



Religious Freedom Defined Freely

Evolving FoRB in diverse nations and cultures

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How FREEDOM OF RELIGION OR BELIEF is at the center of the HR debate.

Working in the Brussels arena with NGO's, the EU Parliament and the EU Commission opens one's eyes to the complexity of nations, cultures, and the different layers in societies that can cause wars instead of prosperity. It is more complex than explained by the newscasters; not easy for the man on the street to grasp. Each discipline, ranging from law to the sciences tackles the problems from its own research angle. Which of the disciplines could come up with a sustainable solution in an era of increasing complexity? Will it be Law,

Sociology, Strategy, Business, Anthropology, History? The enormous difficulties in Human Rights caused me to wonder if I should not, perhaps, spend my time and energy on something else than Freedom of Religion or Belief, with such burning issues as the **beggar** on the street who could use my funds to survive; or what about the European **Roma children** who receive no education as sponsored by governments because their parents refuse to pay taxes; or perhaps the **LBGT's** who feel alienated. Or what about **child labor**, or **domestic violence and child abuse**, or **child prostitution**, or **trafficking**. Think, too, about **illegal immigration**, or the increasing problem with **cyber**

criminality, or even **human sacrifice** by some satanic cults? And not to mention the terrible **terrorism attacks in Paris, and a couple of days ago in Brussels**. And I am sure you are aware of the disastrous number of **Syrian immigrants**, a challenge which is an attack on the continuation of the social support system Europeans have paid dear for, for so many years. And at the same time, Europe cannot stand idly whilst these people lost all their possessions and seriously risk their lives as they beg for help. In the light of all these challenges, is **Freedom of Religion or Belief**, then, a worthy cause, or should we focus on any of these problems Europe faces?

It helps to know that Freedom of Religion or Belief is more than just believing in a supreme being or joining a religious movement with rituals and belief in a life after death. Freedom of Religion or Belief is at the core of what it means to be human. **Thinking**, our **conscience, awareness, personal development, decision making**, and **taking responsibility** for our decisions and actions are all part and

parcel of Freedom of Religion or Belief; all these factors distinguish us from the rest of world's fauna. It is about empowering people to think freely, create, draw conclusions, and act. The one who takes this power away from a human, becomes responsible for his actions. My ancestor Gerard Noodt in the late 16th century was part of the national Protestant pre-destination debate on whether God is so almighty to the extent that he must be completely responsible for us, or that humans themselves are individually responsible for their actions. Our king William III had just declared that all the Dutch should become unified as Calvinist so that we could fight the Spanish king instead of each other. Under this decree, refusing Calvinism would be punishable by incarceration. My ancestor, a lawyer, was to have said: "*If I were the king, I would not wish to dictate people what to believe; for after all, that would make me, as king, responsible for the actions of my subjects; a responsibility no man, and even God could not carry*".ⁱ That leaves Freedom of Religion or Belief as one of the core elements of any society. Any

restrictions a government imposes on this basic of Human Rights, is an infringement on the core fabric of society and humanness itself. Wars have been fought over Freedom of Religion or Belief, and people would rather die than give it up.

And so Freedom of Religion or Belief now legally includes a host of other related issues directly connected, as drafted by negotiation in the United Nations Charter of Human Rights. Think of

- **the right of association,**
- **the right to change religion,**
- **freedom of speech,**
- **freedom to establish a new religion,**
- and as humanists describe tend to describe it the “*Freedom of Thought*”.

It is all about forms of freedom, that make us human. Interestingly enough, though, it is not a matter of just having *all* freedoms or having *no* freedoms at all. It is matter of tweaking that element that works best

in a particular community or society; it is about step by step molding society towards progress. Each society is different. Historical events have forged that society into what it is today. Tweak Freedom of Religion or Belief in a certain community just right, and you influence almost all the troubles politicians have to deal with.

