Landas 34:1 (2020) 1–27

THE HUMAN PERSON, SUBJECT OF RELIGIOUS FREEDOM

Arguments in Christianity, Arguments in Islam

Felix Körner, S.J.

The Bangsamoro Organic Law (Republic Act No. 11054) contains this affirmation:

> The Bangsamoro Government shall guarantee religious freedom and the free exercise thereof pursuant to the Constitution, national laws, and principles of international law. The Bangsamoro Government shall protect all persons from harassment or any undue pressure, coercion, and violence on account of religion. Any establishment and institution shall be free to implement policies and undertake activities pursuant to their respective religious beliefs and values. (Article IX, Section 5)[1]

Is that credible? Is that wise? Is that faithful to religion in general and to Islam in particular? To answer this, I will first tell the Catholic story of religious freedom before studying the core concepts used in its theological justification. Finally, I want to discuss some of the problems involved in the context of Christian-Muslim relations.

Telling the Story

Religions want to shape this world. Is that frightening? And even before we discuss that question, we must look at another, namely, is that true? Do religions want to shape this world?

[1] A copy is available at https://bit.ly/3zjII6B.

https://publications.lst.edu/

Religions Fashioning the World?

You can raise three objections against the claim that religions want to shape the world:

i) "True religion is not concerned with this world but with the Other World, so stop tainting religion with this-worldly expectations!"

ii) "Real religion is something individual, interior, my soul's inner matter. Real religion can therefore be neither a social cause nor a political program, so stop instrumentalizing religion!"

iii) "'Religions' do not want anything in the first place—it is only human beings that 'want' and 'do', so stop that abstract talk!"

None of these three objections are ultimately valid.

"True religion is not concerned with this world but with the Other World." No! Against that, Muslims could, for example, state that the Qur'an is calling humanity into responsibility. That is to say, you are to remember the Last Judgement; you already now know God's standard for judging you then—so act accordingly![2]

Christians, too, could say that through the "Kingdom of God," the coming of which we already sense, we are being transformed to live the new life and thus let the whole world sense that hope, doing so also through our action.[3]

So, there are religions that want to make the world a better place precisely because they proclaim that this world is not the ultimate place—or source—of happiness.

---

[2]F. Rahman, *Major Themes of the Qur'an*, 2nd ed. (Minneapolis, MN: Bibliotheca Islamica, 1989), 37.

[3]W. Pannenberg, *Die Bestimmung des Menschen. Menschsein, Erwählung und Geschichte* (Göttingen: Vandenhoeck & Ruprecht, 1978), 23.

https://publications.lst.edu/

"Real religion is something individual, interior, my soul's inner matter—real religion can therefore be neither a social cause nor a political program." No! Here a category from comparative religious studies is helpful. One can distinguish between "mystical" and "prophetic" religiosities.[4] In all religions, you can find more spiritual and introverted elements, members, groups, schools, traditions, and practices (the mystical side) and others that are more concerned with today's social problems and with how to solve them according to God's will (the prophetic side).

"'Religions' do not want anything in the first place—it is only human beings that 'want' and 'do'." A person making this objection is calling us to move from reflection on "religion" in general to a specific religion; the objection would then go on to say, "Even when you refer to only one specific form of religion, that is illegitimate generalizing!" Well, no![5] You *can* also refer to a religion as a reality with a certain inner plurality and institutional representation, with a certain coherence in logic and continuity of tradition, one that can be studied and be taken seriously and that has more to tell us than only individual opinions.

Who's Afraid of Religion?

Now back to our initial claim that "religions want to shape this world." Is this frightening?

People who are afraid of this say that nobody should claim to shape the world! But then they are only covering up the fact that human actors are actually—individually and structurally—shaping this world—think of the effects of globalized capitalism.

People who are afraid of religions shaping the world may also say that it is non-religious institutions that should shape the world; a secular state, first of all! Well, such slogans are prone to create conceptual

[4]F. Heiler, *Das Gebet. Eine religionsgeschichtliche und religionspsychologische Untersuchung* (München/Basel: 1918, 1969), 346, following a distinction by N. Söderblom.

