

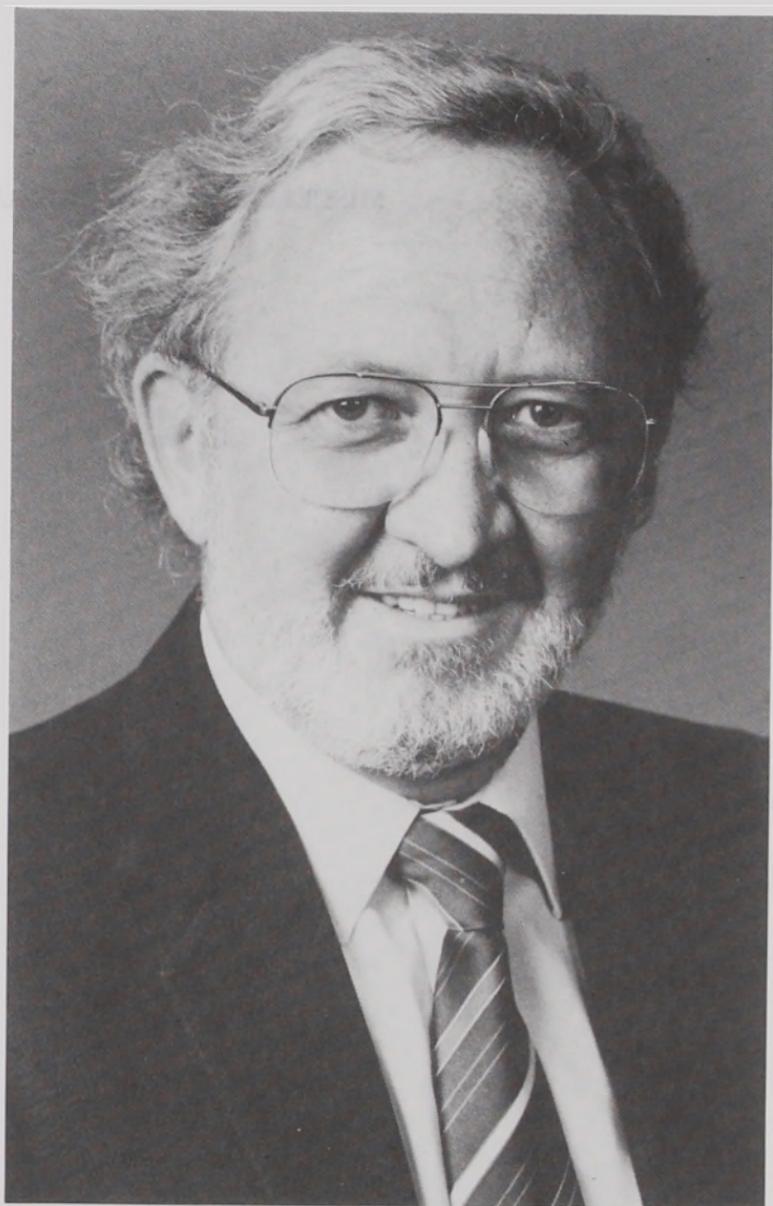
Religious freedom Southⁱⁿ Africa



J Kilian
Editor

MISCELLANEA CONGREGALIA 44
UNISA 1993





*Dedicated to professor Willem S Vorster
Head of the Institute for Theological Research
1975-01-01 - 1993-01-10*

Contents

RELIGIOUS FREEDOM IN SOUTH AFRICA

A collection of papers presented at the seventeenth symposium
of the Institute for Theological Research (Unisa)
held at the University of South Africa in
Pretoria on 1 and 2 September 1993

Editor

J Kilian

UNIVERSITY OF SOUTH AFRICA
PRETORIA

© 1993 University of South Africa
First edition, first impression

ISBN 0 86981 833 3

Typesetting done by
Mrs N Fouché
Institute for Theological Research, Unisa

Printed by
Natal Witness, Pietermaritzburg

Published by the
University of South Africa
P O Box 392, 0001 Pretoria

© All rights reserved. No part of this publication may be reproduced in any form or by any means - mechanical or electronic, including recordings or tape recording and photocopying - without the prior permission of the publisher, excluding fair quotations for purposes of research or review.

The views expressed in this book are those of the authors of the papers and not necessarily those of the Institute for Theological Research or the University of South Africa

Contents

Contributors to this volume **vii**

Preface **ix**

J J KRITZINGER

The religious scene in present-day South Africa **1**

E VAN NIEKERK

What is religious freedom? **14**

W A SAAYMAN

Religious freedom in apartheid South Africa **37**

D L MOSOMA

Religious liberty: An African perspective **48**

J L HELLIG

A Jewish experience of religious freedom in the South African
context **61**

A R OMAR

An Islamic experience of religious freedom in the South African
context **73**

Y L SOOKA

A Hindu experience of religious freedom in the South African
context **82**

J V VAN DER WESTHUIZEN & C H HEYNS
A legal perspective on religious freedom 93

G MITCHELL
Education and religious freedom 113

E STEGEN
A Christian experience of religious freedom in the South African
context 125

G J A LUBBE
A Christian perspective on religious freedom in the South African
context 144

Contributors to this volume

PROF J J KRITZINGER

Director of the Institute for Missiological Research, University of Pretoria

PROF E VAN NIEKERK

Associate Professor, Department of Systematic Theology and Theological Ethics, University of South Africa, Pretoria

PROF W A SAAYMAN

Head, Department of Missiology, University of South Africa, Pretoria

DR D L MOSOMA

Senior Lecturer, Department of Systematic Theology and Theological Ethics, University of South Africa, Pretoria

DR J L HELLIG

Senior Lecturer in World Religions, Department of Religious Studies, University of the Witwatersrand, Johannesburg

IMAM A R OMAR

Imam of the Claremont Main Road Mosque. Research Officer, Institute of Comparative Religion in Southern Africa (ICRSA), University of Cape Town

MS Y L SOOKA

Vice-president of the World Conference on Religion and Peace - South African chapter

PROF J V VAN DER WESTHUIZEN

Head, Department of Legal History, Comparative Law and Legal Philosophy. Director of the Centre for Human Rights, Faculty of Law, University of Pretoria

PROF C H HEYNS

Professor, Department of Legal History, Comparative Law and Legal Philosophy. Deputy director of the Centre for Human Rights, Faculty of Law, University of Pretoria

DR G MITCHELL

Lecturer in Old Testament and Religious Education, Department of Religious Studies, University of Cape Town

REV E STEGEN

Director, Kwasizabantu Mission, Natal

DR G J A LUBBE

Senior Lecturer, Department of Religious Studies, University of South Africa, Pretoria. National president of the World Conference on Religion and Peace - South African chapter

Preface

Religious freedom has become a burning issue in South Africa. Often, religious persons react emotionally when confronted with the issue of religious freedom. This seems to be especially true of Christians. The fact is, however, that in South Africa we live in a religiously diverse society and nobody can escape the issue of the freedom of religious expression. The aim of this book is to discuss the issue from various perspectives - not only religious, but also legal and educational. But first the background to the current religious scene in South Africa is sketched and the question 'What is religious freedom?' is asked. Although numerous religions coexist in South Africa, these groups seem to know very little of the customs, beliefs and rituals of one another. Often lack of knowledge leads to suspicion and intolerance. Developments in South Africa urge us to get to know each other better and in so doing develop a better understanding and tolerance of each other.

The sudden and untimely death of the Head of the Institute for Theological Research, professor Willem S Vorster, has left us devastated. His death is a great loss, not only for his family, but also for the Institute, which was his life, the Faculty of Theology at Unisa and the international fellowship of New Testament scholars. He was a man of numerous talents and resources with a passion for New Testament research, about which he had a very special vision. He was challenging, daring, thrived on hard work and encouraged the enquiring mind. To this man, who, for eighteen years was the driving force behind the Institute for Theological Research, and who took so much pride in its achievements, the Institute dedicates this book. He was a man of great integrity and was absolutely honest in his ambition to contribute towards making South Africa a better place.

We trust that this book will make some contribution to materialising some of his ideals and that, in the new South Africa, 'persons will be free to give expression to a system of values or religious beliefs and practices of their choice, and that no-one shall be coerced into accepting or changing his or her religious affiliation; that everyone should respect and practise tolerance

towards other people whatever their religious beliefs, provided that the expression of religion shall not violate the legal rights of others' (from the *Declaration on religious rights and responsibilities* published by the World Conference on Religion and Peace - South African chapter 1992).

There are a number of persons without whom the making of this book would have been impossible. A special word of thanks goes to Elmarie Benadie and Ingrid Victor - to Elmarie for assisting in the organisation of the seminar and to Ingrid for proof-reading. As before Nonnie Fouché was responsible for typing and finalising the manuscript and as always this was done with great efficiency and pride in her work. I gratefully acknowledge the help of professor Francois Swanepoel, acting head of the Institute and that of Lieb Liebenberg. Without the support of the very special team at the Institute, far less could be achieved. Finally I wish to thank the organising committee which, apart from the staff of the Institute, included professor Johan Wolfaardt, professor Gerald Pillay and doctor David Olivier.