Harnessing Freedom by Design

And so, we created, through the United Nations, a description of Freedom of Religion or Belief. The First Preamble to the 1948 United Nations Universal Declaration of Human Rights reads; “*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.*” This concept suggests States recalling their history, culture and constitution in order to adopt fair and equal human rights protection for all religions or beliefs.ⁱⁱ

But just as one cannot impose democracy onto the Afghans that have been run by tribal elders for millennia, so the UN could never force religious freedom on the Saudi's with their centuries old practice of religious domination and tradition. It would not work if one would force it militarily. It would not work re-setting national boundaries. It would not work moving pawns in the political arena. It would not even work by changing national constitutions. And it cannot be bought with money. One cannot force Human Rights onto a nation, faster than that particular society picks up on it. That is why we, NGO's dealing with Human Rights, use a stratagem that pushes just hard enough to leave the idea of HR on the negotiating table of the civil society. It is not about force, but about creating awareness of the issues, playing the conscience of politicians and grass-roots NGO's, and hopefully bringing this awareness to the minds of the nation's subjects. Both perpetrators and victims need to understand the consequences of Human Rights Abuse. The way it is done is by name- and shaming, by

litigation, by media coverage of atrocities, and NGO's enhancing public debate. And as far as Freedom of Religion or Belief is concerned, we, at the Gerard Noodt Foundation, believe that more attention should be given to helping religions deal with each other, rather than fighting each other. After all, if religions who preach love for one another cannot even grant the light in the eyes of their competitors in the religious marketplace,ⁱⁱⁱ then how can we expect non-believers to trust religions enough to take them serious in the public debate? But that is another discussion.

For our discussion today, however, we need to understand that there must, by definition, be an effort towards a workable balance between the different elements of Freedom of Religion or Belief. To make this clear, here are some examples. Here in the U.S. we want to be a nation of the free. What does that mean? Do we mean freedom *from* something, or a freedom in *order to* something? Do we avoid certain constraints, like too much influence of Washington, like its

taxes or national laws? Or perhaps from unwanted influences of foreign nations? Or is it that we are seeking opportunity and the freedom to make it financially; assuming that wealth and power over others is a form of freedom? What we do notice is that Freedom of Religion or Belief becomes increasingly an issue in this nation. In socialized and secularized Europe one claims that freedom is not the core of the problem, but equality; security by cooperation and sharing wealth. Europe has a long and traumatic history of mono-religious dominance, and as a consequence the chorus of voices that chants not for Freedom **of** religion or belief, but freedom **from** religion becomes louder and clearer. The general reaction of the Churches is a cacophony of voices that squeak for freedom **for their own religion**. And so the Freedom of Religion or Belief game in Europe plays out differently than in the U.S.A.

And then we have the question that deals with the word “freedom”. Would complete freedom even be desired at all? Let us analyze two examples:

Freedom to act in accordance to the dictates of one’s conscience – to what extent do we want that? There are old philosophers that would **NOT** plea fight for freedom of conscience. Friederichs Nietzsche taught that “everything is possible, because man should follow *not his conscience but*¹ *his instinct*^{iv}. He wrote: “*Conscience... is not as you may believe, ‘the voice of God in man’; it is the instinct of cruelty, which turns inwards once it is unable to discharge itself outwardly.*” Dostoevsky describes conscience as *an unnecessary restraint on human choice and action*.^v And Freud was allergic to conscience as a form of guilt. Get rid of guilt and psychological illness disappears. He wrote “*The more a man controls his aggressiveness, the more intense become the aggressive tendencies of the super-ego.*” Most of us,

¹ Cursive comments added for clarification.

though, see the conscience as a way to brittle our wrong desires and deal with a discernment of right and wrong, and that we should use the conscience of people as a tool to form and regulate public space. And yet, how much freedom for our conscience should we want?

