

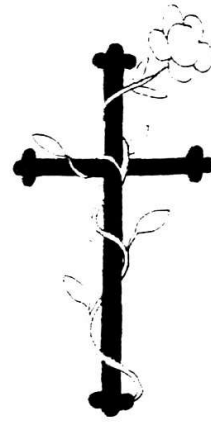
# RELIGIOUS FREEDOM AFTER 1997

## THEOLOGICAL ASPECTS

by Hans Lutz

### Historical Outline

Only recently has religious freedom made its appearance on the agenda of major Christian churches. Throughout the centuries of alliance between church and state, freedom of religion did not exist for the individual believer. The persecution of the Waldesians by the Roman Catholic Church during the middle ages and the persecution of the Baptists by the churches of the Reformation are just two examples. Until today the Greek-Orthodox church denies that religious freedom flows from the Christian faith.



Exactly 200 years ago, on the 16th January 1786, the American revolution produced the Statute of Virginia for religious freedom, the first in history to outlaw religious persecution. It begins with the following words: "Whereas Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, whose being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in His Almighty power to do..." The Roman Catholic Church and continental Protestantism remained opposed to religious freedom as we understand it. This was because

freedom of religion was a demand of the enlightenment and the enlightenment in continental Europe was anti-clerical. In his encyclical "Libertas praestantissimum" Pope Leo XIII postulated the religious homogeneity of the state : "A state without God or, what ultimately amounts to the same, a state which, as it is called, is indifferent towards all religions and recognizes them all as equal, puts itself in contradiction to justice and reason."

The position of many churches changed during the second World War when they found themselves at the receiving end of persecution. In the face of hostile states it became necessary to appeal to an ultimate authority. As the churches had to deal with non-christian states this ultimate authority had to be a non-religious one, namely respect for the dignity of man.

Several milestones mark the road the churches have travelled since. On 7th December 1965 Vatican II released the Declaration on Religious Freedom. This was followed by the message on human rights and reconciliation of the Roman Bishops' Synod in 1974. In the same year a World Council of Churches consultation in St. Polten came close to the message of the Bishops' Synod.

### In Search of a Theological Base

Any theological reflection on religious freedom cannot be an attempt to claim it as a monopoly of the christian faith. To do so would be contrary not only to the historic development of but also to the search for a universally respected authority. Theology must aim at making a contribution to the universality of religious freedom on the basis of the gospel.

I am aware of three basic models for laying a theological foundation for human rights in general and religious freedom in particular:

- a) a Roman Catholic approach which offers a double foundation. The first is the concept of human dignity which is universally intelligible to the human mind, and the second is a specific Christian one which sees human dignity rooted in man being created in the image of God. Behind this is the dual emphasis on nature and grace in the Catholic tradition. Its strength is the search for a consensus between Christians and non-christians.
- b) a Reformed approach which tries to deduct religious freedom from distinct theological concepts. It sets out (typically Reformed) from God's covenant with his people. This covenant is one of reconciliation

and grace calling man into service. Religious freedom cannot be regarded as a privilege of the church but must be granted to all men.

c) a Lutheran approach which proceeds in analogy to the doctrine of justification by faith alone: The freedom of man has its origin in God's grace; like grace itself it is absolute and unconditional; it is not restricted by specific forms of historic realization, but is given to man as such; God's justice which is conveyed by his grace is valid for all men. The strength of this approach lies in the fact that it is most clearly related to the specific problem of religious freedom rather than the question of human rights in general.

The basic question any theological reflexion on religious freedom has to ask is: How can we speak about religious freedom in a way which is comprehensible to men and women of other faiths while remaining in the context of our Christian beliefs?

#### The Hong Kong Churches' Position Regarding Religious Freedom

The Sino-British Joint Declaration guarantees that rights and freedoms, including the freedom of religious belief, will be ensured by law in the Hong Kong Special Administrative Region. Annex I specifies that religious organizations and believers may maintain their relations with religious organizations elsewhere, and that schools, hospitals and welfare institutions run by religious organizations may be continued.