The annual seminar presented by the Institute for Theological Research for the past sixteen years has earned a position of prominence and respect in the calendar of events at Unisa. We at the Institute for Theological Research hope that the 1993 seminar will be of an equal standard and, furthermore, that it will contribute positively and practically to a climate of religious tolerance in South Africa.

The Editor

The religious scene in present-day South Africa

J J Kritzinger

In this introductory paper I am not attempting to present anything more than a broad outline of the religious dynamics in the country. The first section will deal with the statistical mosaic of the religious scene. In this section we have to face the fact that South Africa is overwhelmingly 'Christian' (in statistical terms). To underline that this picture is only a snapshot of an ongoing drama of interaction, I will relate the main historical background to this situation and highlight a few contemporary tendencies which are important in terms of the future. After painting this picture I turn to those open questions which will certainly receive in-depth treatment in other papers, and which touch on the tensions as well as the potential of interreligious interaction.

THE PRESENT STATISTICAL PICTURE

I start off with Table 1 which presents a statistical overview of the religious scene in South Africa.¹ The figures I give are derived from the government censuses.² The pie chart (Figure 1) is a graphic presentation of the 1980 figures.

Table 1

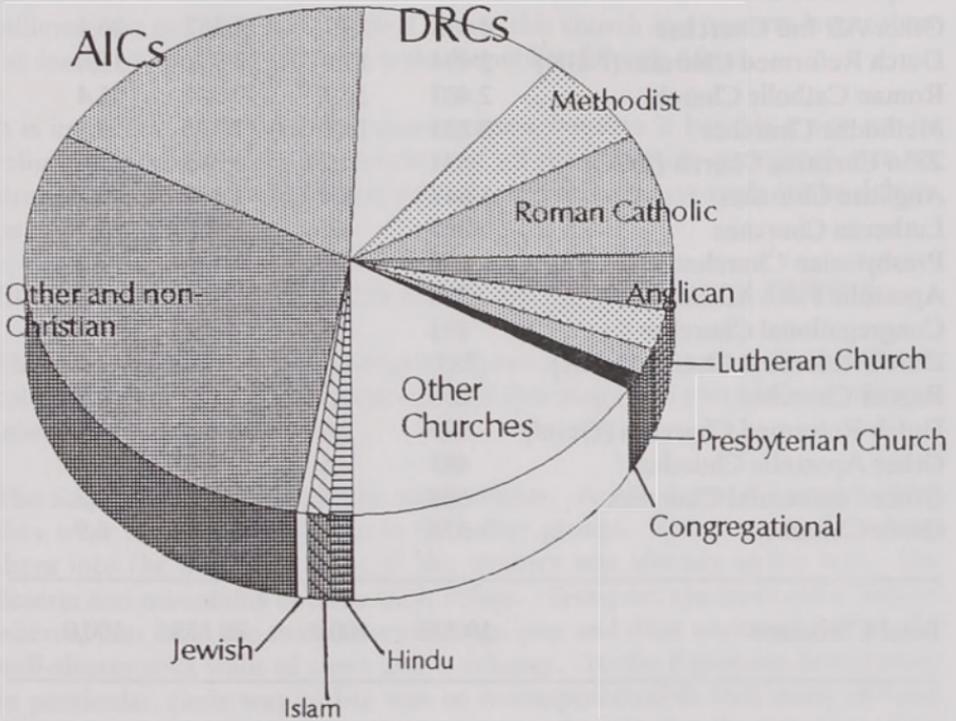
Adherents of the different religions in South Africa,
1980,³ 1991⁴ and 1993⁵ (in thousands)

Religious Affiliation	1980		1991		1993
	Number	Percent	Number	Percent	Number
Christians	22 603	77,0	25 065	66,4	30 598
Hindus	512	1,8	477	1,3	715
Muslims	319	1,1	412	1,1	437
Judaists	119	0,4	81	0,2	159
Confucianists	7	0,02	2	0,00	8
Buddhists	3	0,01	3	0,01	4
Other beliefs	38	0,1	31	0,1	40
No religion	625	2,1	454	1,2	834
Nothing/object	910	3,1	11 213	29,7	1 232
Uncertain ⁶	4 229	14,4	-	-	5 722
TOTAL	29 365	100,00	37 738	100,00	39 738

It is clear that the *Christians* are in an overwhelming majority. In fact, not less than 95 per cent of those who did answer the religious question in the 1991 census indicated an affiliation to a Christian church. In terms of the census classification the *African Traditional Religionists* are totally ignored, but they are certainly the second-most numerous. How many people would really describe themselves as 'uncertain' is not clear, but I think that most of the 'uncertain' people could be counted as such, as well as many of those who objected to or ignored the question. The adherents of the other *world religions* (Buddhism, Confucianism, Hinduism, Islam and Judaism) are relatively few.

Figure 1

The religious composition of the total South African population, 1991



However, the 30 million and more Christians are divided among literally thousands of denominations. Table 2 shows something of the relative sizes of these groupings.

Table 2

The relative strength of Christian groupings in the Republic of South Africa, 1980 and 1991 (in thousands)⁷

Denomination	1980		1991	
	Thousands	Per cent	Thousands	Per cent
Other Afr Ind Churches	4 675	23,9	5 367	26,1
Dutch Reformed Churches(NGK)	3 494	17,9	3 213	15,6
Roman Catholic Church	2 407	12,3	2 344	11,4
Methodist Churches	2 232	11,4	1 813	8,8
Zion Christian Church (ZCC)	531	2,7	1 517	7,4
Anglican Churches	1 647	8,4	1 175	5,7
Lutheran Churches	889	4,6	774	3,8
Presbyterian Churches	615	3,2	445	2,2
Apostolic Faith Mission	284	1,5	403	2,0
Congregational Churches	493	2,5	384	1,9
Dutch Reformed Church (NHK)	289	1,5	267	1,3
Baptist Churches	258	1,3	249	1,2
Dutch Reformed Churches (Geref)	199	1,0	160	0,8
Other Apostolic Churches	485	2,5	568	2,8
Other Pentecostal Churches	505	2,6	479	2,3
Other Churches	533	2,7	1 425	6,9
Total Christians	19 535	100,0	20 583	100,0

The two significant trends that I want to highlight are two sides of a coin.

1 The 'mainline' Protestant churches have fallen behind in terms of their share of the Christian community. In 1980 they accounted for 52 per cent of Christians, but in 1991 they were down to 41 per cent. Although still the largest family of churches, the once-powerful and influential Dutch Reformed churches are being relegated to less than half the size of the African Independent Churches.

2 On the other hand in ten years the *African Independent Churches* (AICs), as a group, have grown from 27 per cent to 34 per cent of the Christians. These 'minority groups' (in the definition of Lubbe 1986) are fast becoming the 'mainline churches'. Their growth is an impressive phenomenon in contemporary South Africa.

This group consists of some 4 000 (the exact number is unknown) churches. Most of them are small house or family churches of different types, but some, such as the Zion Christian Church (ZCC) of Bishop Lekganyane, and the Nazarites of Shembe, have very large followings. The ZCC has grown into the largest single church in the northern parts of the country, with a following of millions. As can be seen in table 2 above, this church has become larger than the family of Anglican churches in the Republic of South Africa.

It is important to observe this phenomenon, because it heralds a new era in religious relations. These churches, of all the Christian groupings, are no strangers to religious discrimination and could bring a new angle to the debate on religious freedom.

HOW RELIGIOUS PLURALITY CAME ABOUT, AND SOME TRENDS

The dominant religion, *Christianity*, came to this country with the Dutch colonists of the seventeenth century.⁸ At that stage this part of the world was inhabited by three main races.

The *San* were spread across the subcontinent. At the dawn of known history they were already subordinate to the other groups. The process of pushing them into the marginal areas of the country was already under way - the deserts and mountains became their refuge. Today we can trace their former whereabouts from the numerous paintings they and their ancestors left on the well-chosen rock walls of caves and overhangs. To the European newcomers, in particular, their way of life was so incomprehensible that many did not regard them as human beings. Because it was thought that the *San* were of no value to the growing colony, and because they were seen as a nuisance since they took the pioneer farmers' animals, they were hunted in return.

It was mainly the *Khoikhoi* people that were met by the white settlers. They were also a nomadic people but, in contrast to the *San*, kept the livestock necessary to replenish the supplies of the ships rounding the Cape. This is how trade started. The relations between the newcomers and the *Khoikhoi* were not usually really cordial, although some gallant attempts were made towards Christianising them. Some *Khoikhoi* joined the Christian camp for reasons of their own.

The *Bantu* peoples had migrated southwards and, by that time, had already settled in much of present South Africa. As the white colonists moved ever further north and east, they came into contact with these peoples, contacts which resulted (among other things) in numerous violent clashes.

I shall not dwell on the intricacies of the subsequent history. The point is that these people (San, Khoikhoi and Bantu) had world-views and behaviour patterns that were shaped by what we usually call *African Traditional Religions* (ATRs). We use the plural religions, because there were significant differences between them, even though they had much African philosophy in common.⁹ These early contacts between the newcomers and the indigenous peoples, usually seen from the perspective of political history as the beginning of the racial strife in the country, should also be regarded as the first interaction between the two main religious systems of South Africa.