- Should conscientious objectors be allowed to pass on conscription in the military in time of war? And should others be forced to fight on their behalf?
- Should people not have to pay taxes if they disagree with the way the tax-dollar is spent?
- How about the debate regarding “conscience clauses” asserting the right of Health Care Providers to withhold services – especially abortion related services, even extending into the contraception debate?^{vi}

- We assume some people have no conscience, such as core criminals. Would we want those people to let their conscience be their guide? After all, jails are brim full of those who acted according to their conscience.
- Are schools or child-protection agencies allowed to have more influence over the conscience of children than parents? How much abuse do we not see in this matter?²

Freedom of Expression. The U.S. Constitution was created as a system of checks and balances. Freedom of Speech, for example, was put in the U.S. First Amendment as counter weight to the possible abuse of the powers of government. And yet, the debate is on regarding:

- Hate-speech, media manipulation, defamation. Does freedom of expression include naming and shaming on Twitter? How about

² Increasingly in some European countries the government assumes the role to raise children above the responsibility of parents. Examples are Sweden, the Netherlands, Germany, etc. Government agencies may decide how fit parents are for parenting.

laws that protect innocent tweets that are socially interpreted as evil and may jeopardize the life or the career of the writer?³

- Does it include speaking against the government, and to what extent? When does it become a threat to society? In some countries, society would fall apart if people were given this freedom to rapidly. Last week I spoke to some men in Turkey; their answers were staggering.
- And how about the salesman or the stock broker or the bank; should they have a license to seduce people into buying junk, all in the name of freedom of expression?
- In Europe we have a love-hate relationship with sharing information regarding speed radars and speed-camera's. It is an interesting debate. Do citizens have the right to tap into police signals and warn each other? Years ago I was fined close to

\$1,000.-- while crossing the Italian-Swiss border. I was guilty of having in my car an outdated, non-functioning, non-hooked up American Radar detector that does not even work in Europe. The police apologized to me, and explained that the Swiss government hoped for me to complain in the EU so that radar detectors would become illegal all over Europe. The attempt of the Swiss government to put pressure on Brussels by passing out heavy fines was successful, as Europe gave in. In some nations they found a loophole though; one cannot make it illegal to distribute databases with the location of speed camera's. And in the Netherlands car drivers telephone the radio stations when they see a police with radar. And the google app "WAZE" and others show camera's and police traps (as they are called) on their maps. Due to freedom of expression,

³ <http://emgn.com/entertainment/12-tweets-that-got-people-fired-from-their-jobs/> See also http://www.nytimes.com/2015/02/15/magazine/how-one-stupid-tweet-ruined-justine-saccos-life.html?_r=0

the government cannot deny radio stations and map makers the right to announce that information to the public.

In short, freedom is an enabling power to act. And how this power is used is a discourse that plays out differently in each country. At the same time it also assumes that there are counter-elements to freedom that need to be there. Paradoxically there can be no freedom without limiting elements. If car wheels do not encounter a road with a strong friction, they would not have any power to control the vehicle. The less friction, the less control. There cannot be any freedom without a description of its limitations. It's a Catch 22. The freedom for the one is often the limitation of the other. How we draw the line should be a matter for all parties involved, and not one that is dictated from either capital cities, pulpits, or the Wall Streets of society.

Each government does this in the best way it sees fit; politicians have in the backs of their minds ideas as the United Nations declaration

of Human Rights. The objective should have been the inalienable rights of each human being. Unfortunately the carrot is in reality national stability. And the sticks are judiciary, the enforcement agencies, the police, and courts, such as the European Court of Human Rights in Strasbourg, the national courts, and the International Court of Justice in the Hague. The stick should have been moral conscience as taught in a healthy upbringing.

