

## RELIGIOUS FREEDOM IN THE 21<sup>ST</sup> CENTURY OLD BIASES, FRESH CHALLENGES, NEW FRONTIERS

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The theme of religious freedom has been treated so often that it might seem as though there is little left to say. But changing circumstances unsettle old ways of thinking. And while new developments can pose unprecedented threats, they sometimes open doors that previously seemed tightly shut.

It was especially heartening to the Academy to have the encouragement of Pope Benedict XVI in our choice of topic, and then to see the Pope himself calling attention to the importance of religious liberty on numerous occasions in the months leading up to our meeting.<sup>1</sup> Freedom, as the Holy Father has reminded us, is “a challenge held out to each generation, and it must constantly be won over for the cause of good”.<sup>2</sup>

In its Seventeenth Plenary Session, the Academy, with the help of an extraordinary group of distinguished experts, explored that challenge as it relates to religious freedom. The Plenary opened with a look back at the struggles for religious freedom in the past, and then proceeded to survey the state of religious liberty in the world today, but mainly the participants strove to look forward in search of more effective ways to make religious freedom a reality and a path to peace. A highlight of the meeting was the Pope’s message in which he reminded us that religious freedom goes to the very heart of what it means to be human. “A yearning for truth and meaning and an openness to the transcendent,” he said, are “deeply inscribed in human nature”.<sup>3</sup>

The initial presentations, recalling the gradual and often difficult progress of the concept of religious liberty, traced its development in various religious and political settings to the point where nearly every nation

<sup>1</sup> Pope Benedict XVI, Address to Council of Europe Delegation, September 8, 2010; Address to the Roman Curia, December 20, 2010; World Day of Peace Message, January 1, 2011; Address to the Diplomatic Corps, January 10, 2011.

<sup>2</sup> Pope Benedict XVI, White House Address, April 2008; cf. *Spe Salvi*, 24.

<sup>3</sup> Pope Benedict XVI, Message to the Pontifical Academy of Social Sciences, April 29, 2011.

in the world, and many of the world's religions have acknowledged it as a fundamental human right.<sup>4</sup> Yet it is all too evident that the consensus embodied in various formal documents has not led to agreement on the meaning and foundations of religious freedom, nor on its relation to other fundamental rights, nor on modes of bringing the right to life under diverse cultural conditions. Hence the question that pervaded our proceedings: How can a universal right to religious freedom be brought to life in a world of diversity?

As we looked around that world of diversity, we received a vast amount of information about the actual state of religious practice and religious freedom, East and West, North and South.<sup>5</sup> We were given a rich panorama of the diverse contexts in which contemporary religious freedom issues arise,<sup>6</sup> and we heard immensely informative reports on the experiences of various societies in dealing with challenges to religious freedom such as those posed by claims of new rights, by militant secularism, by various forms of fundamentalism, and by governmental co-optation and persecution.<sup>7</sup>

After four densely packed days of presentations and discussions, we were left with a fair number of paradoxes, a few conclusions, and enough questions to keep social scientists busy for years to come. Since no summary could do justice to the richness of the papers and discussions at the Plenary, I must confine myself in these closing observations to a few of the most salient points that emerged from four days of looking back, looking around and attempting to look ahead. I will mention first some bad news from the social sciences, then some encouraging news, then some areas where (if I am not mistaken) there was wide consensus among the participants, and some areas where the most we could do was clarify the issues. I will conclude with a set of challenges for the social sciences in general and for Catholic social thought in particular.

<sup>4</sup> Minnerath, *La liberté religieuse: théologie et doctrine sociale*; Hittinger, *Political Pluralism and Religious Liberty: The Teaching of Dignitatis Humanae*.

<sup>5</sup> Lutz and Skirbekk, *The Demography of Religions and their Changing Distribution in the World*; Mouzelis, *Modernity: Religious Trends*; Hertzke, *Religious Freedom in the World Today: Paradox and Promise*; Durham, *Religious Freedom in a Worldwide Setting: Comparative Reflections*.

