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Alle ore 12.30 di questa mattina, nell'*Aula Giovanni Paolo II* della Sala Stampa della Santa Sede, si tiene una Conferenza Stampa a conclusione dei lavori della XVII Sessione plenaria della Pontificia Accademia delle Scienze Sociali sul tema: *Diritti universali in un mondo diversificato. La questione della libertà religiosa*. (Casina Pio IV, 29 aprile - 3 maggio 2011).

Intervengono: la Prof.ssa Mary Ann Glendon, Presidente della Pontificia Accademia delle Scienze Sociali; S.E. Mons. Prof. Marcelo Sánchez Sorondo, Cancelliere della medesima Pontificia Accademia; il Prof. Hans F. Zacher, Accademico.

Pubblichiamo di seguito l'intervento della Prof.ssa Mary A. Glendon:

### ● INTERVENTO DELLA PROF.SSA MARY ANN GLENDON

The beatification of Pope John Paul II gave the 17th plenary session of the Pontifical Academy of Social Sciences a special and memorable character.

Blessed John Paul II founded the Pontifical Academy of Social Sciences in 1994, and the theme of this year's plenary session is one that lay at the heart of his social teaching: **Universal Rights in a World of Diversity – The Case of Religious Freedom**.

The foundation of the Pontifical Academy of Social Sciences in 1994 could be considered a follow-up initiative to the 1991 landmark social encyclical of Blessed John Paul II, *Centesimus Annus*, in which the late Holy Father reflected on why communism failed, and upon the necessary foundations of a free society. The beatification of Pope John Paul II on Sunday, May 1st, marked a beautiful coincidence in this regard – it was precisely the 20th anniversary of the publication of *Centesimus Annus*.

It is worth remembering what Blessed John Paul II wrote at that time:

"Authentic democracy is possible only in a State ruled by law, and on the basis of a correct conception of the human person. Nowadays there is a tendency to claim that agnosticism and sceptical relativism are the philosophy and the basic attitude which correspond to democratic forms of political life. Those who are convinced that they know the truth and firmly adhere to it are considered unreliable from a democratic point of view, since they do not accept that truth is determined by the majority, or that it is subject to variation according to different political trends. It must be observed in this regard that if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism."  
(*Centesimus Annus* #46)

In such an environment – all the more true today than twenty years ago – one identifies a critical challenge for religious liberty. Even in countries where religious liberty has a long and apparently secure constitutional foundation, the suspicion of those religious believers who claim to know truths about the human person leads to marginalization and even outright discrimination. Many democratic states harbour within them totalitarian impulses which threaten religious liberty.

As Pope Benedict XVI observed in the message he sent to us yesterday, the theme of religious freedom has been treated so often that it might seem as though there is nothing left to say. But changing circumstances unsettle old ways of thinking. New developments can pose unprecedented threats, but they can also open doors that previously seemed shut tight. Freedom, as the Pope has said, is "a challenge held out to each generation, and it must constantly be won over for the cause of good."<sup>1</sup>

The Academy, with the help of distinguished experts, explored that challenge over the past few days as it relates to religious freedom. We did so in the conviction that religious freedom goes to the very heart of what it means to be human.<sup>2</sup>

Our plenary session highlighted four broad areas of threats to religious liberty. The first would be state coercion and persecution of religious believers – what one might call the standard threat to religious liberty. A second would be state restrictions upon the religious liberties of religious minorities. A third would be societal pressure on religious minorities that may or may not be state sanctioned, but nonetheless curtails the liberties of those minorities. And the fourth would be the growth of secular fundamentalism in Western countries which considers religious believers a threat to secular, liberal democratic politics.

## RELIGIOUS FREEDOM WORLD-WIDE IS AT INCREASING RISK

Social science data paints a grim picture of the current status of religious liberty.<sup>3</sup> After reaching a historic high point in 1998, religious freedom began an alarming decline around 2005.<sup>4</sup> According to the most extensive cross-national study ever conducted, nearly 70 percent of the world's people currently live in countries that impose "high restrictions" on religious freedom, the brunt of which falls on religious minorities.<sup>5</sup> Behind those cold figures is the relentless everyday reality of discrimination, persecution, and violence suffered by religious believers in many parts of the world—sometimes due to governmental policies, sometimes to societal intimidation, and often to both.

## RELIGIOUS FREEDOM IS AT RISK EVEN IN COUNTRIES THAT OFFICIALLY PROTECT RELIGIOUS FREEDOM

In countries that impose "low to moderate" restrictions on religious freedom, influential figures in the media, the academy and public life often portray religion as a source of social division, and treat religious freedom as a second-class right to be trumped by a range of other claims and interests. Those largely un-examined biases among elites are spreading to the population at large in many Western societies.<sup>6</sup> It is "a profound paradox of our age," according to Professor Hertzke, that, just when evidence of the value of religious freedom is mounting, "the international consensus behind it is weakening, attacked by theocratic movements, violated by aggressive secular policies, and undermined by growing elite hostility or ignorance."<sup>7</sup>