The Power of Definition

The way this discourse towards Human Rights plays out has much to do with the nature of public space. How is it defined? Who controls, the money flow, and the development of the law? How pluralistic is society? How many players dominate the headlines? Just as we want a free market for corporate, so we want to see a free market for political parties, for religions, and for different cultures to interact in a healthy way. In the Western Hemisphere it has been

mostly Christian. But that, too, is divided. Europe has such a long history in which religions have played a part, that it is unavoidable that religious ethics still strongly influence decision making – even if religious leaders have all but lost their political power in most countries. These religious sentiments in the nations that comprise the EU used to be primarily dominated by Catholicism up until the Reformation; but now Europe is split between North and South, and between West and East; between Catholic thinking in the south and Protestant values in the North, and an experienced Capitalistic West and a Socialized East. And Islam dominated Turkey is knocking on its doors, while the foot is already deep into the front portal of Brussels and politicians nibbling at its toes or luring it in. The Turkey question creates friction, as Turkey is in a completely different position regarding Religious Freedom Development as Europe. In Europe the pendulum has predictably swung towards secularism, and the U.S. is following suit. First one sees Protestant regions secularizing. Then

Catholics were next. And now the Orthodox Church in the East is losing its political grip. In Turkey we see strong confrontations between secularization and Islam and how fundamentalism is beginning to dominate both religious practices and government. Islam clashes with EU values. And the war in Syria and with the Khurds, as well as the Muslim migration to Europe is not helping ease the European debate.

A few examples may shed light on how secularization in Europe plays out. There, marriage is not defined by sentiments any more, but it is part of the *social* realm and under protection of the judiciary. Religions are, of course, allowed their own definition, as constitutions protect them. But the meaning of “*legally wedded*” is determined by the law, as influenced by the public debate, and no longer by religious leaders. After all, that is what you would expect in a democratic society; the people choose and influence the laws by the public debate. Although it must be said that centuries old religious

tradition and thinking still reverberates the policy making landscape. As a consequence, the whole same-sex-marriage debate in Europe was over in a heartbeat in most countries. Even the religions did not do much to protest. Religions no longer hold the power of definition. Throughout the centuries they have played their role in teaching that we need to love one another, and not judge others. Western society took these values, and ran with the ball. In Eastern Europe, where they are still at another level on the Freedom evolution spectrum this debate has a whole different meaning. Here the centuries old religious teaching is more focused on conformity than on equal rights. And thus this debate goes into a different direction. It is all a matter of underlying values within society. One can see the same thing play out with the Syrian Migration crisis, which is pushed by the Merkel Government and supported strongly by mostly the protestant regions of Europe, but is heavily protested against by the Orthodox nations (i.e. the Balkans and Eastern Europe). The Churches have done their

teaching, and now, in modern time, when secularization sets in, society reaps the fruits of the old doctrines. As the Organized religions lose control in the public square, other humane institutions take their role as moral watchdog. The teachings of the churches, Christendom, have been deeply rooted in social institutions, like the Red Cross, Amnesty International, Green Peace. They all act out the old Christian values, without confession. Much more can be said on this topic, but suffice it to say that the Human Rights debate is a serious one in Europe, with respect to the way it is dealt with differently in each nation because of their historical ballast.

Each nation has its own acceptable definition of Freedom of Religion or Belief

Having travelled globally, I have seen and heard the different definitions of Religious Freedom and Belief all over Europe, the America's, Korea, Tajikistan, Africa, China, and Israel, and wondered

what it really is that they are striving for. It is clear that whatever definition a nation or religion uses for the moment, the question remains how sustainable that is in the long run and to what extent it enables it to move forward towards the end in mind. As such there is an evolutionary spectrum with varying elements such as totalitarianism,⁴ mono-religiosity,⁵ pillarization,⁶ a complete denial of the need of religions,⁷ and finally, the involvement of NGO's.⁸

⁴ To be found in the Middle East and some places in Asia.

⁵ Mono-religiosity shows a strong link between a government and a preferred religion, such as we find in Great Britain with its Anglican church, or Roman Catholicism in Italy and Poland.