[5]F. Körner, "Das Dialogverständnis der katholischen Kirche: Eine theologische Grundlegung," *Zeitschrift für Missionswissenschaft und Religionswissenschaft* 101:1/2 (2017): 89.

https://publications.lst.edu/

confusions. What is a secular state? If it is anti-religious, it tends to become a brutal monster. This has been proven by 20th-century totalitarian ideologies. Think of Hitler and Stalin. They were *de facto* anti-religious.[6] If "secular state" means separating state and religion, that can create new problems, as we see in today's France; the French President Emmanuel Macron may be rethinking this at present.[7] But so far, the state is there but in no constructive relation to the fact that many citizens want to be shaped by their religious sources more than by the idea of *laïcité*, which is what the French call secularity. The state, therefore, is forgetting that both need each other: the secular state and faith traditions.

The ideal should not be a "*separation* of state and religion" but a "*distinction* of state and religion." They *are* different: religions must not use physical force (the state has the monopoly on that) and the state must not tell religions what to confess, nor must the state privilege a particular religion. State and religions must interact, collaborate, and acknowledge their mutual dependence. That is what we need to discuss today with more precision.

The Paradigm Shift of 1965

To understand the Catholic story of religious liberty, we need to start from the insight that "religions want to shape this world." The big question that people of religions keep asking themselves is this: *how* can we shape this world—and thus fulfill our Lord's will today? And here the story becomes exciting in Catholicism.

For 100 years, from 1864 to 1965, the Roman Church officially kept a list of 80 views that all Catholics had to reject, an error list of sorts. Technically, it was Pius IX's famous *Syllabus Errorum*. Among the so-called "errors" were these two statements (nos. 77f):

---

[6]R. Bucher, *Hitlers Theologie* (Würzburg: Echter, 2008).

[7]Discours du Président de la République, Emmanuel Macron, à la Conférence des évêques de France au Collège des Bernardins (April 9, 2018), available at https://bit.ly/32xYu27.

https://publications.lst.edu/

1) In the present day, it is no longer expedient that the Catholic religion should be held as the only religion of the State, to the exclusion of all other forms of worship.

1) Hence it has been wisely decided by law, in some Catholic countries, that persons coming to reside therein shall enjoy the public exercise of their own peculiar worship.

Note that we need to read this with a double negation: these two statements were considered wrong, indeed dangerous, and a reason for the one who held them to be declared a non-Catholic, but only until 1965. The Catholic Church has learned by now that her old rejection of these statements was unnecessary, indeed un-Christian. So, we can now declare a Roman Catholic "no" against the old Roman "no" against those two statements.

Why did the Roman Pontiff and many of his advisors at the end of the 19th century hold the position that Catholic religion should be the religion of the state and that no other religion should be permitted in Catholic countries? For one, they thought that this had always been the Church's view, the Church's desire, and the Church's best practice; secondly, these "errors" were condemned by the Popes because they were afraid to lose power.

One need not see that as stupid or selfish. Church leaders thought that religion should shape this world, and that meant for them, of course, that *true* religion should shape this world—so, their own religion. Therefore, any non-Catholic religious practice should be hindered by state authority—in other words, it is the will of God that our religion should have power.

Now that had not always been the case in history.[8] First, the Church was a weak and suppressed minority; then, some countries made Christianity the religion of the state: Armenia in 301, Ethiopia

[8]N. Tanner, *New Short History of the Catholic Church* (London/New York: Burns & Oates, 2011).

https://publications.lst.edu/

in 331. In the Roman state, Christian worship became legitimate in 313 and the one official religion in 391. However, while one should not imagine Latin Europe and medieval Christendom to be an organized world of established Catholicism through and through, it is true that Christian heretics and people of other faiths were in phases discriminated against, prosecuted, expelled, or even killed in the name of the Christian religion.

The Reformations brought a new plurality into Europe, although the rulers were normally intolerant within their own territory. They thought that stability could only be granted by confessional uniformity. This was true of all Early Modern rulers in Europe: Catholics, Lutherans, Calvinists, and Anglicans.

People who did not share their ruler's creed had to leave. Many of the immigrants to what are today the United States of America were such Christian faith refugees. They became the founders of a different polity: a state that allowed for a certain confessional plurality. Here the way to real freedom of religion was opened.