<sup>6</sup> An-Na'im (Africa); Kuan (China); Ruma Pal (India); Morandé (Latin America); Benson (Canada and South Africa); Maier (Germany); Fromont (France); Malik (Middle East); Buttiglione (Italy); Suchocka (Poland); Durham (USA).

<sup>7</sup> Cartabia, *The Challenges of "New Rights" and Militant Secularism*; An-Na'im, *Experiences in Freedom of Religion in the African Context*; Ruthven, *Fundamentalism and other Obstacles to Religious Toleration*; Kuan, *Religion and State and China*.

Let us begin with the bad news from the most recent surveys of the actual state of religious freedom in the world.

### **Religious freedom world-wide is at increasing risk**

Social science data paints a grim picture of the current status of religious liberty.<sup>8</sup> According to the most extensive cross-national study ever conducted, nearly 70 percent of the world's people currently live in countries that impose "high restrictions" on religious freedom, the brunt of which falls on religious minorities, especially on Christian minorities.<sup>9</sup> Behind those cold figures is the harsh day-in day-out reality of discrimination, persecution, and violence suffered by religious believers in many parts of the world – sometimes due to governmental policies, sometimes to societal intimidation, and often to both in combination.

### **Religious freedom is at risk even in countries that officially protect religious freedom**

Even in countries that impose "low to moderate" restrictions on religious freedom, influential figures in the media, the academy and public life often portray religion as a source of social division, and treat religious freedom as a second-class right to be trumped by a range of other claims and interests. Those largely un-examined biases among elites are spreading to the population at large in many Western societies.<sup>10</sup> It is "a profound paradox of our age," according to Professor Hertzke, that, just when evidence of the value of religious freedom is mounting, "the international consensus behind it is weakening, attacked by theocratic movements, violated by aggressive secular policies, and undermined by growing elite hostility or ignorance".<sup>11</sup>

<sup>8</sup> Hertzke, Lutz and Skirbeck.

<sup>9</sup> Hertzke, citing *Global Restrictions on Religion*, Pew Forum on Religion and Public Life (December, 2009). The study covers 198 countries, representing more than 99.5% of the world's population. Another recent study has found that 75 percent of victims of violent religious persecution worldwide are Christian. *Aid to the Church in Need, Religious Freedom in the World – Report 2010*, summarized on National Review Online, March 17, 2010.

<sup>10</sup> Mouzelis, *Modernity: Religious Trends*;

<sup>11</sup> Hertzke; see also Possenti, *What is or should be the role of religiously informed moral viewpoints in public discourse (especially where hotly contested issues are concerned)?*

Juridical trends in Western countries also reveal a “spreading distrust towards religion, religious institutions and their role in public life”.<sup>12</sup> After reviewing legal rulings on such matters as hiring practices in religious schools and institutions, religious symbols in public places, the role of religion in schools, and conscience protection for religious individuals and institutions, Professor Cartabia concluded that legal protection of religious freedom is declining as the time-honored liberty principle gives way to postmodern notions of choice and as the equality principle (that like should be treated alike) is replaced by a non-discrimination principle that is indifferent to differences and tolerant of intolerance.

Commenting on trends toward confining religion to the private sphere, Archbishop Minnerath pointed out that the banishment of religion from the public square leaves “an immense vacuum” open to all sorts of ideologies.<sup>13</sup> Where that situation prevails, Cartabia and Benson warned, it could lead to establishing secularism as a *de facto* official “religion”. In Senator Pera’s view, the liberal democracies are “immersed in what we might call the *paradox of secularism*: the more our secular, post-metaphysical, post-religious reason aims to be inclusive, the more it becomes intolerant”.<sup>14</sup>

Fortunately, however, not all the news from the social sciences was bad. There were also some encouraging developments on the contemporary landscape.

### **New research casts doubt on the claim that religion is a source of social strife**

Social science has begun to cast doubt on the common – almost dogmatic – belief in secular circles that religion is *per se* a source of social division, and on the related claim by many authoritarian governments that religious freedom must be curtailed for the sake of social peace. An important and growing body of empirical evidence reveals that the political influence of religion is in fact quite diverse, sometimes contributing to strife, but often fostering democracy, reconciliation and peace.<sup>15</sup> Some studies in-

<sup>12</sup> Cartabia. See also Benson, Can there be a legitimate pluralism in modes of protecting religions and their freedoms? The cases of Canada and South Africa.