⁶ The Netherlands between the 1920's and the 1960's. Here we saw how Catholicism and a diversity of Protestant denominations would own their section of the public space. A catholic would be born in Catholic hospital, go to a Catholic school, go to Catholic soccer clubs, graduate from a Catholic school, join the Catholic Radio Broadcast system, often work for a Catholic Employer, Vote for Catholic-friendly Political parties, end up in a Catholic old-folks home, and be buried in Catholic cemeteries. Such would also be the case respectively for different Protestant Denominations. It was a form of religious socialism.

Stages

Like any organization or society, so Freedom of Religion or Belief in nations seem to evolve through stages, from no freedoms at all to a workable system. In this model we count several of these stages that seem to explain what is going on⁹.

1. A first move towards the awareness of the need for Freedom of Religion or Belief is that of **Formal Legalization and protection of religious worship**. This we

⁷ Such is the case in France, which prides itself of being completely autonomous of religious influence, and Eastern-Communist countries, such as the Czech Republic, Hungary and the old Soviet Union.

⁸ This is what we currently see in the EU in Brussels, and in some nations in Europe. The EU Parliament has an organization like the Fundamental Rights Agency, a Human Rights Watchdog. Then there is the OSCE HR-Dimension meetings in Warsaw in the fall of each year, in which National Ambassadors and NGO's meet face-to-face. In the Netherlands, for example, there is a Human Rights Ambassador who travels the world in order to put Human Rights on the table. He functions under the Ministry of Foreign Affairs, and he receives input from NGO's.

⁹ Peter Berger, in his book "Religious America, Secular Europe", in Chapter 2, p.p. 112-13, he mentions that Modernity causes secularization as it undermines homogeneity etc. Homogeneity (religious monopoly) is broken up pluralism; and pluralism causes a free market. In such a religious market, communities coexist in the same social space. In this environment religious freedom can operate if secured in law.

see in most nations to some extent. In the U.S.A. this started with Philadelphia declaring some form of Religious Freedom in the late 18th century. But clearly, whilst law and enforcing it is the basis, it is not enough to settle the issue or FREEDOM OF RELIGION OR BELIEF. If people do not agree with the law, they may end up in jail. If many people are in jail, this just causes more problems than wished for. We see such problems particularly in Pakistan, Kazakhstan, Russia, Egypt, etc. All of which claims to have religious freedom, because it is protected by constitutional law, but socially there is animosity towards other religions, and a dominant religion does all it can to not allow for any religious freedom than for their own.

2. A second phase seems to be when *new religious institutions and movements are allowed in the social arena*. It may be said that there is more Freedom of Religion or Belief in Africa than in China, with the whole Falun Gong drama, the Tibetan¹⁰ and Uyghur¹¹ problem. Often it is the leadership of old traditions that drag their heels to limit this stage from evolving. Africa is more tribally organized than governmental; and as such the focus is not on the legality of Religious Freedom, but on Tribal dominance. Much work needs to be done in both China and Africa. In Europe, Scandinavian countries find severing the tie with Protestant Churches (Lutheranism) difficult, and as such other religions are seen by many as a nuisance. At least these nations are working seriously on Human Rights.

¹⁰ The Chinese government claims Tibet. As a consequence religious practices in Tibet are suppressed as it is claimed that religions are a movement to fight for Tibetan independence.

¹¹ East Turkistan has become a Chinese province by a program to move large numbers of Han Chinese to its capital city Xingjian. As a consequence the original Muslim Turks are now a minority, and their religion is seen as part of radical Islam, and as such the Uyghurs are persecuted in their own country.