Commenting on trends toward confining religion to the private sphere, Archbishop Minnerath pointed out that the banishment of religion from the public square leaves "an immense vacuum" open to all sorts of ideologies.<sup>8</sup> Where that situation prevails, Cartabia and Benson warned, it could lead to establishing secularism as a de facto official "religion." In Senator Pera's view, the liberal democracies are "immersed in what we might call the *paradox of secularism*: the more our secular, post-metaphysical, post-religious reason aims to be inclusive, the more it becomes intolerant."<sup>9</sup>

#### NEW RESEARCH CASTS DOUBT ON THE CLAIM THAT RELIGION IS A SOURCE OF SOCIAL STRIFE

Social science has begun to cast doubt on the common belief - almost a dogma - in secular circles that religion is *per se* a source of social division, and on the related claim by many authoritarian governments that religious freedom must be curtailed for the sake of social peace. An important and growing body of empirical evidence reveals that the political influence of religion is in fact quite diverse, sometimes contributing to strife, but often fostering democracy, reconciliation and peace.<sup>10</sup> Some studies indicate that violence actually tends to be greater in societies where religious practice is suppressed,<sup>11</sup> and that promotion of religious freedom actually advances the cause of peace by reducing inter-religious conflict.<sup>12</sup>

#### SOCIAL SCIENCE RESEARCH SUGGESTS A POSITIVE CORRELATION BETWEEN RELIGIOUS FREEDOM AND OTHER IMPORTANT HUMAN GOODS

Recent research in the social sciences also suggests that there is a significant positive correlation between levels of religious freedom and measures of other economic, social and political goods, while, conversely, the denial of religious liberty correlates with the denial of such goods.<sup>13</sup> One study concludes that, "The presence of religious freedom in a country mathematically correlates with the longevity of democracy" and with the presence of civil and political liberty, women's advancement, press freedom, literacy, lower infant mortality, and economic freedom.<sup>14</sup>

#### NEW TRENDS IN ELITE OPINION CONCERNING RELIGION

Meanwhile, some prominent intellectuals, Senator Pera among them, have begun to re-examine the traditional bias against religion in elite circles, and to question the assumption that the liberal state can afford to be indifferent or hostile to religion. No serious thinker disputes that the preservation of a free society depends on citizens and statespersons with particular skills, knowledge, and qualities of mind and character. But many have taken the position that the free society could get along just fine without religion, and that the more religion was confined to the private sphere, the freer everyone would be. Such writers maintain that the experience of living in a free society is sufficient in itself to foster the civic virtues of moderation and self-restraint, respect for others and so on.<sup>15</sup>

That faith in the ability of democracy to generate the virtues it needs in its citizens was shaken, however, in the wake of the social and cultural upheavals of the late 20th century. In fact, a major conclusion of this Academy's working group on democracy in 2005 was that democracy depends on a moral culture that in turn depends on the institutions of civil society that are its "seedbeds of civic virtue."<sup>16</sup>

#### THERE IS NO "ONE SIZE FITS ALL" MODEL OF RELIGIOUS FREEDOM

Given the wide diversity of human societies, there cannot be one model of religious freedom that suits all countries.<sup>17</sup> Nor can one country's approach to religious liberty serve as a model for another if by "model" one means something that can simply be copied and transplanted. Each nation's system is the product of its own distinctive history and circumstances.<sup>18</sup> Most of the continental European systems were decisively influenced by confrontations between Enlightenment secularism and Roman Catholicism, against the background of religious conflict. The United States' system was initially devised to protect the various Protestant religions from the State, and to promote peaceful co-existence among Protestant confessions.<sup>19</sup> The distinctive situation in Latin America was shaped by the absence of religious wars, the accommodation that characterized the relationship between the state and the Catholic Church, and the gradual advance of religious pluralism.<sup>20</sup> The situation in many parts of Africa and Asia cannot be understood without reference to colonialism.<sup>21</sup>

#### UNIVERSAL RIGHTS CAN CO-EXIST WITH A LEGITIMATE VARIETY OF APPROACHES TO THEIR IMPLEMENTATION

To accept that there are no universal models is not to deny that religious freedom is a universal right. Rather, it is to recognize that there must be room for a degree of pluralism in modes of bringing religious freedom and other fundamental human rights to life under diverse cultural circumstances.<sup>22</sup>

That was the approach taken by the Second Vatican Council which affirmed in *Dignitatis Humanae* that there could be several valid ways to implement that right.<sup>23</sup> A pluralistic approach to human rights is also followed by the European Court of Human Rights through its concept that each country must be accorded a reasonable "margin of appreciation" as it develops its own protections for rights in the light of the circumstances and needs of its own population. The ECHR has not always applied that concept in a manner favorable to religious freedom, but its recent decision in the Italian crucifix case seems to represent a more tolerant view.<sup>24</sup> The Court held that Italy's display of the crucifix in public schools, in reflection of the traditional religious views of the majority of Italians, does not necessarily violate the freedom of religion of other believers or non-believers.<sup>25</sup>

#### THE DILEMMAS OF PLURALISM: WHAT LIMITS? WHO DECIDES?

A major difficulty with a pluralistic approach, of course, is to determine its legitimate scope and limits.<sup>26</sup> Where does legitimate pluralism end and pure cultural relativism begin? Speakers from diverse regions explored such questions as: What should be the limits of tolerance and accommodation? What models are available for determining the scope and limits of freedom to practice one's religion, the freedom of religious institutions to govern themselves, and the resolution of conflicts between freedom of religion and other rights? What is or should be the role of religiously grounded moral viewpoints in public discourse?<sup>27</sup> What should be the relationships among the various institutions and entities engaged in protecting human rights - at local, national, regional, and international levels?<sup>28</sup> What should be the role of natural law?