Although the first professional Christian missionary, Georg Schmidt, arrived only in 1737, and the sustained missionary work of the London Missionary Society began only in 1799, the past two centuries of dynamic and energetic missionary work by the Christian churches and organisations have resulted in the present situation, where the great majority of the descendants of these indigenous peoples today regard themselves as Christian. Only a minority would describe themselves as adherents of the African traditional religions. Christianity in South Africa can no longer be described as 'the white man's [sic] religion'. This missionary history is a story on its own. It is certainly necessary to have an added perspective to the traditional one-sided way in which this history has been told. There is a need for the perspective of the receivers to be voiced.¹⁰

It would, however, amount to an evasion of the issue which we are dealing with today if I merely stated the obvious statistical facts above. It is significant that the same phrase 'the white man's religion' comes up time and again in connection with the frustration of the black people in finding their proper place in South African society. For too long the indigenous peoples have been kept out of the mainstream of South African political, economic and church life. It is understandable that they harbour doubts about aspects of the religious community to which they have committed themselves. The scars of history take a long time to heal. No wonder that the records of church life in South Africa are filled to the brim with the tensions, misunderstandings and bitterness derived from past mistakes and insensitivities.

The black people of South Africa became Christian, at first hesitantly, then in large numbers, even whole tribes and families, and nowadays Christianity is

almost a matter of course. But not all Christian groups were on an equal footing. As the 'state religion', the Reformed faith was the established one. Even the Lutherans, not to mention the Roman Catholics, had to wait long years before being allowed to work in this country. The first African Independent Churches were all but outlawed. To this day the Christian community is deeply divided by language, confession, colour, and especially politics.

The Christianising of South Africa is just one aspect of a broader history: that of the victory of the West - through the power of its guns, its technology, its economy, *and* its religious institutions - over the subsistence values and organisation of Africa. The Christian mission cannot hope to disentangle itself from this historical maze of racial strife and domination.¹¹

Islam came to the country with the Indonesian slaves and political exiles (see Chidester 1992:158ff). By the seventeenth century, prominent Muslim leaders were already living in South Africa. Today their descendants are called the Cape Malays. But their religion was always the religion of the underdogs, the slaves and the foreigners. Even when the Muslim community was enriched by those from the Indian subcontinent, it remained a minority and, because of its position in society, powerless (see Lubbe 1986:115ff). Muslims were always allowed their mosques, their times of worship, and their feasts, yet they could not but be aware that they were at best tolerated, not free or equal (Lubbe 1986:116). This oppressed position, and the insistence that Islam levels all people, made Islam attractive to black people. However, only a very few converted to Islam.

Hinduism also came to the country through poor indentured labourers, imported to work in the cane fields of Natal (Chidester 1992:168ff). As Hinduism is inextricably part of Indian culture, for all practical purposes this religion remained confined to this ethnic group, and is therefore predominantly present in Natal and Johannesburg.

The only other religious community with more than 100 000 members is the *Jews*.¹² In general, the Jews came to the country as individuals, mostly in search of the riches which became possible after the discovery of diamonds and gold. Their business enterprises are scattered around the country, but they tend to congregate in certain Cape Town and Johannesburg suburbs. Not all Jews are religious but those who are, are usually committed. The Jews, although a tiny minority, are a powerful group, especially because of their financial strength.¹³

IS SOUTH AFRICA A CHRISTIAN COUNTRY?

There are a number of levels on which this question could be tackled. We have dealt with the first. In terms of statistics one can almost declare South Africa a Christian country. I personally hesitate to do this because I would like the adjective 'Christian' to have a more qualitative meaning. Not only are too many of these 'Christians' only so in name, but far too many aspects of South African society fly in the face of Christianity.¹⁴

The second level is the historical one. It is an oversimplification to state that the main formational influence in the development of South African society and ethos is (Western) Christian. Western culture cannot be called Christian, although it has been strongly influenced by Christianity. And Western culture is but one of the formative factors in the growth of the unique society of this country.

On a formal level it is clear that the (white) fathers of the Republic of South Africa had no end in view other than to define this Republic as Christian. In the Constitution the first of the national goals is stated as the intention 'to uphold Christian values and civilised norms, with recognition and protection of freedom of faith and worship'. This formulation strove to combine a clear Christian identity with fairness to those of other convictions. It was possible for them to think along these lines, because of the watertight divisions between the racial groups. The other traditions were predominantly in those communities that were excluded from political decision-making. Saayman (1981) rightly stated that few in South Africa recognised the religious pluralism of the country.

The challenging question of the future - also to be debated at this conference - is how to acknowledge both the factual position of Christianity and the inherent pluralism.

TENSION

In the brief overview of the historical developments I have already hinted at tensions. The historical movement was against the other religions. The only religious change that was contemplated, and officially encouraged, was to Christianity. The powerful groups were the Christians, and those who chose to remain different were in many ways left behind. One could almost expect a call for some form of 'affirmative action' in the religious field.¹⁵

It can also not be ignored that on the religious scene - as on the political level - there is a measure of intolerance, fostered by a brand of fundamentalism. This is especially true between Muslims and Christians. Both are 'religions of a book', the interpretation of which may be literal and fundamentalist. There are therefore leaders and 'evangelists' from both sides whose style it is to denigrate the other by any means possible. They use ridicule, half-truths, or downright disinformation to fight the enemy.¹⁶ This is not good, even for the cause they stand for.

INTERACTION AND COOPERATION

Often the only interaction between people of different faiths has been the (usually one-sided) effort to convert the other. Perhaps I am saying this more from the perspective of white (Afrikaner) society. In other communities people of different faiths have become used to living together in one street, or even one family. It may truly be so that, when the people of colour begin to be the main actors in the interaction an entirely new style will develop. Instead of perpetual confrontation we may begin to witness the model of 'cordial hospitality' that Saayman (1981:119) proposed. We will have to find a way to 'disagree agreeably'. If religious people can develop this style, practise it to such an extent that it becomes embedded in a national mentality, then the religious people may contribute something to what we touch on in the next point.

Recently a number of writers (Assabi 1991, Chidester 1992, Dadoo 1991, Lubbe 1986, Naudé 1991, Saayman 1981, to name only a few) have stressed the need for the (adherents of the different) religions to play a constructive role in the building of a new nation. Lubbe (1986:120) actually stressed (in the days before February 1990) that the one (and maybe only) agenda for cooperation should be the war against apartheid. With this battle technically won, what will now be the main task to tackle together? I think the tragic loss of life through violence is an important area. However, is this the only worthy task for the religions to tackle together? Is this all there is to dialogue? Dadoo (1991), somewhat exhausted by tragic mistrust and prevalent tensions, explored the possibility of a universal religion which could put an end to the conflict. He came to the following conclusion, however:

If the beliefs, social and ethical relations common to various religions are given prominence, and the differences between them proportionately played down, there is optimism for our future society. A universal religion to supplant existing ones will be unnecessary.

(Dadoo 1991:111)

I think we will have to move beyond a position which limits the value of religious beliefs to issues of national importance. But this is not my topic.

ENDNOTES

- 1 I am trying to deal with the 'historical South Africa'. That means that the statistics of the 'independent national states' (the so-called TBVC countries, namely Transkei, Bophuthatswana, Venda and Ciskei) as well as the 'selfgoverning states' (Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa and Qwaqwa) are included with those of the Republic of South Africa (RSA). It is not easy to compile statistical tables for this whole area, because the data are administered by various offices. To a large extent I base my analysis on my earlier works (1985 to 1986) which tabled the 1980 figures for all these states. Where recent figures for the TBVC states are not available, I extrapolate from these 1980 percentages. For those readers with a statistical interest there follows a number of notes explaining some of the intricacies of the figures.
- 2 Elsewhere I have already argued that these figures present the most optimistic picture for the Christian churches. For one or other reason many people state affiliation to a Christian church when they clearly have no real connection with that church, or only a slender historical one. In those cases where I could correlate this with membership lists I found a discrepancy of up to 1 out of 3. Those churches knew of only about 2 out of the 3. And this seems to be general. But there is a third level of statistics: the number who actually worship regularly in church. These may again be as few as 1 out of 3! And the fourth (and even lower?) level comprises those really committed, knowledgeable and active Christians.
- 3 The year 1980 is taken as base for much of the following for a number of reasons. (a) The 1980 census was the last in terms of the religious data to represent a fairly accurate picture. The 1985 census did not ask for religious information, and the 1991 one made it expressly optional. (b) I had the opportunity of analysing the 1980 census figures in depth, both for the RSA and the TBVC states (see Kritzinger 1985).
- 4 The 1991 census figures are the latest, and were published recently (see Reports 03-01-05 [1991] and 03-01-22 [1991] of the Central Statistical Service, published in December 1992). However, they are in many senses unsatisfactory because of the large number of people (some 29 per cent)

- who did not offer any religious information. I table these in order to illustrate the difficulty. I also had to add the figures for the TBVC states, assuming that the picture was the same as in the RSA.
- 5 The figures are extrapolated to mid-year 1993, using the total number published in *Statistical News Release P0302* of 5 February 1993, and the 1980 percentages.
 - 6 The official census (even in 1991) did not include a category for 'traditional African religions, (or any other term for it). This not only should be rectified in future, but is indicative of the kind of mentality to which I will refer later. At this stage I can only assume that in 1980 most traditionalists were counted under the category 'uncertain', indicated by '?'. There were also the categories 'object to state', and 'no religion, no church' but together they did not account for more than 5 per cent of the population. One can assume, however, that these three categories together indicate the number of people leaning away from any other specific religion.
 - 7 I used the published reports of the 1980 and 1991 censuses for the compilation of this table: 02-80-12 (1980) and 03-01-22 (1991).
 - 8 I am not unaware that there were earlier contacts by Portuguese and Dutch seafarers, but the first sustained and sizeable Christian community was the group who came with Jan van Riebeeck in 1652.
 - 9 Shirley Thorpe has recently summed up the traditional religious values of the San and some Bantu peoples in a book on *African Traditional Religions* (1991).
 - 10 The classic work documenting the first two centuries of mission work is that of Du Plessis (1911). A modern overview of this process, which goes some way towards giving the other perspective, is the recent book by Chidester (1992).
 - 11 Chidester (1992:36ff) describes the general 'denial' of the ATRs by the Christian missionaries. While Christian missions in this country can be credited for most of the positive developments among the indigenous people, they may also be held responsible for many of the negative attitudes bedevilling relations between racial and religious groups.