3. Stage three, would see **religions compete in a free market for liberating souls**. The masses are used to develop “sovereignty in one’s own house” (as Calvin used to call it) to limit a growing government involvement. We see much of this in the USA, where religions are in the market place of religion, competing for a larger share of the religious landscape.
4. Stage four is playing out in all of the Western Hemisphere. It is when **the power of definition shifts from religions to the state**. This is particularly true in democratic societies where politicians, in their hunger for power, do not need religions to survive. The objective of the government here,

is not to push out religion per se, but as more money and power flows towards the capital city, religions automatically lose their former role for social dominance. Governments are there to protect the people and social institutions, like business and religion¹². No longer do religions control whom you vote for, with whom you marry, if you are fit for a certain career, what school you go to, and what you believe. It is all about either *SoRoBaS* - Separation of Religion or Belief and State – like France is doing, or the cooperation between churches and State (Spain and Germany). We see this all over Europe. Great Britain is a striking example. As the United Kingdom becomes more

¹² International Human Rights Standards on Freedom of Religion or Belief are used to review the actions of governments, religions or beliefs, non-governmental organizations and civil society under constitutional systems such as Separation of Church and State, State Church, Theocratic, and other legal frameworks. The concept *Separation of Religion or Belief and State* means equal, fair and practical support for all *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief*, in tandem with international human rights standards on freedom of religion or belief.

This idea of separation of Church and State, and the need of this, is well explained by Hans van Napel in his speech *Constitutionalism, Democracy, and Religious Freedom*, given at Acton Institute. See <https://www.youtube.com/watch?v=asroS64vPX8>

secular from its past form with a State Religion, the government seems to eat away the power of the Anglican Church, of which to date little is left. Other such nations with a nationally accepted church follow suit (such as Italy, Belgium, and Luxemburg). France had this battle in the early 19th century¹³. And in Germany the shift started with the Reformation, and it is still slowly evolving as remnants of religious control are still present¹⁴.

National trauma's often force a debate in society, which may cause a shift between the stages. Think of the Pilgrims colonizing in the America's, a French Revolution, 9/11, Danish Mohammed Cartoons, Norwegian Anders Behring Breivik attack, French Charley Hebdo, the Dutch van Gogh murder, and

the Syrian Invasion into Europe. And the shift between stage three and four (between the stage of a free market for new religions and secularization), often occurs when the population becomes religion-weary, often due to a lack of intellectual and social benefits of the churches.

Examples of different national issues

Here are some more detailed examples of how European nations are grappling with Freedom of Religion or Belief.

Greece

The Greek government allows for Freedom of Religion or Belief. But the monolith Greek Orthodox Church will not allow for proselyting. Many a proselytizing missionary will be harassed by priests, the population and even the police, even to the point of being

¹³ Napoleon created Laïcité (separation of church and state) by confiscating all but a few Catholic Churches and turn them into property of the State. The State now maintains these churches, and pays salaries for the priesthood, but it does not mingle in Church policy and it does not appoint the priesthood. This raises questions regarding the fairness of State support for some religions and not for others.

¹⁴ One example is that by default each taxpayer pays 2% of his taxes to the government to support the Lutheran Church. People can opt-out, but have to do so specifically. Other religions do not profit from this tax-sponsoring system. The Lutheran Church is seen as an institution that is needed for a stable society.

incarcerated. Here we have single religion with enormous political, judiciary, and social power. At the same time, Greeks are not amused to find people having another religion than their traditional one. It is extremely difficult for a new religion to buy property. So here, we have a combination of old traditions and a dominant religious power that inhibit Freedom of Religion or Belief. But by law, at least, proselytizing is allowed, and so Greece claims Freedom of Religion or Belief. And in a cradle of democracy, beware that you do not speak your mind too loudly.

Belgium

Belgium is another case in point. Here we have regular inquiries by the Parliament on so called dangerous cults, albeit that such investigations are illegal by constitutional law. At the same time only five religions have received accreditation and sponsoring in order to teach religion in elementary and high schools: namely Anglicanism, Roman Catholicism, Evangelism or Protestantism, Judaism, and Greek and Russian Orthodoxy. Islam is not seen as a religion there, but a

“phenomenon”, and sects such as Mormonism, Jehovah Witnesses, Unificationists, and Scientologists are seen as dangerous to the mental health of its members.^{vii} When I confronted the leader of the Evangelical Community in Belgium with the question about whether or not he thought there was Freedom of Religion or Belief, he answered with a clear YES. “*After all,*” he said, “*people can always teach religion in school under the umbrella of this broad spectrum of Religious organizations, they could always teach our evangelical views*”. For him it was just a practical solution to a difficult and complex issue. Belgian law requires religious education in schools and that religions must be financially supported to fulfil this role. And to make it practical they created this allowance for only these five religious groups. Subsidizing each religion that wishes to teach in schools will cause too much of a bureaucracy and mis-use of tax funds.

