.W. Bickers, *A Short History of the Catholic Church*, Kent: Burns & Oates 1983, p. 236.

¹⁷ *Ibid.*, p. 251.

individuals or of social groups, as well as any human power” (DH, 2). *Dignitatis Humanae* upholds the right of every human person to act according to his own beliefs, whether privately or publicly. This right cannot and should be denied. The council goes further to identify human dignity as the foundation on which the doctrine of religious freedom is built. This dignity is however known through the revealed word of God and by human reason itself (cf. DH, 2).

The council also stresses the point that there is a limitation to this right. The limitation, according to the Council, has to do with exercising one’s right to religious freedom in a manner that does not contravene just public order. One’s right to religious freedom can be impeded only if one fails to observe just public order in exercising his or her right. In defending the right to religious freedom, the Council also stressed the importance of conscience in enjoying this right. So, it is through his conscience that a man sees and recognizes the demands of the divine law. Every man is bound to follow his conscience faithfully in all his activities so as to come to God who is his last end. Hence, he must not be forced to act contrary to his conscience, nor must he be prevented from acting according to his conscience, especially in religious matters (DH, 3). With this, the Council made conscience the ground on which a man must be allowed to live what he believes since religion requires voluntariness and inner conviction to believe and worship God. Realizing the centrality of conscience to religious matters, the council therefore described the denial of religious freedom to an individual or group as an injustice done to that human person.

Civil authority, according to Vatican II, has the duty to protect all members of the society regardless what their religious affiliation might be. It is therefore wrong for a civil authority to promote a particular religion in the state over other religions; it is also a crime for civil authority not to take measures that prevent members of a particular religion to inflict pain or violence on members of other religion. It is, therefore, the responsibility of civil authority to prevent religious violence in the state. Religious freedom is one of the issues that the Church remits to the civil law to address (cf. *CCL*, 22). With *Dignitatis Humanae*, the Church became the defender of the right to religious freedom.

THE SIGNIFICANCE OF RELIGIOUS FREEDOM TO TODAY’S SOCIETY

Defending the right to religious freedom has a great benefit for the society at large. Affirming religious freedom is absolutely necessary to all religious

institutions. It should be noted that “in a world that lacks religious freedom, the integrity of the act of faith always lies under a heavy cloud of suspicion”¹⁸. A suspicious faith lacks credibility since one only believes because he or she does not want to be condemned or excommunicated, or being put to death. The French philosopher, Rene Descartes, has often been described as a man who was so careful with his philosophical views so as to avoid trouble with persecuting religious authorities of his time. Bertrand Russell was one of such people that entertain a very plausible skepticism about the integrity of the Cartesian faith. His fear must have stemmed from the fact that he lived in the century during which Galileo met with so many misfortunes¹⁹. We cannot doubt that this kind of situation is also experienced, if not still being experienced, in other religions of the world such as Islam and Buddhism.

We are of the view then that it is impossible in any social system where religious freedom is violated for faith to be sincere. So if the act of faith is to be sincere, people must express that faith in a free society. Religious freedom is, therefore, vital to the integrity of the act of faith, and the integrity of the act of faith is vital to the authenticity of the spiritual life of a believer²⁰, whether Christian or Muslim. People should, therefore, be allowed to choose without fear which faith community they want to belong.

Another benefit of religious freedom is in interreligious dialogue. Any discussion on religious freedom that excludes interreligious dialogue is incomplete. We cannot ignore the place of religious freedom in engaging in interreligious dialogue. The two concepts are concerned with the different religious beliefs in our world. There is a very close relationship between the two. For interreligious dialogue to be genuine then, it must respect human freedom, especially religious freedom. Since “the right to religious freedom is based in the very dignity of the human person as known through the revealed Word of God and by human reason itself” (DH, 2), it is therefore possible to agree on the principle of religious freedom even with those who do not accept the other’s religion. And the acceptance of this principle makes interreligious dialogue possible and less stressful.

¹⁸ J.V.L. Casserley, *The Need to Affirm Religious Freedom*, in J. Murray, *Religious Liberty: An End and a Beginning*, New York: The Macmillan Company 1966, p. 146.

¹⁹ Ibid., p. 146-147.