<sup>13</sup> H.E. Mons. Roland Minnerath, “La liberté religieuse: théologie et doctrine sociale”. See also Buttiglione, and Martínez Torrón.

<sup>14</sup> Pera, The “Apple of God’s Eye” and Religious Freedom: A Re-Examination of Kant’s Secularism.

<sup>15</sup> Hertzke; see also, Monica Toft, Daniel Philpott, and Timothy Shah, *God’s Century: Resurgent Religion and Global Politics* (New York: Norton, 2011); Brian Grim and Roger Finke, Religious Persecution in Cross-National Context, *72 American Sociological Review* 633-58 (2007).

dicate that violence actually tends to be greater in societies where religious practice is suppressed,<sup>16</sup> and that promotion of religious freedom actually advances the cause of peace by reducing inter-religious conflict.<sup>17</sup>

Political journalist Malise Ruthven cautioned that those who automatically associate religion with strife may be confusing religious conflicts with identity politics. He suggested that “the sacralization of identity” – rather than religion as such – may be at the heart of conflicts to which religious labels have been attached.<sup>18</sup> In other words, the religious rhetoric and symbolism associated with such conflicts may have more to do with issues of individual and group identity than with theological differences.

Though all agreed that much additional work needs to be done along these lines, the presentations offered support for the belief that religious freedom can indeed be a path to peace.

### **Social science research suggests a positive correlation between religious freedom and other important human goods**

Recent research in the social sciences also suggests that there is a significant positive correlation between levels of religious freedom and measures of other economic, social and political goods, while, conversely, the denial of religious liberty correlates with the denial of such goods.<sup>19</sup> One study concludes that, “The presence of religious freedom in a country mathematically correlates with the longevity of democracy” and with the presence of civil and political liberty, women’s advancement, press freedom, literacy, lower infant mortality, and economic freedom.<sup>20</sup>

These modern studies buttress Tocqueville’s classic analysis of the relation between religion and freedom. In *Democracy in America*, Tocqueville advanced two propositions that challenged the presuppositions of both believers and skeptics in his day. His insistence that freedom would be good for religion was doubted by devout Christians, while his assertion that religion would be beneficial for emerging democracies seemed preposterous to those of his con-

<sup>16</sup> Hertzke; see also Brian Grim and Roger Finke, *The Price of Freedom Denied: Religious Persecution and Conflict in the 21<sup>st</sup> Century* (Cambridge University Press, 2011).

<sup>17</sup> Hertzke; see also Thomas Farr, *World of Faith and Freedom* (New York: Oxford University Press, 2008).

<sup>18</sup> Ruthven, *Fundamentalist and other Obstacles to Religious Toleration*.

<sup>19</sup> Hertzke, *Religious Freedom in the World Today: Paradox and Promise*; Lutz and Skirbekk.

<sup>20</sup> Hertzke; see also Brian Grim, *Religious Freedom: God for what Ails us? 6 Review of Faith & International Affairs* 3-7 (2008).

temporaries who considered themselves enlightened sons of the French Revolution. Urging the latter to overcome their prejudice against religion, he said, “Lovers of liberty should hasten to call religion to their aid, for they must know that one cannot establish the reign of liberty without that of mores [by which he meant the habits and attitudes of citizens and statesmen], and mores cannot be firmly founded without beliefs”.<sup>21</sup> Religion, he continued, “is the guardian of the mores, and the mores are the guarantee of the laws and pledge for the maintenance of freedom itself”.<sup>22</sup>