France

France claims to be secularized. Napoleon confiscated almost all Catholic Church properties and pays the salaries of the Catholic

Priests. His government, and ever since, was to rule without the powers from Rome. Of course many people are still Catholic. And other religions are legalized. But here, too, starting new religions is not easy because of social suspicion. And here, too, buying property for a Church is a very difficult process. Some religions had to pay taxes, whilst others were exempt. Some years ago there was such a case, where the Jehovah Witnesses lost their plea to be exempt. But appealing to the European Court of Human Rights they were exonerated, and the French Government was slapped on the fingers, an unusual gesture for the ECHR. In France, too, the government cannot mingle in religious affairs. And yet, in an indirect way, the French Parliament, through MIVILUDES, sponsors an organization called FECRIS (European Federation of Centres of Research and Information on Cults and Sects). The objective of FECRIS is to serve as an umbrella organization for associations which defend victims of cultic excesses. Sounds nice, right? But it is illegal for the French

Government to sponsor religious and anti-religious organization, as it mixes Government Affairs with Religious Affairs. Besides, the organization has been proven to illegally kidnap so-called victims to free them from dangerous cults, a role that has been assigned to the Police force^{viii}. Yet, ask any Frenchman if there is Freedom of Religion in France, and he will respond with a resounding “Of course, we have Laïcité and the government protects religion in our constitution”.

Taxation laws

An interesting case is the taxation of Church properties in many EU nations. Usually open spaces, spaces for public domain, are tax-exempt, unless they are used for entrepreneurial activities, such as selling and buying, sports and entertainment. Is it an infringement on Freedom of Religion or Belief when a church building is taxed because there are basketball hoops, showing the building is used for sports activities, and therefore it is more a club, rather than a religion? How about using a chapel for selling second hand clothes or books or services (like Salvation Army or Scientology). After all, it is then more

a business. And how about Great Britain requiring the LDS church to tax temple property because they can only be entered by a select group of the public? Is that then an infringement on Freedom of Religion or Belief? And how about Religious organizations demanding certain religious requirements as standards for their employees? All of these cases show how difficult the issue really is, and how each nation has to deal with it in its own way.

USA

And to bring the issue of how each nation deals with Freedom of Religion or Belief in its own ways, Europeans do not understand the debate in the United States on separation between Church and State, as some say was originally intended in the Constitution.^{ix} Here, in the U.S. the definition of Freedom of Religion or Belief is getting narrower, so it seems. The current administration seems to interpret Freedom of Religion or Belief as more than just Freedom of Worship

¹⁵ This seems to be happening in the U.S. with the Welfare programs of the LDS church. Some of the concern seems to be that the work in Mormon canneries and

or Practice, and it has made churches collide with Obama on several fronts. Some churches are questioned for their welfare enterprises as they attempt to care for the poor, and an investigation is going on whether they should be taxed like any other business¹⁵. So, too, should Church schools pay property tax too, when they are used for collecting funds? And are these schools part of the public square or can they be influenced by religious practices and beliefs? How much should the State sponsor them financially, or control their accreditation because of some belief or practice that is legal? And then there is the whole prayer-in-schools issue, just like in Europe we have the headscarf- and religious jewelry issue for public officers.

How society copes with minorities, thinking this is HR

So, how to evolve towards a better form of Freedom of Religion or Belief? Each year, during the conference on Human Rights

processing plants is not being done by Union labor, and as such it is cheating other workers out of jobs.