²⁰ Cf. Ibid., p. 147.

Religious freedom is important for our society today so as to eliminate religious violence. Wherever there is religious violence, it is the young people that are often used to perpetrate such violence. They are made to believe that killing someone who does not share the same faith with them is normal. Therefore, they become tools that are often used by those who are opposed to the right to religious freedom. Since the young people are active most of the times in religious violence, it is important to educate the minds of these young people so that they can be tolerant to those who do not share the same religious beliefs with them. Religious leaders as well as civil leaders need to take seriously the education of young people regarding respect for religious freedom. Teaching young people about the need to respect their fellow human beings is of great benefit to the world at large. And it is a responsibility of all. It is not to be left to the political leaders and leaders of religions alone. In this regard, Pope Benedict XVI recognized the important role family plays in this education. The family, he says, “remains the primary training ground for harmonious relations at every level of co-existence, human, national and international”²¹. If the young people will be convinced that every human being is free to choose the religion he or she wants to belong, then that conviction is to be built in the family.

CONCLUSION

The ultimate aim of upholding the right to religious freedom in every human society is to guarantee peace. Peaceful co-existence among people of different religious beliefs or traditions remain the primary reason why religious freedom is declared as one of the undeniable rights of every human being, irrespective of his race, religion or social status. The development of any society depends solely on the amount of peace that society enjoys. No government can function effectively, fulfilling its constitutional duties without its members living in peace with each other. Religion has a role to play in ensuring social peace. Peace, as Pope Benedict XVI recognized, is “a gift of God and at the same time a task which is never fully completed”²². It is not what we can give ourselves without the help of God. For a society to enjoy

²¹ B e n e d i c t XVI, *Message for the 2011 World Day of Peace*, No. 4.

²² *Ibid.*, No. 15.

peace, it must be a society that is reconciled with God, a society that recognizes the importance of God in the life of its people and give them the freedom to live their faith. “Religious freedom is an authentic weapon of peace, with an historical and prophetic mission”²³. It is the only true weapon we have to defend human dignity and to fight for true social peace.

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²³ Ibid.

WOLNOŚĆ RELIGIJNA
JAKO PODSTAWA WOLNOŚCI SPOŁECZNEJ

S t r e s z c z e n i e

Przedstawiane w artykule badania mają swoje podłoże w naukowym podejściu do rozumienia i praktykowania pojęcia „wolności religijnej”, także w aspekcie problemów doświadczanych przez Nigeryjczyków w kontekście stałego zagrożenia ze strony fundamentalistów islamskich z sekty Boko Haram. Dyskusja zawiera wiele powiązanych i skomplikowanych wątków, w tym historycznych zaniedbań w kwestii wolności religijnej, pozycji Kościoła katolickiego, jego nauczania i aspektu wspólnotowego, ograniczeń zasięgu jego wpływów oraz porównania pomiędzy wolnością religijną a wolnością w ramach Kościoła. Autor omówia następujące kwestie: pojęcie wolności religijnej, wolność wyznania jako prawo człowieka, wkład Kościoła w rozwój doktryny wolności religii w Kościele, istota wolności religijnej w społeczeństwie współczesnym. Nie porusza jedynie kwestii teoretycznych. Przedstawiane tu problemy mają swój aspekt realny, dotyczą faktów dnia codziennego, a przez to umożliwiają także refleksję na temat funkcjonowania prawa. W tym zakresie należy koniecznie podkreślić następujące stwierdzenia: 1. Prawo ma na celu wspomaganie społeczeństwa w realizacji jego celów. Ma wspomagać realizację zadań niosących wspólne dobro całemu społeczeństwu; 2. Prawo ma gwarantować stabilność społeczną, tzn. porządek prawny, rzetelne procedury i przewidywalne skutki; 3. Prawo ma chronić obywateli oraz zapewniać im instrumenty postępowania prawnego, dochodzenia roszczeń oraz rozwiązywania konfliktów; 4. Prawo powinno budować świadomość członków wspólnoty co do przekazywanych w nim wartości i standardów. Jaka zatem jest prawdziwa rola wolności religijnej dla spokoju i ładu społecznego?

Słowa kluczowe: wolność religijna, pokój społeczny, fundament społeczny.