

RELIGIOUS FREEDOM IN THE WORLD AND THE SITUATIONS OF CHRISTIANS

By Sophia Kuby

Ladies and Gentlemen,

When we look at religious freedom around the world, the picture is grim. Persecution of Christians and local religious minorities is rising around the globe.

ADF International is an organization with a legal focus. We defend religious freedom and other fundamental freedoms through law. It may not be that obvious to see then immediate connection between religious freedom. After all, religious freedom is a pre-political right and precedes positive law. Therefore, law can't do much more than recognizing it. But that is precisely the point: the law can and must recognize the right to religious freedom if it claims to meet the criteria of justice.

Another hesitation to defending religious freedom through law may be that Jesus told us to turn the other cheek when we are accused. We may be especially tempted to think that when the accusation is about religious matters. Turning the other cheek is a guiding principle for our personal attitude and reminds us that we are not here to fight back with the same means as the ones used against us.

But using the law as an instrument for justice, to advocate for the same standards for all people, to prevent political or ideological bias towards certain groups because they have certain moral or religious convictions, is a fundamental requirement of a just and free society. It is not "eye for eye, and tooth for tooth", but it is ultimately serving everyone in society to follow their deeply held beliefs and conscience, including those with other faiths or no faith at all. And including those who live different lifestyles.

But before we dive more into the subject matter and look at how this battle for religious freedom plays out today, let me give you some background of who ADF International is.

[Introduce ADFI with slides]

- We exist to protect fundamental freedoms and promote the inherent dignity of all people
- To protect fundamental freedoms
 - We protect the fundamental freedoms of thought, conscience, and religion, freedom of speech, freedom of parents, and freedom of association and assembly.
 - All of these freedoms are essential for people to speak, hear, and respond to the Gospel, and to live out the Gospel in their daily life.
- To promote inherent dignity
 - We recognize that everyone is created in the image of God / imago dei (Genesis 1:27).
 - Any attack on man's inherent dignity – including abortion, euthanasia, the redefinition of male and female, and the redefinition of marriage – is an attack on God's good design for mankind and what it means to be human.
- For the benefit of all people
 - The fundamental freedoms we champion and the inherent dignity of mankind that we promote is not just for ourselves.
 - Whether it is defending victims of blasphemy charges in Pakistan, or Christians accused under the “anti-conversion laws” in India, or the persecuted in Nigeria and North Africa, or the challenges Christians face in the West with its increasingly aggressive secularism, our work benefits everyone.
- Achieve generational wins through working through an alliance

Of these five objectives, I will focus on the first two: religious freedom and freedom of expression. They are necessarily linked, and one cannot exist without the other.

UDHR, Art. 18: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

Religious freedom:

- We protect the right to freedom of conscience in work and business. This includes the right of faith-based institutions to operate in accordance with their principles and doctrine.
- We uphold the right of churches and Christian ministries to maintain their Christian ethos and gather freely.
- We counter the global persecution of Christians.

Freedom of expression:

- We fight government-enforced speech restrictions such as blasphemy laws and “hate speech” laws.
- We seek to reform international law to better protect freedom of speech.
- We challenge viewpoint discrimination, ensuring Christian voices are not silenced.

Päivi Räsänen and Bishop Juhana Pohjola

Päivi Räsänen is the former Minister of the Interior of Finland and an MP for over two decades. Her case garnered global media attention this year. Which crime has she committed? She has been charged with “hate speech” for sharing her faith-based views on marriage and sexual ethics, in a 2019 tweet, a 2019 radio debate, and a 2004 pamphlet. Bishop Juhana Pohjola, a Lutheran bishop in Finland, was also accused and faced charges for publishing Räsänen’s pamphlet for his congregation over 17 years ago.

Police investigations against Räsänen started in June 2019. As an active member of the Finnish Lutheran church, she had addressed the leadership of her church on Twitter and questioned its official sponsorship of the LGBT event ‘Pride 2019’, accompanied by an image of Bible verses from the New Testament book of Romans. Following this tweet, further investigations against Räsänen were launched, going back to a church pamphlet Räsänen wrote almost 20 years ago.