It was only during the horrors of World War II that the Allies declared certain "freedoms" to be the point of orientation for all humanity—at that point, they were on the way to a declaration of universal human rights. These were first formulated as the four freedoms: freedom of speech and worship, from want (that is, lack) and fear.[9]

The Roman Church at the time was unable to support the idea of freedom of worship. Why? The Popes and many of their advisors believed that it was absurd to give *right to error*. That is why Pius XII declared that the Catholic Church

> is a perfect society and has as its foundation the truth of Faith infallibly revealed by God. For this reason, that which is opposed to this truth is, necessarily, an error, and the same rights which are objectively recognized for truth cannot be afforded to error. In this manner, liberty of thought

[9]From Franklin Roosevelt's State of the Union address in 1941, known as "The Four Freedoms speech."

https://publications.lst.edu/

> and liberty of conscience have their essential limits in the truthfulness of God in Revelation.[10]

Now this is a statement made in October 1946. In June of that same year, the United Nations' Commission on Human Rights was established, the body that would meet for the first time in January of the following year and, in 1948, formulate what was proclaimed by the United Nations General Assembly in Paris as the *Universal Declaration of Human Rights*. Article 18 (of altogether 30) reads:

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change [their] religion or belief, and freedom, either alone or in community with others and in public or private, to manifest [their] religion or belief in teaching, practice, worship and observance.[11]

The post-war Catholic Church thus lived through a severe clash of two mentalities. On the one hand, there was one century of inter-Catholic criticism of the aforementioned error list, Pope John XXIII's attitude of acknowledging others, and the experience—especially of Catholics in the United States—that collaboration with people of other denominations and religions was possible, indeed fruitful, for all. On the other hand, there was the fearful question: how can religion—Catholicism, for that matter—shape the world if worship in other religions is allowed, that is, if error receives a right?

So, there was great tension which broke in 1965. While the Second Vatican Council was already going on in Rome, American Jesuit John Courtney Murray (1904–1967) was called in to participate as theological adviser.[12] Fr. Murray was seminal in changing the mentality of the

---

[10]Discorso di sua Santità Pio XII al tribunale della sacra Romana Rota (Palazzo Pontificio di Castel Gandolfo: Sunday, October 6, 1946), available at https://bit.ly/38iKxop (accessed November 20, 2018 [author's translation]).

[11]United Nations, *Universal Declaration of Human Rights* (Paris: United Nations, 1948), article 18.

[12]As a Jesuit scholastic, Murray lived and taught at Ateneo de Manila University from 1927 to 1930 and later studied at the Gregorian University for a doctorate in theology, which he concluded in 1937.

https://publications.lst.edu/

bishops gathered concerning freedom of religion. In December 1965, a short text then came out which marked the breakthrough: the declaration on religious freedom *Dignitatis Humanae*, the first document approved in the last phase of Vatican II.

Studying the Concepts

How does Catholic theology argue for religious freedom today? To understand this, we will look at the two key theological concepts of religious freedom: faith and person. They also feature, alongside "dignity," "freedom," and "conscience," as the core hinges of the Vatican II declaration.

Faith

Catholic theology's fundamental argument for religious freedom consists in a reflection on what faith is:

- Faith is a relation of love,
- faith is a response in recognition,
- and faith, therefore, cannot be produced by human force.

People sometimes try to opt into something they are not really convinced of. For example: I am not sure whether I can manage to stay on that slippery trunk there which leads over this creek … well, I make up my mind telling myself that it will work out fine … and whoops! I slip into the water. Or, at other times, wow! It works. This kind of self-produced conviction is not a big problem; it is part of the playful risk of everyday life. However, it is not at all what we call faith. Thinking of faith in terms of an auto-suggestive conviction is "decisionism."[13] It would mean creating my own reality—an artificial world, a fantasy universe. A trusting relation is not such a wishful thinking game one plays in one's head.

[13]W. Pannenberg, "Wahrheit, Gewißheit und Glaube," in *Grundfragen systematischer Theologie. Gesammelte Aufsätze*, Vol. 2 (Göttingen: Vandenhoeck & Ruprecht, 1980), 247.

https://publications.lst.edu/

Rather, relational trust arises because one's personality is touched by someone else. One loves someone because one's heart is on fire for the beloved. Faith is our love relation with God. That is why faith needs to be understood as a response. It is not the product of my arbitrary decision; I am moved by God's giving of God's self to me.

True, our own faith story is often much less dramatic. For most of us, our way of learning to believe was quite similar to our way of learning our mother language, and that does not make it less valid or a lesser faith. Faith can begin to live within us because others make us the gift of faith. Faith can be a community practice. Many of us started by imitating others singing "Hallelujah." But later on, we came to believe more consciously, we learned to speak about it, many of us even became able to explain to others why it is not stupid to believe, and perhaps we were able to re-experience more deeply our loving relation to God in prayer.[14]

Since faith is a relational response, it can only start in a kindled heart. Therefore, faith cannot be produced by human force. And that is true in a double sense. For one, we cannot force someone else to believe. The other person may *say* she believes, but that is not the heart's fire of love. Strikingly, that is also true of oneself. That is the other side. Just like one cannot force oneself to love, to decide artificially to have that fire in one's heart, one cannot force oneself to believe. St. Paul describes well his experience of what faith is when he says he was "seized" (*katalambanesthai* [Philippians 3:12]).