### **New trends in elite opinion concerning religion**

Meanwhile, some prominent intellectuals, Senator Pera among them, have begun to challenge the traditional bias against religion in elite circles, and to question the assumption that the liberal state can afford to be indifferent or hostile to religion. No serious thinker disputes that the preservation of a free society depends on citizens and statespersons with particular skills, knowledge, and qualities of mind and character. But many have taken the position that the free society can get along just fine without religion, and that the more closely religion is confined to the private sphere, the freer everyone will be. Such writers maintain that the experience of living in a free society is sufficient in itself to foster the civic virtues of moderation and self-restraint, respect for others and so on.<sup>23</sup>

That faith in the ability of democracy to generate the virtues it needs in its citizens was shaken, however, in the wake of the social and cultural upheavals of the late 20<sup>th</sup> century. It now appears that liberal societies having been living on inherited social capital, so to speak, and that – like spendthrift heirs – they are consuming their inheritance without replenishing it. In fact, a major conclusion of this Academy’s working group on democracy in 2005 was that democracy depends on a moral culture that in turn depends on the institutions of civil society that are its “seedbeds of civic

<sup>21</sup> Tocqueville, *Democracy in America*, H. Mansfield trans., Vol. I (Chicago: University of Chicago Press, 2000), 11.

<sup>22</sup> *Id.* at 44.

<sup>23</sup> For an overview of the positions of leading political theorists on this issue see William Galston, *Liberal Purposes* (Cambridge: Cambridge University Press, 1991). Galston states his own position thus: “Liberalism contains *within itself* the resources it needs to declare and defend a conception of the good and virtuous life that is in no way truncated or contemptible. This is not to deny that religion and classical philosophy can support a liberal polity in important ways...But it is to deny that liberalism draws essential content and depth from these sources” (304).

virtue”.<sup>24</sup> We observed that, “To play their role effectively in the ecology of democracy, these seedbeds need not be democratic, egalitarian or liberal; their highest loyalty need not and should not be to the state, and their highest values need not and should not be efficiency and productivity”. With the passage of time, it has become ever more apparent that “a liberal politics dedicated to full and free human development cannot afford to ignore the settings that are most conducive to the fulfillment of that idea. In so doing, liberal politics neglects the conditions for its own maintenance”.<sup>25</sup>

In recent years, with families, schools, religious groups, and other institutions of civil society in distress,<sup>26</sup> some prominent non-believers have expressed concerns about the political costs of neglecting a common cultural inheritance in which religion and liberty are inextricably intertwined – an inheritance that includes the classical civilizations of Greece and Rome, the Hebrew Scriptures and the Apostolic Writings, the explosive energies of the Renaissance and the Enlightenment, and the concept of human rights.<sup>27</sup> They have begun to ask questions like: Where will citizens learn to view others with respect and concern, rather than to regard them as objects, means, or obstacles? What will cause most men and women to keep their promises, to limit consumption, to answer their country’s call for service, and to lend a hand to the unfortunate? Where will a state based on the rule of law find citizens and statesmen capable of devising just laws and then abiding by them? Jürgen Habermas has gone so far as to speculate that the good effects that some philosophers have attributed to life in free societies may well have had their source in the “legacy of the Judaic ethic of justice and the Christian ethic of love”.<sup>28</sup>

Notable among the developments that have rekindled interest in the question of the role of religion in societies that aspire to be free, democratic, and humane are scientific advances that pose moral dilemmas unknown to previous generations. In the case of Habermas, it was concern about biological engineering and the instrumentalization of human life that led him

<sup>24</sup> Pontifical Academy of Social Sciences, *Democracy in Debate*, Hans F. Zacher ed. (Pontificia Academia Scientiarum Socialium, 2005), 266.

<sup>25</sup> Glendon, *Rights Talk* (New York: Free Press, 1991), 137.

<sup>26</sup> See, e.g., Pontifical Academy of Social Sciences, *Vanishing Youth: Solidarity with Children and Young People in an Age of Turbulence*, Glendon and Donati eds. (Pontificia Academia Scientiarum Socialium, 2006).

<sup>27</sup> See Marcello Pera, *Perché dobbiamo dirci Cristiani* (Milan: Mondadori, 2008) (a contemporary reflection on the theme of Benedetto Croce’s 1942 essay, *Perché non possiamo non dirci “cristiani”*).