Several dilemmas emerged from these discussions. On the one hand, the more broadly religious freedom is conceived, the more tensions arise among individual religious freedom, the autonomy of religious bodies, other rights, and the interests of the state. Yet, one of the principal ways in which religious liberty is violated is by construing it so narrowly as to confine it to the private sphere.<sup>29</sup> To abolish religion from the public sphere, as Professor Durham pointed out, does not resolve conflicts but merely papers them over.

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1 Pope Benedict XVI, White House Address, April 2008; cf. *Spe Salvi*, 24.

2 Höffe, Religious Freedom and the Common Good.

3 Hertzke, Lutz and Skirbeck.

4 Hertzke, citing *Freedom in the World 2010: Erosion of Freedom Intensifies* (Freedom House: Washington, D.C., 2010).

5 Hertzke, citing *Global Restrictions on Religion*, Pew Forum on Religion and Public Life (December, 2009). The study covers 198 countries, representing more than 99.5% of the world's population. Another recent study has found that 75 percent of victims of violent religious persecution worldwide are Christian. Aid to the Church in

- Need, Religious Freedom in the World—Report 2010, summarized on National Review Online, March 17, 2010.
- 6 Mouzelis, *Modernity: Religious Trends*.
- 7 Hertzke.
- 8 H.E. Mons. Roland Minnerath, "La liberté religieuse: théologie et doctrine sociale." See also Buttiglione, ....., and Martinez Torron....
- 9 Pera, "The 'Apple of God's Eye' and Religious Freedom: A Re-Examination of Kant's Secularism."
- 10 Hertzke; see also, Monica Toft, Daniel Philpott, and Timothy Shah, *God's Century: Resurgent Religion and Global Politics* (New York: Norton, 2011); Brian Grim and Roger Finke, *Religious Persecution in Cross-National Context*, 72 *American Sociological Review* 633-58 (2007).
- 11 Hertzke; see also Brian Grim and Roger Finke, *The Price of Freedom Denied: Religious Persecution and Conflict in the 21st Century* (Cambridge University Press, 2011).
- 12 Hertzke; see also Thomas Farr, *World of Faith and Freedom* (New York: Oxford University Press, 2008).
- 13 Hertzke, *Religious Freedom in the World Today: Paradox and Promise*; Lutz and Skirbekk.
- 14 Hertzke; see also Brian Grim, *Religious Freedom: God for what Ails us?* 6 *Review of Faith & International Affairs* 3-7 (2008).
- 15 For an overview of the positions of leading political theorists on this issue see William Galston, *Liberal Purposes* (Cambridge: Cambridge University Press, 1991). Galston states his own position thus: "Liberalism contains *within itself* the resources it needs to declare and defend a conception of the good and virtuous life that is in no way truncated or contemptible. This is not to deny that religion and classical philosophy can support a liberal polity in important ways....But it is to deny that liberalism draws essential content and depth from these sources" (304).
- 16 Pontifical Academy of Social Sciences, *Democracy in Debate*, Hans F. Zacher ed. (Libreria Editrice Vaticana, 2005), 266.
- 17 Weiler, Zacher, Martinez Torron..
- 18 Maier, *Religionsfreiheit in Deutschland—Alte und Neue Fragen*; Fromont, "La liberté religieuse et le principe de laïcité en France"; Benson, *Can there be a legitimate pluralism in modes of protecting religions and their freedoms? The cases of Canada and South Africa*. Buttiglione, Martinez Torron, Durham, Cartabia.
- 19 Philip Hamburger, *Separation of Church and State* (Cambridge, Mass.: Harvard University Press, 2002).
- 20 Morandé, *What can be learned from the experience of religious freedom in Latin America?*
- 21 An-Na'im.
- 22 Zacher, *How can a universal right to freedom of religion be understood in the light of manifest differences among religions, cultures, nations, schools of interpretation, formulations of rights and modes of implementing the latter?* Weiler, *State and Nation; Church, Mosque and Synagogue—On Religious Freedom and Religious Symbols in Public Places*.
- 23 Hittinger, *Political Pluralism and Religious Liberty: The Teaching of Dignitatis Humanae*.
- 24 Cartabia; Martinez Torron.
- 25 Lautsi v. Italy, ECHR decision of March 18, 2011.
- 26 Walter, *The Protection of Freedom of Religion Within the Institutional System of the United Nations*; Engel; Weiler.
- 27 Possenti....
- 28 Weiler, Walter, Bertone.
- 29 Minnerath; Cartabia.[00648-02.01] [Original text: English][B0265-XX.01]
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