- 12 The 1991 census indicated a drastic reduction in this number. I do not know whether this reflects a real decrease (possibly caused by emigration from the country?) or whether it is the result of a large number of Jews not stating their religious affiliation. For the Jews, see also Chidester (1992:175ff).
- 13 See Lubbe 1986:115 for a discussion of religious minorities, especially in the South African context. According to the definition he does not regard Judaism as a 'minority religion' in South Africa. The Jews are too powerful financially.
- 14 The prime example is the well-known fact that the whole apartheid structure was devised and put in place by some devout Christians. But in a sense this is but the tip of an iceberg of attitudes and behaviour that is manifestly unchristian, if being Christian means anything.
- 15 Maybe the *Declaration on Religious Rights and Responsibilities* of the World Conference on Religion and Peace - South African chapter (WCRP-SA) should be seen in this light.
- 16 I have not given any examples, but they are there. Unfortunately these people are often the only role models for those who are serious about the claims of their faith, and feel called to do something about it.

WORKS CONSULTED

- Assabi, A E 1991. The role of religion in the reconstruction of society, I, in Vorster 1991:76-82.
- Chidester, D 1992. *Religions of South Africa*. London: Routledge.
- Dadoo, Y 1991. Building a new nation: A religious view, in Vorster 1991:98-112.
- Du Plessis, J 1911. *A history of Christian missions in South Africa*. London: Longmans Green.
- Kritzinger, J J 1985. *Statistiese beskrywing van die godsdienstige verspreiding van die bevolking van Suid-Afrika*. Pretoria: ISWEN

- Kritzinger, J J 1986. South Africa's religious mosaic. *Africa Insight* 16(2), 93-108.
- Lubbe, G J A 1986. Reconciliation and construction between different religions in South Africa, in Vorster, W S (ed), *Reconciliation and reconstruction: Creative options for a rapidly changing South Africa*, 113-131. Pretoria: Unisa.
- Naudé, C F B 1991. The role of religion in the reconstruction of society, II, in Vorster 1991:83-97.
- Republic of South Africa: Central Statistical Service 1985. *Population Census 80. Social Characteristics*. Report No 02-80-12.
- Republic of South Africa: Central Statistical Service 1992a. *Population census 1991. Religion by development region, statistical region and district*. Report No 03-01-05 (1991).
- Republic of South Africa: Central Statistical Service 1992b. *Population census 1991. Social characteristics of the population*. Report No 03-01-22 (1991).
- Saayman, W A 1981. Religious pluralism in South Africa, in Vorster, W S (ed), *Christianity among the religions*, 113-123. Pretoria: Unisa.
- Thorpe, S A 1991. *African traditional religions: An introduction*. Pretoria: Unisa.
- Vorster, W S (ed) 1991. *Building a new nation: the quest for a new South Africa*. Pretoria: Unisa.

What is religious freedom?

E van Niekerk

1 INTRODUCTION

Religion and freedom belong among such general concepts as God, humanity, the universe, the cosmos, reality, nature, truth. Being general concepts, they cannot be finally explained simply by asking 'What is religion?' or 'What is freedom?'. General or limiting concepts cannot be understood or explicated in general terms. The problem is not so much that a question calls for an answer as that a generally phrased question presupposes a specific general answer. In the case of religious freedom the presupposition is that religion is a substantive thing existing alongside other things. Yet neither freedom nor religion exists as a thing or as an entity. Viewed thus, freedom and religion are speculative abstractions of universal generic names that have no demonstrable genera. Consequently I would prefer to rephrase the question as follows: what is freedom of faith (or belief)?

Religious freedom is a composite term rather like 'human rights', only slightly more problematic; for whereas 'human' is a general term, 'rights' is specific. In the case of religious freedom, both terms denote general 'things'. I want to be very clear on this point. The phenomenon of religious freedom at issue here is more aptly expressed by a different name, namely freedom of faith. Karl Marx (1974:69-77) rightly averred, in his nineteenth century Rhineland, that there is no such thing as freedom in a general sense. He was speaking of

freedom of the press, but freedom to be economically active, freedom to own property, freedom before the law are all freedoms of the same kind - they have no generic name. One cannot be inferred from the other. According to Marx there is no worse error than believing that a particular form of freedom has to do with a particular question. Rather one is asking a general question in a particular sphere: general questions can be tackled only in terms of specifics. The same applies to the issue we tackle when we use the term 'religion' as an indication of an overall 'system' of ideas, concepts, values and experiences, and the term 'faith' or 'belief' as a specific and particular segment of the religious-ideological whole.

In this article I shall try to approach the question of 'freedom' as a general human idea and 'religions', in the sense of overall value systems, via a particular field of human experience, to wit human faith or belief. A primary consideration throughout is that of freedom in the interrelationship between the macro and micro manifestations of faith, that is between organisations and institutions of faith, and individual human faith. As a secondary consideration a societal continuum which includes media freedom (press, television and radio), academic freedom, political freedom and freedom before the law, economic freedom, freedom to express one's imagination, love and sexual freedom hovers in our midst as differentiated pointers of the religious-ideological totality of meaning. But we concentrate primarily on one segment of the religious totality, namely human faith.

2 THE MACRO AND MICRO FACETS OF HUMAN EXPERIENCE OF FAITH

There are any number of definitions of religion. They range from belief in God as expressed in sacramental actions or actions of faith, or a fideistic personal relationship with God, or the union of the finite and infinite in the human mind, or 'the relation to the absolute' (Berkhof 1979:6), or 'the state of being grasped by an ultimate concern' (Tillich 1955:51), or 'the attempt to express the complete reality of goodness through every aspect of our being' (Bradley 1968:401), or 'ethics heightened, enkindled, lit up by feelings' (Mathew Arnold quoted by De 1977:7) to Feuerbach's view of religion (1971:247, 339) as the projection and replacement of a human being's nature by a superhuman nature (God) and Marx's view of religion as the opiate of the masses.

Some definitions appear to be complementary, but they also contain conflicting ideas. Some emphasise experience of a deity or an absolute; others deal in human experience in the sense of ethical goodness or mystical probing of the

self. Those of us who claim to be balanced stress both the divine and the human elements of religious experience. Others incorporate both the human and the divine into a comprehensive scheme of real-life experience. What interests me most is what one might call a 'majority trend' among the many definitions of religion throughout history: that of regarding religion as *a totality or an entity quite unlike and distinct from* other human societal experiences and roles. An excellent modern example is Mircea Eliade's *The sacred and the profane* (1959): religion is presented as something (sacred) alongside other (profane) things, an entity or essence alongside other entities or essences. Although Eliade sees the two as interpenetrating or encompassing each other, the distinction between sacred entity and profane entity never lapses (Valk 1992:32).

In contrast to this majority trend which regards religion as a substantive totality distinct from other human experiences and roles, there is a minority trend in history which regards religion as a blanket term for *all* human societal experience. This religious amalgam or aggregate is experienced only via (non-religious) human spheres. The British Hegelian Bradley, whose ethical definition of religion ('to express the complete reality of goodness through every aspect of our being') was cited above, might have been said to belong to this minority trend if he had not asserted in the same context: 'The central point of religion lies in what is called faith' (Bradley 1968:392). With this qualifier Bradley falls back into the mould of the majority trend.

What the minority trend amounts to is that the religious whole can be experienced only via the various parts. There is no one sphere that permits people to experience the religious whole better, more directly, more closely or more exclusively than any other sphere. Our only access to the 'religious whole' is through different societal segments. The sum total of the societal segments approximates what we call religion. Thus religion signifies the entire value system or the total experience of an individual or group of people. One can never fully experience such a totality. To give a very simple example: nobody can experience the whole of reality or the universe (everything that moves in it) at any given moment, not even during a lifetime or during the entire course of human history. The experience of one thing at a given moment can only be succeeded by another. The majority trend is explicitly stated in the Protestant view of faith as that which comprehends all else whilst existing alongside all other things. In terms of the example of reality or the universe cited above, this means that one can experience reality in two ways: either in a general way as a totality, or particularly as a segment of reality. Whereas hard majority-trend logic asserts that general experience of the totality is possible, it strikes me as a perfect example of mystification. The majority trend does exactly the

same with religion: religious experience purportedly embraces the totality of all human experience; at the same time it is experiencing something different, is distinct from other experiences. The ambivalent use of general concepts such as 'God' and 'truth' which I mentioned at the outset is as old as history; in modern times this ambivalence has been extended to other general ideas such as 'humanity', 'reality', 'freedom' and 'religion'.