The debate on religious freedom after 1997 among church members has been dominated by two concerns focusing on religious freedom and religious policy.

One main difficulty lies in the fact that China and Hong Kong represent two different political cultures with different concepts of religious freedom. The Hong Kong churches are used to an extensive interpretation of the term allowing for free use of resources and many forms of involvement in society. The Chinese government, on the other hand, has been working on the basis of a much more restrictive interpretation giving rise to the worry in Hong Kong that this interpretation may be imposed on the churches here. In response both the Protestant churches and the Roman Catholic Church have stated their understanding on religious freedom.

It has been furthermore proposed that a clear legal basis is required to safeguard religious freedom after 1997. This is important as the church has a tendency to remain at a level of principles instead of getting down to specific laws which are enforceable in court. The

legal basis is to ensure that the understanding of the religious freedom of the Hong Kong community cannot be interpreted as contradicting the constitution of the People's Republic of China.

Worry about possible interference by the government of the People's Republic on the other hand has given rise to a debate on religious policy. Those who think the Basic Law should say something about religious policy want to ensure that religious freedom is not just considered a matter of individual choice but a basis for the activities of religious organizations. Their opponents argue that the guarantee of religious freedom is sufficient. They fear that laying down religious policy will result in the establishment of a religious affairs bureau and interference of the authorities in matters of religion. I tend to think that the absence of a religious policy from the Basic Law may be to the short-term advantage of the churches, but that in the long run the churches will be better off with some definition of government's role in religion.

#### God's Plan and the Faithfulness of His People

The claim of the Hong Kong churches is linked to a North-Atlantic understanding of human rights. The American and the French revolution to which it goes back were essentially bourgeois in character. They emphasized the freedom of the individual and wanted to prevent the state from interfering in such areas as religion and conscience.

Socialist and Third World countries on the other hand emphasize the sovereignty of the state. Human rights are not for the individual but for the nation, the collective. In this understanding, there exists an identity between the interests of society as a whole and the individual. Therefore, the individual does not require protection from the state.

Our community faces the transition from a policy linked to a North-Atlantic understanding of religious freedom to one with a socialist understanding where equality is more important than freedom. Faced with this prospect Hong Kong churches should not concentrate on their particular interest of religious freedom; rather, they should emphasize that human rights are complementary and inseparable from each other. Take away freedom and you will not achieve equality. Neglect the material living conditions of people and freedom eventually loses its meaning.

As we face the question of religious freedom after 1997, it is meaningful to study how churches in socialist states have dealt with the

question in their context. Tonight I would like to share with you some insights of the churches in the German Democratic Republic. This is what they have to say:

The church exists to proclaim the gospel of God's salvation. Its primary concern must be to carry out its mission even if this entails suffering and persecution. The existence of a legally secured space for the proclamation is not a precondition for the church carrying out its mission.

This does not mean that the church will not appeal to the right of religious freedom where it is guaranteed by the constitution. But it must avoid the temptation of being excessively preoccupied with securing such a space. Its main concern is remaining faithful to the gospel.

The church will inform the state of the liberties it will take in obedience to the Lord. It will do so in the firm belief that the gospel will create room for itself in this world and that the church can exist and serve therein.

A pastoral letter of the Union Evangelical Church put it like this:

The church's claim to public recognition - which we will not give up - is rooted in the Word, which is addressed to all men, has been, is and will remain for all men, and which proclaims the Lord crucified and risen for us. Where this word is proclaimed with all its implications, we trust God that he will create public space for it. It would be a temptation to concentrate our efforts today on the enforcement of the remains of our claim to public recognition and in doing so to overlook that the genuine proclamation of the all-embracing gospel is a force which alone legitimizes the claim to get a public hearing, and that it will be effective in public wherever God grants it.

Let us not forget during all the important and necessary debates on religious freedom that it is its faithfulness to the Lord which will ultimately decide the fate of the Hong Kong church.