In the last two years, Räsänen attended several lengthy police interrogations about her Christian beliefs – including being frequently asked by the police to explain her understanding of the Bible.

Christian teachings on trial

On 30th March 2022, the Helsinki District Court acquitted Räsänen of all charges. The court had also ordered the prosecution to pay more than 60,000 EUR in legal costs. However, the Finnish prosecutor decided to appeal against the “not guilty” verdict, which means that the case will likely go up to the Swedish Supreme Court.

Canon Tom’s case

Kika Nieto’s case

Mexican case

In November 2021, the Mexico’s national Electoral Tribunal condemned two bishops and two priests for violation of the Mexican constitution.

The convicted were the current Cardinal Archbishop of Mexico City, Carlos Aguiar Retes and the former archbishop of Guadalajara, Cardinal Juan Sandoval Íñiguez, Fr. Espinosa, and Fr. Flores, the former rector of the Pontifical University of Mexico. A fifth one, the bishop of Cancun-Chetumal, Mgr. Elizondo, was also accused, but the court finally revoked its decision with regards to him.

What had led to the accusation?

Mexico had an electoral period from December 2020 to June 2021, and held elections for municipal, state and federal authorities. During that period, and as is usual, several priests of the catholic church spoke on various occasions and through different platforms on what was at stake in the election.

None of them called for voting for or against a particular party or took any political sides. Instead, they fulfilled their duty as priests and bishops to educate the conscience of the Catholics to take seriously their duty as citizens in a democracy and carefully consider their vote in an important election.

The accused clergy called on their faithful to pray and ask God guidance before casting the ballot. Msgr. Sandoval, by far the most polemic of all of them, did mention that if the ones in power continued governing Mexico, the country would follow the path of Venezuela/Cuba and fall into gender ideology, but didn’t expressly mention not to vote for such party. In short, he pointed out the consequences of the political approach of the ruling party.

None of them said anything that would qualify as crossing the line of the separation between church and state in any other country or from the point of view of Catholic social doctrine. None of them called to vote or not to vote for a certain party/candidate.

Yet, the ruling socialist party MORENA filed a lawsuit against the bishops and priests, because all five had spoken out about the social and moral issues at stake in the election, and encouraged Catholics to prayerfully make up their mind and go vote.

[Slide] One of the tribunal judges, Villafuerte Coello, denounced the accused clerics for encouraging Catholics “to pray and ask God to illuminate them when they vote”.

“Those who issued the messages are people who are expressly prohibited from doing so by the constitution, given their status as ministers of religious worship,” stated the tribunal in its written decision. “Therefore, because they have relevant influence over those who profess the Catholic faith, they were impeded from stating their position with respect to the elections, as well as from inciting people to vote in favor or against a political organization or candidate involved in the election.”

Cardinal Aguiar Retes had actually not made any public statement in 2021, but a message he gave in 2018 was re-published on Twitter in 2021, for which he was accused.

What had he said in 2018?

“Today I want to give you a very clear message, to continue inviting the Catholic faithful to express our will by voting. Secondly, to vote in a rational way, investigating which candidate can govern us better, particularly which candidate can guarantee to us that the fundamental values of our faith, like the right to life, the right to a stable family, the right to education, the right to religious liberty, can be made a reality . . . Thirdly, that we make our vote a completely free one, that we don’t allow ourselves to be influenced by polls.”

Both cardinals and the two priests were condemned to have violated Article 130 of the Mexican constitution, which is an expressly anti-clerical provision. Various restrictions on the activities of clergy were relaxed in the early 1990s, but it continues to restrict basic citizen's rights for citizens who happen to belong to the Catholic clergy.

“Ministers cannot associate for political purposes nor proselytize in favor or against any candidate, party, or political association,” states article 130 of the constitution. “Neither can they oppose the laws of the country or its institutions, in acts of worship or of religious propaganda, nor in publications of a religious nature, nor offend national symbols in any way.”