This ambivalence actually reveals two sides of the same segment of one's total experience. There is no segment or human faculty in which the whole of experience or the totality of meaning is exclusively experienced. The totality - religion, overall value system - can be approached only in segments: at macro level (through institutions, structures) and at micro level (through individual experience). This applies to faith, justice, economic actions, thought, emotions and all other segments of the totality. The term 'religion' is too loaded to be such a segment, since it is used, mainly by the majority trend, to signify both a segment and the totality of all segments of reality. That is why I use 'faith' instead, faith being one segment with a macro side and a micro side; 'religion' (or ideology or total value system) I use to indicate the aggregate of the various segments of reality. Religion can be experienced only via the segments of reality: it exists only in the differentiated spectrum of societal experience.

2.1 The end of religion

In *The meaning and end of religion* (1962) Wilfred Cantwell Smith says that it makes no sense to talk about religion, but neither does it make sense to talk about religions. Smith (1962:144) points out that it is impossible to define terms such as Hinduism, Buddhism, Taoism or Protestantism, and that one could almost describe such an exercise as perverse. In the first place, the word *religio* has been used for centuries in the sense of piety, for example in Calvin's *Christianae Religiois Institutio* (Smith 1962:36f). A century later the term *religio* was transposed to what we have called the macro side, when it was applied to 'a system of beliefs and practices, considered as a system, irrespective of whether or not they elicited in the human heart a genuine fear of and love for God. The difference is momentous. The system is called "the" Christian religion' (Smith 1962:39). And because people have worked out different religious systems rather than different kinds of religiousness, one finds a plurality of religions with different names. The names of these religions were imposed on them from outside.

Smith's second argument is that definitive terms such as Hinduism and Buddhism bypass the faith of individual believers. What we find in reality is

not religions but the living, real faith of individual people. Thus a name such as 'Christianity' refers to millions of things and persons. By the same token Buddhism cannot be defined, for it refers to an infinite variety of literature, art and institutions, plus the personal experience of millions of people over many centuries. With regard to Hinduism, Smith (1962:144, 145) writes: 'As an ideal, "Hinduism" might conceivably be defined (though only by a Hindu), but not as an historical reality', and: 'To define is to set limits; but no man can set limits that other men cannot transcend. To define Hinduism is to deny the Hindu the right to the freedom and integrity of his faith.'

Smith uses two other terms as variants for 'religion' or 'religions': 'cumulative tradition' and 'faith', the link between the two being the living person. This person belongs, in the first place, to a tradition formed cumulatively over the ages and subject to continual change. Thinkers, poets, leaders and what we call ordinary people have helped to shape this tradition, for instance by adopting new elements and neglecting others. Secondly, this cumulative tradition is interpreted individually by every believer. That is why faith is always personal and why it makes no sense to speak about Christianity, Islam or Buddhism in general terms - nor about 'the Christian faith', 'the Islamic faith' or 'the Buddhist faith'. 'There is only my faith, and yours, and that of my Shinto friend, of my particular Jewish neighbour' (Smith 1962:191).

While I am in sympathy with some of Smith's ideas, especially as regards faith, it seems to me that he underemphasises the macro side of everyday experience of faith because of his notion that defining something entails setting limits and depriving people of their freedom. Yet Smith's own account teems with definitions. I agree with his view of 'religions', but I feel that he is unnecessarily dismissive of the institutional side of faith (belief), with which everyday experience of faith (belief) correlates in one way or another.

To Smith liberty of faith would imply, firstly, that one may not impose broad definitions of religions on other people; and secondly, that every society has scope for different people to live their personal faith.

2.2 Faith as a segment of religion or a religion

A human community comprises a number of people who feel communally involved with one another by virtue of certain ideas, conceptions and beliefs about reality, humanity and an absolute. This kind of cohesive force is what I call religion or ideology. Hence the term 'religion' (or ideology) is used to refer to a totality of beliefs, concepts, ideas, values and experiences. The

assumption is that religion is a total societal 'system'. The 'feeling of involvement' naturally varies: people living in a community may feel more or less closely involved with another and may even disagree with some of the key conceptions of that community, but usually they try to do so in a way that does not isolate them. Some people do become isolated; they may try to join another community and may actually do so. A 'community', then, can be regarded as a 'potpourri', since the number of impulses, actions, and event-shapes of people and things is so enormous that nothing or nobody can keep track of them all. One can be a member of a diversity of communities and societal structures simultaneously, the situation and time determining which membership predominates.

People in one community may simultaneously be members of several communities, hence communities themselves may be interlaced or may overlap. The potpourri of communities may be placed on a continuum, ranging from fairly uniform societies with little intermingling and interlacement of communities to the most pluralistic society conceivable, its communities infinitely intermingled and interlaced. Anthropologists would like to argue that relations in traditional societies are less interlaced, which may explain why they are attracted to human societies remote from their own technologised backyard. The concomitant claim to unbiased vision and the search for primitive societies closer to the genesis we might as well dismiss altogether. The web of interlacements of even one human being in the Southern African situation is just as mind-boggling in its diversity as the interlacement of communities and societies on a global scale.

Another characteristic of communities and societies is that they are constantly in a melting-pot situation. The term 'melting pot' derives from the American context and has acquired a negative connotation in recent years, to my mind justifiably. Every mortal soul who ended up in the USA was considered to have been caught up in a cultural melting pot. The problem was that the tune was called by the white Anglo-Saxon Protestant value system, with the result that no other value system really counted in the melting process. The way I use the term it signifies that even a 'homogeneous' society or community is a melting pot from day to day. Power elements are always interlaced in such a community, expressed in the myriad diverse codes, modes and actions of its members. About these codes, modes and actions there may be consensus, disagreement, conflict; some action patterns are repeated in full, partially or hardly at all. What complicates matters is that pure homogeneous societies or communities hardly exist in our world any more. Indeed, they have never existed. The most ordinary of communities is a mosaic of intercultural codes, modes and actions, even when it is sometimes extremely difficult to detect the seams of intercultural interlacement in very old or 'homogeneous' communities.

For all the enormous diversity of cultures and communities, there are still a number of attributes characterising religion or ideology. The detailed picture is, of course, a variegated medley which I do not propose to examine here. In any case it should be evident that in the South African context in particular there is no manifestly cohesive religion or ideology. An appeal has been made in recent years, based on the hackneyed argument that 75 per cent of the population is Christian, that Christianity should therefore be fundamental in any new dispensation. In view of all that has been perpetrated in the name of 'Christianity' during the past fifty years of South African history, this sounds rather like a son who has murdered his parents and now pleads in mitigation of his act that the family has been orphaned.

Virtually all religions, ideologies or comprehensive value systems include pointers concerning:

- * the universe (origin, structure, ultimate destiny)
- * the origins of major social institutions (for example, division of labour, power and freedom of migration between institutions)
- * the position of human beings in the universe (in relation to gods, spirits, other people, animals and things)
- * death (and beyond)
- * the role of human beings in the universe (for example, are they personally responsible or divinely directed, should they show initiative or simply do their duty)
- * leadership and grassroots participation.

This list may be expanded or abridged. My point is that a religion or ideology can contain all these pointers. The term used to epitomise it (for example, Christian, Marxist, capitalist, Islamic or compounds of these) indicate *how* the pointers are elaborated and experienced. Designation is complicated by the fact that religions or value systems function in thousands of hybrid forms in every society.

The important thing to my mind is that people have philosophically different faculties or experiential fields, the number and expression of which may differ from one community to the next. Despite this, I insist that there is no particular experiential field in which religion or ideology functions as a substantive totality experienced differently from other experiential fields. Religion or ideology occurs in every experiential field in a manner determined by the nature of that particular field.

The segment through which we approach the religious or ideological whole is the experiential field of human faith and the institutions of faith that arise when people organise their communal experience of faith. Everybody experiences faith and trust every day. All that differs is the direction and the minutiae of people's faith. The question to be considered is how people regard freedom in terms of their everyday experience and organisation of their faith. Here we are looking at the *general* idea of freedom, not in a general way but from the specific angle of faith. Freedom of faith therefore means that both people's everyday individual experience or expression of their faith and its organisation in a common societal institution such as a faith community (or group) should be allowed free play in a society; and if those same people join others in establishing a political community (a state), the religious and ideological pointers to statehood of a maximum number of members of society should feature in that state. In a sense a political community or state is a pot-pourri of its members' experience of religio-ideological justice and power. For this reason I am opposed to the idea of both a theocratic and a secular state - but more about that below.

3 FREEDOM OF FAITH IN THE JUDEO-CHRISTIAN-ISLAMIC TRADITION

Here I consider the examples of four trends in freedom of faith which, while discernible quite early in human history, nonetheless surfaced more and more forcefully in the course of Western history. These are freedom of faith for aliens, for the ruling class, for minorities and for individuals. One could draw a richly varied picture in which some of these trends merge with one another or with other motifs. Thus one finds the granting of relative freedom of belief to aliens coinciding with incredible harshness and intractability towards dissenters within the community of believers.