<sup>28</sup> Habermas, *Time of Transitions* (Malden, MA: Polity, 2006), 150–51.

to conclude that the West cannot abandon its religious heritage without endangering the great social and political advances that are grounded in that heritage. Habermas, a professed atheist and political leftist, stunned many of his followers when he announced he had come to think that, “Christianity, and nothing else, is the ultimate foundation of liberty, conscience, human rights, and democracy, the benchmarks of Western civilization. To this day, we have no other options. We continue to nourish ourselves from this source. Everything else is postmodern chatter”.<sup>29</sup>

Regarding the question of how a universal right to religious freedom can be understood in view of the manifold differences among religions, cultures, nations, schools of interpretation, formulations of rights, and modes of implementation, there seemed to be consensus in the Plenary on a few key points.

### **There is no “one size fits all” model of religious freedom**

Given the wide diversity of human societies, there cannot be one model of religious freedom that suits all countries.<sup>30</sup> Nor can one country’s approach to religious liberty serve as a model for another if by “model” one means something that can simply be copied and transplanted. Each nation’s system is the product of its own distinctive history and circumstances.<sup>31</sup> Most of the continental European systems, for example, were decisively influenced by confrontations between Enlightenment secularism and Roman Catholicism, against the background of religious conflict. The United States’ system was initially devised to protect the various Protestant religions from the State, and to promote peaceful co-existence among Protestant confessions.<sup>32</sup> The distinctive situation in Latin America has been shaped by the absence of religious wars, and the accommodationist relationship between the state and the Catholic Church. The native people of Latin America de-

<sup>29</sup> *Ibid.*

<sup>30</sup> Zacher, How can a universal right to freedom of religion be understood in the light of manifest differences among religions, cultures, nations, schools of interpretation, formulations of rights and modes of implementing the latter? Weiler, State and Nation; Church, Mosque and Synagogue – On Religious Freedom and Religious Symbols in Public Places; Freedom of Religion in the European Convention on Human Rights, Martínez Torrón.

<sup>31</sup> Maier, Religionsfreiheit in Deutschland – Alte und Neue Fragen; Fromont, La liberté religieuse et le principe de laïcité en France; Benson, Can there be a legitimate pluralism in modes of protecting religions and their freedoms? The cases of Canada and South Africa. Buttiglione, Martínez Torrón, Durham, Cartabia.

<sup>32</sup> The classic study is Philip Hamburger, *Separation of Church and State* (Cambridge, Mass.: Harvard University Press, 2002).

veloped a synthesis between their own cultures and the Christian faith, resulting in a rich popular religiousness that is open to a gradual advance of religious pluralism.<sup>33</sup> The situation in many parts of Africa and Asia cannot be understood without reference to colonialism.<sup>34</sup>

### **Universal rights can co-exist with a legitimate variety of approaches to their implementation**

To accept that there are no universal models is not to deny that religious freedom is a universal right. Rather, it is to recognize that there must be room for a degree of pluralism in modes of bringing religious freedom and other fundamental human rights to life under diverse cultural circumstances.<sup>35</sup>

That was the approach taken by the Second Vatican Council which affirmed in *Dignitatis Humanae* that there could be several valid ways to implement that right.<sup>36</sup> A pluralistic approach to human rights is also followed by the European Court of Human Rights through its concept that each country must be accorded a reasonable “margin of appreciation” as it develops its own protections for rights in the light of the circumstances and needs of its own population. The ECHR has not always applied that concept in a manner favorable to religious freedom, but its recent decision in the Italian crucifix case seems to represent a more tolerant view.<sup>37</sup> The Court held that Italy’s display of the crucifix in public schools, in reflection of the traditional religious views of the majority of Italians, does not necessarily violate the freedom of religion of other believers or non-believers.<sup>38</sup>

### **The dilemmas of pluralism: what limits? who decides?**

A major difficulty with a pluralistic approach, of course, is to determine its legitimate scope and limits.<sup>39</sup> The devil, as they say, is in the details: Where

<sup>33</sup> Morandé, What can be learned from the experience of religious freedom in Latin America?

