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Freedom of religions and belief at the national level

I. Freedom of religions and its realization step by step

There is hardly any other human right politically more controversial - be it national or international - than the freedom of religions and beliefs. Some people rather react with a certain uneasiness or even resistance towards this fundamental right - perhaps out of ignorance as to where are its boundaries and how it relates to other human rights – such as gender equality.

Even a secular constitutional state such as Germany will again and again reach the limits of its capacities to realize the rights of freedom of religions and beliefs. How are, for example, religious holidays to be dealt with? On the grounds of a rather narrow equality-concept we could theoretically postulate to either remove all religious holidays from the public calendar or have the holidays of all religions present in our society. Both these suggestions are neither possible nor useful. Do we have to accept then, as a consequence, that members of minorities will never enjoy full equality? The answer to this question is: “reasonable accommodation”. We have to find measures of accommodation in favour of the members of minorities. The adjective “reasonable” points to the necessity to keep these measures within a suitable frame. What this means exactly, cannot be defined beforehand and in abstract terms, but is to be identified and negotiated “case by case”.

Hamburg, for example, was the first federal state of Germany to sign a treaty with Moslem associations confirming legal and constitutional rights and duties. And regarding the religious holidays there is a specific amendment. Thus, the highest Islamic and Alevi holidays are accorded the status of church holidays – comparable to the so called (protestant) “Penance Day”. On these days, believers have the right to be exempted from work, like their Christian colleagues. European nations will have to find a new balance how to achieve freedom of religions in equality with other religions and beliefs. Religious leaders should feel obliged to contribute to such a process of “reasonable accommodation”.

II. Positive and negative freedom of religion

Freedom of religion is a comprehensive liberty right of people to find their own ways of living their religion or beliefs, of practicing religious rituals individually or in community with others, of raising their children in accordance with their family-related convictions and of joining or leaving a religious community.

Liberty rights are defined to declare the responsibility of the respective people whether and in what way they want to make use of their freedom. But: If we focus on positive freedom of religion only and neglect or depreciate its “negative” counterpart, we deform the right of freedom to a privilege mainly for people, who are actively involved in a religious or otherwise ideological way. Therefore it seems necessary to pay attention not only to the positive freedom of religion but also to the “negative” freedom of religion, namely the right not to practice nor be interested in nor confess any religion or belief and not to join any religious community (freedom *from* religion).

Conversely, a unilateral emphasis on a negative freedom of religion, by order of which all religious symbols might be removed, for example, would also mean a reduction of religious freedom. It is a common misunderstanding to expect that negative freedom of religion spare us the confrontation with religion as such in a corporate public. We have to emphasize that the freedom of religions and beliefs comprises both the positive as well as the negative option of how to use this freedom, because this is the only way its content of freedom can come into effect.

Positive and negative freedom of religion belong together like two sides of a coin. They equal in importance, and every attempt to rank them in a certain order or to play them off against each other would obscure the liberal character of this human right altogether.

The different religious leaders are therefore requested to develop good reasons for a religious freedom on the basis of their own traditions and at the same time contribute to tolerance towards those people who do not want to join any religion. Freedom always also has to be the freedom of dissenters! This concerns religious freedom in the

positive as well as in the negative sense. Plurality is not a disadvantage in society but a great chance.

III. Freedom of religion and dialogue

Freedom of religion does not only refer to the rights of the respective religious community but also implies effects on the practice of cohabitation in society. Freedom of religion would be utterly misunderstood if it was functionalized in favour of an “interreligious harmony”.

In numerous debates in Germany we have witnessed that the subject of religious freedom is easily associated with a peaceful coexistence of different religions. Of course, this connection is not at all unreasonable, since freedom of religion as a human right stands for a concept of peace. Even the Preamble in the General Declaration of Human Rights from the year 1948 emphasizes that the recognition of human dignity and human rights is the foundation of justice and peace in the world. The freedom of religion therefore also protects the rights of minorities, of minorities within minorities, of dissenters as well as critics and converts.

A society which takes the freedom of religion seriously will, as a consequence, bring forth a complex and vast landscape of numerous and manifold ideological positions. These different positions, however, need not, by all means, go together peacefully but also must be allowed to rub against each other. The freedom of religions rather allows an “uncomfortable“ peace which is founded on the respect for the religions and beliefs of human beings in their diversity.

Therefore freedom of religion also includes the right to challenge other people’s religious positions and to ask critical questions. Such a possibility to enter a communicative but non-violent discourse and exchange of pros and cons of different religious positions is an indispensable component of religious freedom.

Thus, freedom of religion goes beyond the mere respect for the existing religions. It liberates a peaceful competition of different convictions and gives space to criticism and counter-criticism. It is therefore desirable that this discourse may stimulate de-