3.1 Freedom of faith for aliens

In large parts of the history recounted in the Old Testament aliens to Judaeo-Israelite society were not measured by the standards of the Torah but were regarded simply as foreign visitors or travellers passing through on business. These could expect to be received and treated as guests in accordance with Eastern laws of hospitality. In addition there were aliens who had settled in Israel (Dt 10:19), in which case they were entitled to the same treatment as a 'neighbour' or compatriot (Lv 19:34). Dissidents within the Israelite community were given zero freedom. This was a direct consequence of a whole

package of legal rules, headed by the law that one can have no other gods besides the one true God. Thus the reverse side of liberty of faith and social liberty for aliens was this relentless attitude towards dissidents within the Jewish circle.

Other examples of this attitude towards dissidents and aliens are found in the late Middle Ages. Dissidents (or heretics) within the church were frequently sentenced to death for their heterodox views, whereas those outside the direct sphere of influence of the *Corpus Christianum* - in ecclesiastic terms, unbelievers and heathens - were judged far more leniently. Whereas in the fourth and fifth centuries there was still some general vacillation and dissenters were occasionally prosecuted, from the eleventh century onwards things changed. The Donatists, who had Africa in turmoil for virtually a century, are a prime example of those who received rough treatment in the fifth century. Although there was a virtually universal aversion to the death penalty for dissidents (heretics) in patristic times, Augustine's exegesis of Luke 14:23, 'Compel people to come in' (*compelle intrare*) helped to justify violence against dissidents (Miegge 1957:17).

Medieval society no longer had the clear mixture of Christians and non-Christians that characterised the early Christian world. Apart from the Jews, there were really only the baptised. Non-Christians were on the periphery - in Spain, Africa, the East and in eastern and northern Europe. On the boundaries of the Christian sociopolitical world the question of what attitude to adopt towards non-Christians - from the church's point of view, heathen - arose. The basic attitude was that force should not be used to convert them to the Christian way of thinking. Only through admonition, counsel and good arguments could they be persuaded of the worthlessness of their concepts of God. Thomas Aquinas summed up this attitude when he said that among unbelievers such as the Jews and the heathen there were some who had not received the faith and they need not be invited to it since faith was a matter of the will (Thomas 1980:2.2.qu 10 ar 8). Yet the Middle Ages also saw the use of violent methods to convert non-Christians; the Germanic princes, for example, resorted to military means to convert the Slavs south of the Baltic, the Prussians, Fins and Lithuanians (Lecler 1965:141). The Crusades, on the other hand, cannot be interpreted primarily as a missionary type of conquest. They were rather indicative of a power struggle between Christianity and Islam, which was intent on expelling the Saracens not merely from the Holy Land, but also from long-standing Christian countries such as Syria and Spain. In many instances the Crusades were organised by pontiffs over the heads of Christian kings. The significant thing in the late Middle Ages was that church people, on the basis of the two-swords theory propounded by the Catholic Church (the

secular sword of military might and the spiritual one of knowledge and piety), alternately emphasised one sword or the other in their attitude towards non-Christians.

Thomas Aquinas, while tolerant of non-Christians, was harsh towards dissidents within the church. The church need not pass spiritual judgment on non-Christians, he maintained. They should merely be punished for trespasses in the secular sphere (Thomas 1980:2.2.qu 10 ar 9). But with regard to Christian dissidents, said Thomas, there were sins for which they should not merely be isolated from the church through excommunication, but also cut off from the world by death (Thomas 1980:2.2.qu 11 ar 3). We need not dwell on the attitude of the Inquisition, which was much the same as Thomas's. What I do want to indicate are the reasons underlying this harsh attitude towards dissidents. Firstly, there was great emphasis on the Mosaic law which laid down the death penalty for idolatry and blasphemy. Secondly, heresy was equated with profane lese-majesty, which was punishable by death. Thirdly, from the eleventh century onwards the popular custom of burning heretics gained ground. And fourthly, the pre-eminence given to 'the faith' in the structure of medieval society meant that the charge of heresy sometimes succeeded with ease (Lecler 1965:154-158).

Analogies to this medieval trend of permitting aliens relative freedom of belief while meting out the harshest possible treatment (including the death penalty) to dissidents within the body are to be found in certain Islamic and Protestant communities as well. Another analogy is that of the Soviet communist state which subjected dissidents to psychiatric treatment or confined them in camps.

3.2 Freedom of faith for the ruling class

Round about the year 200 AD the Roman emperor cult assumed its final form. The religious paramountcy of the ruler was built into the ancient concept of political sovereignty. Two centuries earlier Cicero had stated: 'Every state has its own religion, and we have ours' (*Sua cuique civitati religio est nostra nobis*) (Cicero 1976:516). Up to and including the fourth century, 'Christianity', was seen as an autonomous religious community with universal aspirations and increasingly experienced as a direct threat to the emperor as the head of the current religious value system. A theocratic version of the notion that the sovereign determines the type of organisations of faith can also be found in the Old Testament.

It was not until the Reformation, however, that the principle of *cuius regio eius religio* finally took shape. In the early years of the Reformation Luther was the one who was optimistically confident of his cause. Worldly authorities had power only over the bodies and goods of people. Luther pointed out that it was up to each person's conscience how he or she believed or disbelieved. Because this did not harm the worldly rulers in any way, they had to be content that people believed according to their own will and ability and that nobody could be coerced (Luther 1900:264). Dissidents (heretics), according to Luther, should be combated with spiritual weapons only. They were not to be burnt by fire or drowned by water, for God's word alone, which is not of the flesh but which is mighty in God, brings conviction (Luther 1900:268).

Luther's manner of defending his cause changed after the rebellion of Thomas Müntzer and the peasant rebellion (*Bauernkrieg*) in 1525. He then moved closer to the rulers. Evangelical princes had to promote the preaching of Scripture to the best of their ability, prevent the preaching of false and heretical doctrine and also suppress everything impairing the glory of God from outside the principality; they had to ensure that everyone within their realm heard the true word of God and if need be even compel people to do so.

According to Luther these precepts did not encroach on freedom of belief in any way. Dissidents were not persecuted but were merely prevented from speaking their minds. Nobody was forced to believe; people were merely required to listen to the word of God (Lecler 1965:241). The idea was that in the interests of public order only one religion should be tolerated in each principality. This paved the way for the Lutheran Church to become the official church wherever rulers opted for it.

In Calvinist Protestantism the position at first was somewhat different. In 1536 in Geneva, Calvin wanted to subordinate magistrates to the church in matters of faith and morality. He failed in his attempt and was banished. In 1541 he returned to Geneva and the famous Ordinances, which organised the city in every respect, were read out on 20 November. Every citizen had to observe the new value system. Pastors had considerable authority and the whole structure was built around Calvin himself, the religio-technocratic manager of the city who did not personally exercise any office. Such was his authority that he had the antitrinitarian dissident Servet burned at the stake in 1553, thereby enhancing his prestige. This system crystallised in the *Confessio Belgica* (1571), section 36 of which charged the government to combat false doctrine with the sword. The Roman Catholics, as well as the Anabaptists, felt the wrath of the Calvinists.

Ultimately, freedom and unfreedom of faith in Europe was determined by the Lutheran princes and, in Geneva, by the religio-technocratic superintendent Calvin up to his death in 1564.

In Islamic tradition early Muslims rallied round the political standard 'no government except under God'. The theocratic ideology of the medieval theologian Ibn Taymiyya (d1328) directly influenced Ayâtullah Khumaynî and others. Taymiyya said about divine government:

To govern the affairs of men is one of the most important requirements of religion, nay, without it religion cannot endure The purpose of public office is to further the religion and the worldly affairs of men When the pastor exerts himself in proportion to his ability to further both, he is one of the most excellent fighters on the path of God The exercise of authority is a religious function and a good work which brings one near to God, and drawing near to God means obeying God and his Prophet.

(Sanneh 1992:1105)

These ideas assign governmental territoriality and freedom of faith to a religious orthodox class of rulers. These ideas would also make Muslims dissatisfied with a merely secular political value system and would make it difficult for them to coexist in a pluralist society.

3.3 Freedom of faith for minorities

In the Edict of Milan in 313, Constantine and Licinius had already indicated that Christians and people of other cults were entitled to believe as they saw fit (Lecler 1965:101). This tolerance by Constantine was not permanent. He regressed later to a policy of intolerance towards nontraditional Christianity and non-Christian cults, while Licinius showed his aversion to Christians in general. During the fourth century Christianity became the official religion and any non-Christian value system a *religio illicita* (Barnard 1982:337).

Julian (361-363) restored the freedom of cults in order to weaken Christianity. Religious freedom was soon followed by persecution when Christian teachers were forbidden to teach.

Throughout history, minorities in fairly homogeneous societies were either permitted to practice their value systems to some extent or they were persecuted. Communities of faith which were minorities in past societies have cried for, and sometimes tried to attain by force, some equality with, and immunity or privilege from the representatives of the dominant value system in a society. It is, however, remarkable that once that freedom of faith is achieved and their value system assumes the dominant position, they turn a deaf ear to similar demands made to them by any other community or section of society. The history of freedom of belief is one of continued demand for tolerance by several sections of dissidents.