<sup>34</sup> An-Na’im.

<sup>35</sup> Zacher, How can a universal right to freedom of religion be understood in the light of manifest differences among religions, cultures, nations, schools of interpretation, formulations of rights and modes of implementing the latter? Weiler, State and Nation; Church, Mosque and Synagogue – On Religious Freedom and Religious Symbols in Public Places.

<sup>36</sup> Hittinger, Political Pluralism and Religious Liberty: The Teaching of *Dignitatis Humanae*.

<sup>37</sup> Cartabia; Martínez Torrón.

<sup>38</sup> Lautsi v. Italy, ECHR decision of March 18, 2011.

<sup>39</sup> Weiler; see also Walter, The Protection of Freedom of Religion Within the Institutional System of the United Nations; Engel, Law as a Precondition for Religious Freedom.

does legitimate pluralism end and pure cultural relativism begin? Equally thorny is the issue of “who decides” those perplexing questions of scope and limits. Speakers from diverse regions discussed a great variety of approaches to those dilemmas within various political systems.<sup>40</sup> They explored such questions as: What should be the limits of tolerance and accommodation? What models are available for determining the scope and limits of freedom to practice one’s religion, the freedom of religious institutions to govern themselves, and the resolution of conflicts between freedom of religion and other rights? What is or should be the role of religiously grounded moral viewpoints in public discourse?<sup>41</sup> What should be the relationships among the various institutions and entities engaged in protecting human rights – at local, national, regional, and international levels?<sup>42</sup> Europe emerged as a veritable museum of the tensions among the various mechanisms for implementing religious freedom and other human rights at the national, regional, and international levels.<sup>43</sup>

Several dilemmas emerged from these discussions. On the one hand, the more broadly religious freedom is conceived, the more tensions arise among individual religious freedom, the autonomy of religious bodies, other rights, and the interests of the state. Yet, one of the principal ways in which religious liberty is violated is by construing it so narrowly as to confine it to the private sphere.<sup>44</sup> To abolish religion from the public sphere, as Professor Durham pointed out, does not resolve conflicts but merely papers them over.

The prevailing juridical approach to the problems of scope and limits in liberal democracies is for constitutional courts to use pragmatic legal techniques to achieve balance among the various freedoms. In this process, the proportionality analysis developed by the German Constitutional Court, and explained by Professor Engel, has been highly influential.<sup>45</sup> With respect to whether such a balancing feat can be accomplished in a principled manner, Judge Ruma Pal emphasized the importance of an impartial and independent judiciary. Pointing out that India with its many religious faiths is itself “a world of diversity,” she emphasized the need for “great wisdom and

<sup>40</sup> Fumagalli Carulli, *Concordats as instruments for implementing religious freedom*; Ruma Pal, *What can be learned from the Indian Experience?* Engel, Possenti, Cartabia, Kuan.

<sup>41</sup> Possenti.

<sup>42</sup> Weiler, Walter, Cardinal Bertone.

<sup>43</sup> Martínez Torrón; Durham, *Religious Freedom in a World-Wide Setting: Comparative Reflections*; Suchocka.

<sup>44</sup> Minnerath; Cartabia.

<sup>45</sup> Engel, *Law as a Precondition for Religious Freedom*.

restraint” in the delicate task of protecting religious freedom while promoting social harmony and public order.<sup>46</sup>

Professor An-Na'im, however, argued for a more “people-centered” approach that would “promote the ability of local communities to protect their own rights,” rather than relying too heavily on the “ambiguities and contingencies” of official action.<sup>47</sup>

Professor Durham cautioned that the more that liberal democracies entrust their most divisive issues to constitutional courts, the more they risk undermining the very foundations of representative government. For constitutional adjudication effectively closes the door on further resort to the ordinary democratic processes of debate, education, persuasion, and voting – and thus effectively banishes the losers to the margins of the polity.