The Morena regime is taking a stricter interpretation of the law and is now openly seeking to penalize the country's Catholic clergy for objecting to anti-life and anti-family policies.

Their case has now been passed to the Ministry of the Interior to determine the penalty that will be applied. The Secretariat has the discretion to apply merely a warning or a fine up to the equivalent of 150,000 USD.

Human Rights law guarantees free speech for all, without discrimination. Art. 130 makes a priest -and any religious leader- a second class citizen, because it restricts their freedom of speech, as well as many other political rights (right to be elected, to participate as a candidate in an election, to hold public office, to speak about political issues, to issue political opinions, etc.). Religious institutions can decide to forbid its members participation in politics, but not the state.

Freedom of speech cannot be restricted to pursue the objective of defending the laicity of the state. The article 130 of the constitution amounts to censorship of the speech of certain class of citizens.

[Slide] Yet, the UDHR and all subsequent treaties strongly and expressly recognize a right to religious freedom.

It applies to all human beings, believers, non-believers, atheists and agnostics. The three fundamental freedoms provided for in this article (thought, conscience, religion) are indivisible, interdependent and interrelated with all other human

rights. In article 18, thought, conscience and religion constitute a vital triangle of values of special moral importance for the human being. This structure defines the core of human dignity, the sacredness of the human person, grounded on an integral vision of men and women, made of soul and body, spirit and matter.

The international human rights system – as imperfect as it is - has been created in the aftermath of the Holocaust to prevent the world from falling into tyranny again. And Article 18 is a crucial and central part of the bulwark against tyranny and totalitarianism.

Paradoxically – it is precisely in the name of so-called “human rights” or the “separation of church and state” that we see gross injustices, silencing of certain groups, limitation of basic rights of some, the creation of second-class citizens happen today.

The same law doesn't apply to all any longer, but it is applied depending on what you think and what you say. This is the exact opposite of the original idea of human rights.

[Slide] What has gone wrong with human rights?

Human rights are turned upside down – we see it not only with regards to religious freedom, but also with the right to life, with family and marriage, with freedom of expression, with freedom of association, and other basic rights.

I will try to delineate this malaise and explain what is in my view the deepest reason for it. Without any claim to be complete, I want to analyse what has gone wrong.

Yet, I want to make one preliminary remark to all of this: namely that we should consider it an absolute privilege to live today to be placed here and now, in this cultural moment, to speak the truth in love, to defend winsomely and boldly what is right and just for all. It is the vocation to be voices of reason, of truth, of clear vision, of meaning and purpose.

To be people who deeply care about this world, and do so by not withholding the truth about the human person, who have a vision to offer. Today, the central place of the ideological debate is in courts of law. It is there that the great questions of our culture are raised – and decided, especially those concerning basic truths of Church teaching. And if this is the case, we cannot but be there – not with one

ideology fighting against another one, but with sound legal arguments that apply to all equally and that form the basis of justice and freedom.

And it is precisely in the legal debates, in the controversies of how to interpret law, and especially human rights law, today that we see a fierce confrontation of worldviews. At the heart of this confrontation is the question: who is man? Who is the human being as an individual with innate dignity, as a social being, a zoon politikon, who has an innate sense of responsibility beyond his individual life and the capacity to bring some kind of order to it?

With this question, we touch the core of the cultural divide in the West today, which is at the same time the root cause of the crisis of our global governance system. When you ask the question what it is that we want to defend through our human rights systems and the global governance institutions, you get vague answers, some mumbling of “human rights”, “values”, “freedom”, but you will probably not get a clear vision of what it is that we want to preserve and hold on to, nor will you get any compelling reason *why* our modern human rights approach is better than the vision of the Chinese Communist Party for example. Just because we like it better or because it promotes an empty concept of freedom understood as absolute autonomy is not very convincing – not even to the West itself anymore, let alone to the many regions of the world who hold a different world view.