Dimension of the Organization for Cooperation and Security in Warsaw, Poland, these issues are raised. Russians pushing Americans on its extreme number of incarcerated persons. The U.S. pushing Russia and Belarus on Religions Freedom issues. Europeans shouting bloody murder against France and Austria for financially sponsoring illegal anti-Sect movements. And Brussels denying Turkey into the EU because of its bad Human Rights track record, in particular the idea of Freedom of Speech and Freedom of Religion or Belief. People complaining that in some countries taxes are still used to sponsor certain religious movements while denying the rights for others. There are currently more than a 100.000 cases in the European Court of Human Rights in Strasbourg, and no end in sight with Europeans unable to cope with the current foreign invasion from the Middle East, Africa and Central-Asia. In the Netherlands, a nation with one of the

¹⁶ Salafists, like Wahhabis, are fundamentalists in the sense that they take a literal and strict approach to the Kor'an, and are against any form of religious innovation. They fight for the implementation of sharia. Some of them are Jihadists.

best histories in the area of Religious Freedom, there is a push to criminalize Salafism as an extreme and dangerous form of Islam¹⁶. Then we have Muslims claiming that atheists have no soul, or protestants claiming that Mormons go to hell because they are not Christians. Some countries got to finally abandon laws against defamation,¹⁷ like Great Britain in 2008 and the Netherlands in 2014. Their argument is that, after all, God cannot even be insulted because he will not sue the government and he is not even a person; and religious organizations and dead prophets have no voice, so insult is futile. But insulting a person or groups of people is a form of illegal discrimination. But in Turkey, do not try to even make fun of religion; that may be detrimental to your freedom and health.

Religious freedom enhances social stability, prosperity, harmony, health. It increases civil mindedness, and generosity. But this

¹⁷ Defamation law includes penalties for hate speech or insulting religions.

freedom is not just provided by a constitution. It should also be carried by the culture of society, including all religious organizations. A society where pluralism^x is *celebrated*, rather than *smashed by any dominant belief or practice*, so that it stands a fairer chance to evolve to a next level. The question remains however how to describe freedom of religion in a way that is effective in a particular society. We find that

each nation has its own definition and has to fight its own battle. We wish them Godspeed, or luck, whichever works best for them.

ⁱ See van den Bergh, the Life and works of Gerard Noodt.

ⁱⁱ as described in General Comment 22 on Article 18, International Covenant on Civil and Political Rights, UN Human Rights Committee, 20 July 1993; CCPR/C/21/Rev.1/Add.4

ⁱⁱⁱ See Peter Berger's ideas on Religious Free Marketplace.

^{iv} See Nietzsche's letter to his friend Overbeck "*From the Underground*" in 1887.

^v See Dostoevsky's *Crime and Punishment*, 1866

^{vi} Paul Strohm, *Conscience, a Very Short Introduction*, p. 81

^{vii} http://photos.state.gov/libraries/belgium/8548/PD/IRFR_Belgium_NL.pdf

^{viii} For more details, see this report:

<https://www.google.com.tr/search?q=fecris&oq=fecris&aqs=chrome..69i57j0j7&sourceid=chrome&ie=UTF-8>

^x "Freedom arises from the multiplicity of sects, which pervades America and which is the best and only security for religious liberty in any society. For where there is such a variety of sects, there can not be a majority of any one sect to oppress and persecute the rest."

-- **James Madison**, spoken at the Virginia convention on ratification of the Constitution, June, 1778, quoted from [James A Haught](#), ed, *2000 Years of Disbelief* In a free government, the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects.

-- **James Madison**, from Number 51 of the Federalist Papers, quoted in James A Henretta, *The Evolution of American Society, 1700-1815: An Interdisciplinary Analysis* (1973) p. 136, quoted from Ed and Michael Buckner, "[Quotations that Support the Separation of State and Church](#)"