On the other hand, in response to a question posed by the Chancellor on value of philosophy and especially natural law as criteria to limit religious pathologies such as fideism and fanaticism, as the Church maintained, following St. Paul, St. Augustine and St. Thomas, Senator Pera affirmed that the universality of natural law was not always explicitly acknowledged, but was present nevertheless. He pointed out that Cardinal Ratzinger, in his debate with Jürgen Habermas, underlined the “necessary correlation between faith and reason”, culture and religion, which are called to clarify each other in “an attempt at a polyphonic relatedness ... so that a universal process of purification can proceed. Ultimately, the essential values and norms that are in some way known or sensed by all men will take on a new brightness in such a process, so that that which holds the world together can once again become an effective force in mankind”.<sup>48</sup>

While no consensus emerged on the solutions to these dilemmas, considerable progress was made in clarifying the issues, and thus in suggesting promising avenues for further research.

### **The priority and the paradoxes of culture**

Although much attention was paid to legal and institutional mechanisms for protecting religious freedom, there was broad agreement that the rule of law ultimately depends on the mores, the habits and attitudes of citizens and statespersons – that is, on culture. Speakers offered a variety of ideas on

<sup>46</sup> Pal, What can be learned from the Indian experience?

<sup>47</sup> An-Na'im, Experiences in Freedom of Religion in the African Context.

<sup>48</sup> *The Dialectics of Secularization: On Reason and Religion*, Jürgen Habermas, Joseph Cardinal Ratzinger, Ignatius Press, San Francisco, 2005, p. 79f.

the question of how best to foster a culture of mutual respect and genuine tolerance. Professor Weiler, who argued in support of Italy in the crucifix case, warned that legal measures based on the idea of a legitimate pluralism will only work if they are supported by such a culture.<sup>49</sup> This means, he explained, that in countries where a secularist model prevails, as in France, special care must be taken to avoid marginalizing religion and religious believers. Possenti elaborated on this point, citing Habermas for the proposition that “respect” for religious positions “is not enough; philosophy has good reason to show itself eager to *learn*. Secular citizens, to the extent that they present themselves as citizens of the state, do not have the right to deny on principle a potential truth in the religious ideas of the world, or to contest the right of religious citizens to contribute to public discussion”.<sup>50</sup>

By the same token, in countries where confessional or accommodationist models exist, special care ought to be taken to assure respect to persons of all faiths and no faith. Weiler emphasized that, “[T]he European version of the non-*laïque* state is hugely important in the lesson of tolerance it forces on such states and their citizens towards those who do not share the “official” religions, and in the example it gives the rest of the world of a principled mediation between a collective self-understanding rooted in a religious sensibility, or religious history, or religiously inspired values and the imperative exigencies of a liberal democracy”.

There seemed to be consensus in the Plenary Session that religions and religious believers themselves have a particular responsibility to educate and encourage their members to the responsible exercise of religious freedom.<sup>51</sup> It is up to them to teach their members to advance their religiously grounded moral viewpoints with reasoning that is intelligible to all men and women of good will. It is up to them to reject ideologies that manipulate religion for political purposes, or that use religion as a pretext for violence. And it is up to them to find resources within their own traditions for promoting respect and tolerance.

In that connection, it is well known that it took a long time for the Catholic Church to reach the point where the Second Vatican Council officially declared that religious freedom means that everyone is “to be im-

<sup>49</sup> Weiler, *State and Nation: Church, Mosque and Synagogue – On Religious Freedom and Religious Symbols in Public Places*. See also, Possenti, Durham, An-Na’im, Kurt Cardinal Koch, *Ecumenism and Freedom of Religion*.

<sup>50</sup> Possenti, citing Habermas, *Tra scienza e fede* (Laterza, Roma, 2006), 14, 18.