Freedom defined as ‘I do whatever I want’ without a greater purpose or meaning, without its necessary counterpart of responsibility and tie to the common good becomes not only hollow, but leads chaos. The great promising idea of the freedom of the autonomous Self produces today what Charles Taylor called already 15 years ago the ‘disenchantment of the secular age’. The disenchanted world is void of two things, according to Taylor: First, the understanding that the world is more than matter and is filled with spirit; secondly, that there is meaning in the cosmos, and, as a consequence in the physical world as we see it (including our own bodies).

Without spirit and meaning we are left with matter and meaninglessness. We’ve lost a common vision of what it means to be human and how we ought to order the world to allow us and our communities to flourish.

Yet to be human is to be animated and oriented by some vision of the good life, some imagination of what we think counts as ‘flourishing’. Pure matter and the absence of meaning of the physical reality are hardly able to produce this vision.

The lack of consensus is not new, but it is exacerbated as we see agreement on even basic moral principles of life disappear, and churches and other institutions of moral authority implode.

If all there is, is matter devoid of intrinsic meaning, why uphold the prohibition to kill innocent life? Why assume that citizens have pre-political rights and freedoms and that a state that claims to be just has an obligation to restrain its power and submit to a democratic process and to the rule of law? Why refrain from treating human beings as means to an end (political, ideological, economic etc), as disposable material if it is nothing more than material? Why respect the freedom of the individual to have certain moral or religious convictions and speak and act in accordance with them?

We are at a moment in history where every area of life has become politicized (again) and yet where political solutions alone are deeply insufficient to respond to the challenges.

What's the vision of the human being, of freedom, of dignity, of justice, of community, of the common good that would be able to ignite our desire, our collective imagination, our will to make sacrifices for a future worthwhile to build?

What we see in our global governance systems is that we take the 'rights' of human rights and replace the 'human' by whatever subjective definition occurs to someone – a logical consequence of the absence of any higher meaning of the cosmos. And if this definition says that 'human' means an identity unrelated to our gendered body, unrelated to a Creator, then this disincarnate, nebulous Self claims 'human rights' for itself.

The root of our cultural divisions today is a clash of worldviews that are competing for our hearts and minds – and for institutional power for that matter, whether in government, education, business, in the church, or in courts.

The clash is not new, but it's intensified. From the very beginning of the international human rights project, two competing visions of man confronted each other and fought for supremacy: an atheist materialist vision, on the one hand, represented by Julian Huxley, Soviet Union, China etc) and a personalist vision, on the other hand, represented by Jacques Maritain, Charles Malik, and the Western liberal democracies. The disagreement on what the basis of human rights should

be – in other words: what it meant to be human – was fierce and acrimonious in 1948 and onwards.

Behind the anthropological disagreement was a deeper, theological disagreement, and from it flowed disagreement on how notions such as human dignity, freedom, or rights should be understood.

Was man nothing but a blind cosmic accident with no innate value or meaning, nor a Creator who put purpose in his creation? Or was man created in the image of God and thus endowed with inalienable dignity and God-given rights and freedoms that are pre-political and beyond the grip of the state?

These two different worldviews or theological starting points led, back then, and lead today, to radically different understandings of the central notions of our international human rights system and the institutions of global governance.

After fierce debate, the international community in the wake of the holocaust, agreed to codify international human rights in the UDHR and subsequent treaties, but this agreement was fragile.

Jacques Maritain said it this way: We agree on these rights (basic human rights and freedoms), but on the condition that no one asks us why.

The 'why' pointed to the human person, the understanding of human nature, and ultimately to the God.

The world just about managed to formulate universal basic rights and freedoms, but could not agree on a justification of those. The vulnerability of such a project is obvious.

The personalist approach by Jacques Maritain and others has been eroded by endless demands in the name of human rights and what came to appearance underneath is a naked, disembodied individual whose pure will decide what his personal rights are and who demands absolute respect and protection of whatever he claims.