3.4 Freedom of faith for individuals

In 212 Tertullian (1962:152) wrote in a letter that it is a human right and natural law that every human being might worship as he or she pleased and that one person's religion could not be harmful to another. Throughout the tremendous fluctuations in freedom of belief in the course of history, in the final analysis it was (and still is) the experience of individual people that was in jeopardy. Anyone whose everyday experience of faith was not expressed according to the code of the group was a heretic, a dissident, a dissenter or, even in the most tolerant of contexts, a deviant.

4 INTERRELATIONSHIP OF HUMAN RIGHTS, FAITH AND ORGANISATIONS OF FAITH

When one speaks of freedom of belief nowadays the idea of human rights at once comes to mind. One could pose a number of questions about the relation between freedom of belief and human rights. Is freedom of faith a human right? Should freedom of faith not rather fall under a basic set of rules governing faith and organisations of faith? Can freedom of faith and religious expression simply be subsumed under the heading of human rights? Is it correct to say, as theologians in particular are fond of saying, that religious freedom is the condition and guardian of all true freedom?

4.1 Human rights and faith

Freedom of faith, among other things, is a fundamental human right with a distinct societal aspect. The basic premise of human rights is not directed only to individuals. Since earliest times even natural law has been recognised as

having a societal aspect. The fundamental difference between the natural-law view of rights and the liberal natural-rights tradition of the moderns (for example, Hobbes, Locke, Rawls, Dworkin) is that, although both consider fundamental rights to be embedded in human nature, the former lays greater emphasis on the societal aspect of human nature (Cahill 1980:285).

There is a common trend among theologians to regard religious freedom as the most fundamental freedom (De Albornoz 1963:35). This stems from the notion that religion and religious experience as an entity distinct from other human experiences is even more basic than human rights and freedoms. My view is that religious freedom in general is a dodo, but freedom of faith should be viewed within the overall range of human freedoms and rights, for the simple reason that one cannot construct a hierarchy of freedoms and rights within the differentiated spectrum of human experiential fields.

By and large human rights are considered to be those rights that may be inferred from an assumed structure of human nature, both individually and societally. We shall not dwell on the issue of the various grounds for human rights (that is, by virtue of humans being created in the image of God or by virtue of their humanity *per se*). The following statement by Moltmann (1977:130) exemplifies the bottomline in the theological quest of human rights: 'The specific task of Christian theology in these matters is grounding fundamental human rights on God's right to - i e, his claim on - human beings, their human dignity, their fellowship, their rule over the earth, and their future.'

Some thinkers such as MacIntyre maintain that the unbridled development of rights language is simply a manifestation of the moral incoherence of modern societies and the persistent belief in rights is no more than a superstition. The notions of autonomous individuals and rights are substitutes for the real thing, fictions of a catastrophically disordered society. 'The truth is plain: there are no such rights, and belief in them is one with belief in witches and unicorns' (MacIntyre 1981:67). My objection to the term 'human rights' as such is not to what it denotes, but for the same reason as one may object to the term 'religion'. In the modern sense of the word, human rights are both the product of one human experiential field among others, and a blanket term embracing all fields of human experience. We find the same problem in the sphere of societal structures: the state comprehends all other social structures but at the same time it is one among many societal structures. The problem is that what human rights generally denotes implies first, because of its universality, that it transcends the concrete rights of people within a particular society. Second, the paradigm in which the human rights debate is set is not radical and differentiated enough to encapsulate the true nature of 'non-rights' experience

and facets of society. In addition to a charter of human or civil rights and freedoms, each society should have a charter of rules, expression and freedoms of belief, drawn up jointly under the guidance of the various organisations of faith; also a charter regulating economic conduct, production and freedoms drawn up under the guidance of employers and employees and their organisations. Sport, education and science should also get their turn. Participatory democracy means here that in each case the whole of society should be involved in some or other way in the compilation of a specific charter. The state and politics are not the source of all the minimum conditions that ought to function as pointers in a society.

Because of the tremendous emphasis on politics and states, also in the United Nations Organisation, the formulation of human rights remains vague. Article 18 of the Universal Declaration of Human Rights (1948) and the United Nations Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief (1981) are good examples of such vagueness. Part of the reason for this is the accent on religious freedom in an individual sense. Article 18 of the Declaration of 1948 reads:

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.

The same individual-centred generality is observable in the 1981 document, except that it is extended to children, that states are required to uphold religious freedom and that there should be no discrimination against anyone on religious grounds.

The problem does not lie only in the individual-centred approach to faith; it is also that religious freedom is defined negatively: 'Everyone has the right to freedom of' In a society such as ours positive, concrete rules on faith should be drawn up by a forum of organisations of faith. I suspect that many organisations welcome the generality that characterises the discussion of faith and freedom in the human rights context, since in effect this leaves them free to do their own thing undisturbed. Freedom of faith is not just a general human right; as a ground rule of the experience of faith there are certain minimum conditions. One is that in their experience of faith people are responsible and accountable to the experience of others. To say that everyone is free to do his or her own thing in matters of belief may sound admirable - but does it mean that when women are excluded from the executive function (priesthood)

in organisations and institutions of faith, this is part of freedom of faith? And what about discrimination because of race, ethnicity, rank, class, type of ritual and degree of piety?

When we speak about material ground rules and freedoms in the experience of faith, rather than just the formal human right of religious freedom, we come dangerously close to the sacred and unimpeachable core of religious value systems. The remarkable thing is that every religious system lays claim to absoluteness and exclusiveness. And every one of them makes a great issue of the noncoerciveness of the content of the experience of faith. In this regard Balthasar Hubmaier's pronouncement is almost a slogan: 'But a Turk or heretic will not be convinced by our act either with sword or yet by fire but alone with patience and witness' (Hubmaier 1976:51). Authoritarian coercion and manipulation are rejected, but authoritative persuasion is considered necessary and valid in matters of faith. Nevertheless responsibility and accountability towards society are seen as an impairment of the freedom of faith.

4.2 Duality of theocracy and secularisation

It is fairly common to restrict the definition of religious freedom to freedom of conscience or some inner sphere, or to freedom of worship. Such definitions pretend to separate the overall religious-ideological value system from societal life, politics and economics. Religion becomes a privatised thing, as may be observed in the following distinctions: religion and society; church and world; religion and social issues. The same dualism is observable in the distinction between a theocracy and a secular state. It should be noted that this latter distinction is part of the same dualistic deal which presents us with two sides, respectively labelled 'sacred' and 'profane'. Albie Sachs, who advocates a secular state, interprets secular as follows: 'To be secular does not mean to be anti-religious, but rather that there is no official religion, no favouring of any particular denomination, and no persecution of or discrimination against non-believers' (Sachs 1990:45). That Sachs moves in the direction of the duality of sacred and secular appears from his use of the term nonbelievers. People's everyday 'nonreligious' experience of faith, belief or trust do not qualify them as nonbelievers. I agree with his basic argument, though I would question the negative, neutral view of the state.

I believe that we will have to rid ourselves of the dualism of theocratic and secular, and that we should positively advocate a political form that is a product of the religious and ideological value systems of the majority of the people.

The choice of a particular political form is not a neutral matter. Thus I am in favour of a constitutional state (regstaat) in which, firstly, government seeks to distribute the multitude of interests of justness within a particular territory as equitably as possible by means of justice; and secondly, an attempt is made to circumvent the false antithesis of group/individual or state/individual. A constitutional state consists of citizens who through their governmental functionaries - they are citizens too - distribute the sum total of the interests of justness by way of justice. Basic to this would be a charter of basic (human) rights in which amorphous things such as ethnic or racial 'group rights' do not feature.

In a constitutional state nonstate societal forms such as organisations of faith should be respected through the medium of law. But freedom of faith does not mean that organisations of faith can do as they please or that people may do as they please in their experience of belief. In this regard the various organisations of faith may be expected to get together and draw up a charter of minimum conditions for the experience of freedom of faith and the expression of faith and thus establish the material content of what experience and freedoms of faith entail in practice.

I know that this is no more than a wish, for the way to such a state is long and fraught with obstacles.

5 THREE TRENDS OF FREEDOM OF FAITH

The idea of freedom of faith functioning in a given context relates directly to the faith and comprehensive religious value persuasion of a particular person or group of people. The three positions discussed below do not exist per se in any particular context. They are rather three trends cutting across many communities and societies.

5.1 Liberal trend

The liberal trend in the matter of the experience of the overall religious and ideological value systems emerged clearly only in the eighteenth century, although since earliest times vestiges of this trend can be detected. It has two key characteristics. The first is that it is based on the notion of an underlying, uniform God concept which is manifested differently in various religions. Hence all religions are equal, although superficially they may appear to differ. The metaphor of the mountain is applicable here: people all worship the same

God, they merely ascend the mountain to God by different routes. Thus there are different paths leading to the one God, or in the case of nontheists different paths leading to a paramount idea. The second is that it works with the antithesis of sacred-profane, based on the distinction between private and civil: religion does not or ought not to have civil consequences. Religion is a private personal or a private ecclesiastic matter between God and people. For the purposes of the liberal position, organisations of faith are regarded as private personae. Freedom of faith means that people of different religious value systems may enact this private matter in different ways, so long as their actions do not harm others.