<sup>51</sup> See especially, Cardinals Bertone and Koch; and Weiler, Durham, Ruthven.

mune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs whether privately or publicly, whether alone or in association with others, within due limits” (*Dignitatis Humanae*, 2). It took a long time for Church leaders to embrace the best of modern thought, as Thomas Aquinas embraced the gifts of the ancients. Today, however, Pope Benedict XVI does not hesitate to affirm that: “It is necessary to welcome the real achievements of Enlightenment thinking – human rights, and especially the freedom of faith and its exercise, recognizing these as elements that are also essential for the authenticity of religion”.<sup>52</sup>

Regarding the prospects for Islam in this respect, Professor An-Na’im cautioned against assuming that Islam is necessarily antagonistic to religious freedom. He stated his own belief that protection of religious freedom and a state that “is neutral but not indifferent or hostile to religion” are both necessary for one “to be a Muslim by choice and conviction, which is the only valid way of being a Muslim”.

As an example of how interfaith cooperation can accomplish what government cannot, Professor Benson provided the group with an inspiring description of the achievement in 2010 of unanimous agreement by representatives of Hindu, Christian, Muslim, Jewish and other religions on a South African Charter of Religious Rights and Freedoms.

### Looking ahead: challenges for the social sciences

Looking ahead, the Plenary Session brought to light a number of areas where social scientists can contribute to meeting the challenges that confront religious freedom in today’s world.<sup>53</sup> In addition to the dilemmas just discussed, the Plenary identified the following areas where further work would be desirable:

1. Clarification of terminology. That “the beginning of wisdom is the definition of terms” is both an ancient Chinese proverb and a saying attributed to Socrates. Unfortunately, discussions of religious freedom are afflicted by considerable confusion and debate about key terms such as “secularism”, “secularity”, *laïcité*, “rights”, and even “religion”. As Professor Greisch pointed out, religious liberty remains a “difficult” concept, both philosophically and practically – not least because there are so many

<sup>52</sup> Address to the Roman Curia, December 22, 2006.

<sup>53</sup> Cipriani, What can the social sciences teach us about the relationships among cultural identity, religious identity, and religious freedom?

different understandings of “religion” and “religious freedom”.<sup>54</sup> Professor Benson and Senator Pera added that imprecision about the nature of the “secular” has fostered beliefs that privilege non-religious belief systems while putting religion at a disadvantage.<sup>55</sup> There was considerable debate at the Plenary Session about whether it is useful to distinguish between “positive” and “negative” secularism – the first term referring to a non-confessional or “lay” state that is open to cooperation with religion on a neutral basis and the second term referring to a lay state that is indifferent or hostile to religion.

2. Further research is needed to critically test assumptions that undermine support for religious freedom, such as the common notion that religious freedom promotes social division and strife. What are the mechanisms that link religious freedom to religiously motivated violence or to its reduction in diverse societies?
3. Further research, with the aid of systems analysis, is needed on the promising evidence of linkages between religious freedom and other social goods.<sup>56</sup> What aspects of religious freedom have positive effects and under what conditions?
4. To aid in meeting the formidable challenge of creating a culture of respect for freedom of religion, further work needs to be done in the fields of education (“a key driver of culture”)<sup>57</sup> and in the rapidly changing field of communications.<sup>58</sup>
5. In the fields of law and politics, there is a particular challenge for Catholic social scientists to demonstrate how the principle of subsidiarity can help to achieve legitimate pluralism in forms of freedom by differentiating among the tasks appropriate to different levels of authority.<sup>59</sup>

<sup>54</sup> Greisch, *Difficile liberté religieuse*. See also Zacher.

<sup>55</sup> Benson, Can there be a legitimate pluralism in modes of protecting religions and their freedoms? The cases of Canada and South Africa; Pera; Zacher.

<sup>56</sup> Lutz.

<sup>57</sup> Lutz and Skirbekk; Bruguès, *Quale ruolo dell’educazione nella promozione della libertà religiosa?*

<sup>58</sup> Grondona, *The New Revolution in Communications*.

<sup>59</sup> Suchocka, Poland: The case of religious freedom; see also the path-breaking work of Paolo Carozza, *Subsidiarity as a Structural Principle of International Human Rights Law*, 97 *American Journal of International Law* 38 (2003); and Demos, *Nomos and Globalization in The Governance of Globalization*, Malinvaud and Sabourin eds. Pontifical Academy of Social Sciences, *Acta* 9 (Vatican City: Pontificia Academia Scientiarum Socialium, 2004), 85.