Abortion, divorce, pornography, euthanasia, homosexuality, same-sex marriage, artificial procreation, surrogacy, eugenics....all these practices that were forbidden some decades ago have now become rights or quasi rights. What is forbidden today, instead, is to criticize them. What is forbidden, is to uphold the truth that

has been revealed to us and that the Church carries in “fragile earthenware” (2 Cor 4,7)

It is the very truth about man being created in the image and likeness of God that is attacked, and therefore it is the church and its freedom to exist, speak, and proclaim that have become a primary target of those holding an atheistic-materialistic-progressive worldview. And this battle is happening primarily in courts and through litigation.

This is why ADF’s primary purpose is to “keep the doors open for the Gospel”.

To understand the transformation of human rights over 70 years, we need to understand the transformation of men. What has happened since the creation of the international human rights system is an overturn of personalist anthropology and a propagation of the naked individual as moldable raw material who claims whatever he wants against a state.

The desire to complete autonomy and to control life in all its dimensions has not changed much since Adam and Eve. What has changed is the legitimacy of society or the state to make any moral judgement about people’s private lives and choices in the framework of our international institutions.

The rejection of God as the origin of man leads to a destruction of the understanding of the personalist and Christian ontology.

If man is not created by a good God, he has no choice but to liberate himself from the straightjacket of everything he has not chosen with his will.

Respect for dignity therefore requires respect for its expression through free individual will. Whereas the personalist approach in 1948 was that something is good, because it flows from and is a part of human nature, now something is good, because it is desired by the individual will.

We see this anthropological change reflected in the crisis of our global governance system. What is legitimated through jurisprudence today is whatever the autonomous Self desires. Individual desire has taken the place of human nature; disincarnated subjectivity, the place of reason.

Over time, the Court has given desire the force of law and has put states under an obligation to justify any obstacles to their satisfaction. Desire itself has become the

principle of legitimacy while any objective moral considerations are presumed to be arbitrary and outdated limitations of the free development of the person. Desire itself has acquired a normative status.

Morality, then, becomes just the opposite of liberty and an obstacle to human fulfilment and development. Indeed, for the ECtHR, morality is today no more than a “conception” which varies “from time to time and from place to place”¹

Detached from nature, morality becomes moralism (maybe the main reproach against the Church today), an illegitimate social obstacle to individual liberty, which human rights need to destroy in order to free and protect the individual person.

It is obvious then that any voice that does not adopt this new understanding of man is an obstacle to the progress of humanity and must be eliminated.

This is why the attacks on religious freedom are increasing – and why the battle is in and through the law.

And if we don't know *why* dignity is inalienable or why certain basic freedoms are pre-political, we cancel speech that we don't like, we criminally prosecute priests and pastors speaking reminding citizens what is good and evil, for quoting and preaching the bible, we threaten voices in the public square like Pävi Räsänen with jail for expressing her view on Twitter, we see states around the world instituting blanket bans on worship.

What are we to do?

But it is time to reopen the debate about who the human person is, what kind of freedom leads to human flourishing, and how absolutely necessary well-ordered freedom is for our common good, including our political systems. It is time to understand *what* is going on in these battles that we so often prefer to stay away from, because they draw us into controversies that we would rather want to avoid. But the cost of avoiding them is a loss of freedom.

And it is time to understand *where* the battle is going on. The cultural change is predominantly taking place in court rooms which, through their verdicts and judgements, impose a new anthropology on society. And this new anthropology is necessarily an enemy of freedom. It needs to repress alternative voices, because it

¹ Handyside vs. UK, 1976

is not based on truth, but on the autonomous, individual will, in other words, on power. It has no intrinsic *conviction*, but can only impose itself over others.

This is why law and the battle for religious freedom are central in our cultural moment today – and why our freedom depends largely on how we engage in it. We need to speak the truth in love wherever we are, including in one of the most strategic places of cultural and even theological hermeneutics: in the court rooms of this world: It is a central avenue to be clear-eyed witnesses of the truth in this world and to keep the doors open for the Gospel.