The liberal trend still has many adherents in South Africa today. The problem is that people's religions, ideologies and total value systems do not allow themselves to be forced into some private corner of their lives. It is also somewhat paternalistic to associate different experiences of different people with the same presumed universal God. This might be symptomatic of the kind of liberal paternalism which first levels and demarcates the whole field on liberal lines and then invites everybody to join in a game played according to liberal rules.

5.2 Ecumenical trend

The twentieth century has produced one concrete embodiment of totalitarian value systems after another, all of which laid diametrically opposed claims to absoluteness. One could perhaps call this century the age of neo-fundamentalism. What earlier ages had worked out on a small social scale as well as in the world of thought and on paper, the nineteenth and especially the twentieth century has worked out on a grand scale in societies and social structures: communism, colonialism, Fascism, Nazism, nationalism and racism (apartheid), capitalism and liberalism. Along with these one could mention the unifying movements of the various religious ideologies: the great ecumenical movement based on Christian value systems, the neo-fundamentalist quest for unity in Islam and the late twentieth century self-confidence of some Hindus which permits them to raze other people's mosques to the ground.

Ecumenical in this regard denotes something of its original meaning, namely the knowledge and experience of the known world. Freedom is only experienced within the bounds of the known and acknowledged ecumenical world of a totalitarian religio-ideological system. The more Christians or communists or Muslims or nationalists or racists or capitalists or colonialists stick together the more they express their unity and are thus a force in the world of foes and

agnostics of the cause. The experience of freedom is therefore intra-ecumenical and the recommended movement is from the peripheral manifestations of the religio-ideological value system to the unitary centre of that value system. If you accept the totalitarian value system and live accordingly, you are free. People who publicly espouse a different value system within the totalitarian religio-ideological realm are promptly declared dissident or deviant.

The basic features of the ecclesiastic ecumenical movement are illuminating in this regard. From the totalitarian idea that the body of Christ swathes the earth like some metaphysical blanket, yet is shredded into many churches, ecumenism was born in the early twentieth century. It was felt that it would be good for witness to the outside world and for the Christian 'body' if they were to experience some form of unity. The underlying motivation was to counteract the liberal-democratic position that religion should not have civil consequences. I shall not dwell on the political problems inherent in this position.

The problem with the modern ecumenical paradigm is twofold: either somewhere along the line one of the splinter manifestation, becomes the norm for the unifying enterprise; or the ideal is composed of bits taken from each splinter manifestation (church), so that the end result is not recognisable to any of these manifestations as its own. Intolerance is built into this paradigm where the striving for unity proceeds from diversity as opposed to differentiation.

5.3 Differential trend

In the late twentieth century a trend is emerging which reacts to the variety of different types of experiences by saying, 'The more, the merrier'. Thus freedom means moving away from absoluteness and professions of unity towards multiplicity of experience. The differential character of human experiences, and the fact that a person is seen as a microcosm of influences, experiences and values within a community or an interlacement of communities means that people can take each other's everyday and ritual experience of faith seriously without feeling unduly threatened by it. At the same time such a view raises tremendous objections against any kind of liberal, individual-centred paradigm. Interfaith cooperation in a ritual and an individual sense implies enriching or impoverishing one another through our differences - at any rate and at the very least, change in a noncoercive sense. To be hijacked by the other party or to coerce others is counter to differential expression and experience of faith. If you are enriched, you are being empowered in your everyday experience of

faith for further experience. You are publicly liberated, to be taken seriously each time you express your everyday human faith - and certainly not to believe the same thing or in the same way as the other party. Leonard Swidler (1988:16-17) maintains in this regard:

Many human problems elicit social action on the part of many different religions and ideologies: peace, hunger, discrimination, social justice, defense of human rights Interreligious interideological action that does not eventually lead to dialogue will end up mindless, and hence ineffective. Inter-religious interideological dialogue that does not eventually lead to action will end up hypocritical, and hence ineffective.

The differential trend does not work with binary oppositions. Oppositions and antitheses are not denied. They are merely released from the dualism of truth versus falsehood and cast into a sociopolitical context where there is a multiplicity of truths and falsehoods.

In such a view an ecumenical movement does not imply a striving for unity in faith, nor a legitimation of the 'natural' tendency towards religio-ideological separatism. What it does mean is that, when we pursue the idea of the unity of humankind, the diversity of experiences of faith are no longer considered obstructive in our global village but become simply the expression of a kind of human freedom.

6 CONCLUSION

The history of religions is characterised by an intolerance, which is not confined to a particular era or a particular religion. The reasons for intolerance are many and varied, but fundamentally it derives from the absoluteness claimed by each religious tradition, which provides an absolute religious basis for intolerance towards other and different experiences of faith.

Religious absoluteness has an ambivalent basis. This more or less brings me back to where I started: on the one hand religion in this sense comprehends all human experiences, on the other it is considered something distinct from other kinds of human experience. We should try to get away from this by trying to keep human experiences, whether individual or social, human; by regarding human experiences - which include faith - as segments of a person's or a community's total value system (religion, ideology). Furthermore, in the experi-

ence and expression of their faith (be it individual or through organisations of faith), people should be responsible and accountable to other people's experience of faith.

None of this happens in societies. Those in the business of faith either hide, secularly, behind a negative definition of religious freedom as a human right which permits them virtual *carte blanche* in the professed privacy of their small corners, or they try, theocratically, to rule the world as a priestly class representing an absolute totality (God or religion), with the result that there is no freedom of faith at all. Differential experience of faith and individual expression are not allowed in a society structured through the social engineering of a theocracy.

When it comes to the question of freedom of faith, the bane of humanity is the distinction between sacred and profane, theocratic and secular, church and world, private and civil. What we should have is not just a separation between church and state in a given society. Rather there should be genuine differentiation between all societal structures (each of these structures committed to either one comprehensive value system if it concerns one person's life and views, or the best possible compromise of value systems when it concerns all the people within a particular society), plus interstructural integration in the sense of mutual responsibility and accountability. The latter is meant in a double sense: different sectors of society are responsible and accountable to each other (organisations of faith, state: government, citizens and political parties, gender-relationships, families, business, industry and unions, education: schools and universities, and sport) and the different manifestations of one type of societal sector are responsible and accountable to each other (for instance different organisations of faith).

The possibility that the experience of dissidents and dissenters may be accommodated and assimilated, as alternative experiences of faith, into the mainstream of organisations of faith is one that I may conceive of privately but dare not voice publicly: such freedom of faith does not yet exist in the most progressive of the known organisations of faith on our global village.

WORKS CONSULTED

Barnard, L W 1982. Church-State Relations, AD 313-337. *Journal of Church and State*, 24(2), 337-355.

Berkhof, H 1979. *Christian Faith*. Grand Rapids: Eerdmans.

- Bradley, F H 1968. *Appearance and reality*. London: Oxford University Press.
- Cahill, L S 1980. Toward a Christian theory of human rights. *The Journal of religious ethics*, 8(2), 277-301.
- Cicero 1976. Pro Flacco, in *Orations, Vol 10*. London: William Heinemann.
- De, K S 1977. *Religious freedom under the Indian constitution*. Calcutta: Minerva.
- De Albornoz, A F C 1963. *The basis of religious liberty*. London: SCM.
- Eliade, M 1959. *The sacred and the profane*. San Diego: Harcourt.
- Feuerbach, L 1971. *Das Wesen des Christentums*. Stuttgart: Philipp Reclam.
- Hubmaier, B 1976. Concerning heretics and those who burn them, art 16 (1524), in Estep, W R (ed), *Anabaptist Beginnings (1523-1533): A Source Book*, 47-53. Nieuwkoop: B de Graaf.
- Lecler, J 1965. *Geschichte der Religionsfreiheit*, Band 1. Stuttgart: Schwabenverlag.
- Luther, M 1900. *Weimarer Ausgabe*, Band 11. Weimar: Herman Böhlhaus.
- MacIntyre, A 1981. *After virtue*. Notre Dame: University of Nortre Dame Press.
- Marx, K 1974. Debatten über Pressfreiheit, in *Marx Engels Werke. Band 11*. Berlin: Dietz Verlag.
- Miege, G 1957. *Religious Liberty*. London: Lutterworth Press.
- Moltmann, J 1977. A definitive study paper: a Christian declaration on human rights, in Miller, A O (ed), *A Christian declaration on human rights*. Grand Rapids: Eerdmans.
- Sachs, A 1990. *Protecting human rights in a new South Africa*. Cape Town: Oxford University Press.
- Sanneh, L 1992. Muslim-Christian encounters: Governments under God, in *Christian Century*, 109 (1992) no 35, 1103-1106.

- Smith, W C 1962. *The meaning and end of religion*. New York: Macmillan Company.
- Swidler, L 1988. Interreligious and interideological dialogue, in *Towards a universal theology of religion*, Swidler, L (ed). New York: Orbis Books.
- Tertullian 1962. To Scapula, in *The fathers of the Church*, Vol 10. Washington: Catholic University of America Press.
- Thomas Aquinas 1980. *Summa Theologiae*, in *Opera Omnia*, Vol 2. Stuttgart: Günther Holzboog.
- Tillich, P 1955. *Biblical religion and the search for ultimate reality*. Chicago: University of Chicago.
- Valk, J 1992. The concept of the coincidentia oppositorum in the thought of Mircea Eliade. *Religious Studies*, 28(1), 31-41.