Now, looking at it clearly, we see another striking fact. If one is seized by love, one is at the same time fully in the beloved and fully oneself. One is fully in the beloved since one senses that the source and aim of one's love is the other, not oneself, and one is fully oneself because one senses that there is no other force exerted on oneself

[14]By way of example, the prayer path at the heart of the Ignatian spiritual tradition is: interior sensing of all the good I have received—which leads to profound gratitude—which leads to serving God lovingly in everything (*cognoscimiento interno de tanto bien recibido, para que yo enteramente reconosciendo, pueda en todo amar y servir a su divina majestad*) (Ignatius of Loyola, *Spiritual Exercises*, no. 233).

https://publications.lst.edu/

but that fire which is in one's own heart. Those are the very particular dynamics of love. They make it difficult to speak about love other than in strange words. That is why we use contradictory sounding words in faith. Our faith speech seems paradoxical. We must say at the same time that in love we are passive *and* active; we are seized *and* we are ourselves; we are not deciding *and* we are willing; it is not at all arbitrary *and* we are free!

If faith is a relation of love, then it is impossible to produce it by force. That is the basic line of argumentation of Catholic theology concerning freedom of religion. With that explanation in mind, one may be able to sense both the story of tensions and the theology of love between the lines of this key paragraph of *Dignitatis Humanae* (no. 10):

> It is one of the major tenets of Catholic doctrine that [the human] response to God in faith must be free: no one therefore is to be forced to embrace the Christian faith against [their] own will. This doctrine is contained in the word of God and it was constantly proclaimed by the Fathers of the Church. The act of faith is of its very nature a free act.…[15] It is therefore completely in accord with the nature of faith that in matters religious every manner of coercion on the part of [human beings] should be excluded. In consequence, the principle of religious freedom makes no small contribution to the creation of an environment in which [human beings] can without hindrance be invited to the Christian faith, embrace it of their own free will, and profess it effectively in their whole manner of life.[16]

According to this theology, faith really becomes only possible in an atmosphere of freedom.

---

[15]One sentence has been omitted from the above quote because it requires another explanation. The sentence runs thus: "[Human beings,] redeemed by Christ the Savior and through Christ Jesus called to be God's adopted [children], cannot give [their] adherence to God revealing Himself unless, under the drawing of the Father, [they offer] to God the reasonable and free submission of faith [*rationabile … obsequium*]." The last words are not very well translated into English. They are, in fact, alluding to Paul's encouragement of the believers: dedicate yourselves just like a sacrifice, so that your lives become "spiritual / intelligent / reasonable / logos-oriented service" (*rationabile obsequium* [Romans 12:1]).

[16]Paul VI, *Dignitatis Humanae*, no. 10.

https://publications.lst.edu/

Person

In the Middle Ages, the Church seemed to have lost contact with the Biblical understanding of faith. Faith had become separated from love. The full understanding of what faith is had to be rediscovered. Lutheran-Catholic dialogue was a great help here.[17] Today, we see that the relational and responsive view of faith was already its notion in the Old Testament. The Semitic root that expresses the grateful entrusting of oneself to another is *ʾ-m-n*—cf. "Amen/Amīn" and the Arabic word for "faith," *imān*. Things are quite different in the case of the word we need to study now: the Christian concept of person. It has no direct Semitic predecessor. "Person" has a surprising history.[18] It received its life in Christian theological reflections. Briefly put,[19] the history of the word "person" is this: a Greek word meaning "face" was mixed with a Latin word meaning "mask, role" and this was used in the description of the interrelation between Jesus and the one whom Jesus called his "heavenly Father." Under those inspirations, the concept of person was then applied as well to the human being in general but now transporting four specific aspects: dignity, relation, conscience, and history.

Person in dignity. The Old Testament already saw that every human being is a carrier of a very high dignity. A key passage for Biblical anthropology is this one from the Book of Psalms:

> What is a human being that you [o Lord] remember him, / a son of man that you look after him? / You made him little less than God / and crowned him with glory and honor. (Psalm 8:4f)[20]

---

[17]The Lutheran World Federation & Pontifical Council for Promoting Christian Unity, *The Apostolicity of the Church* (Lutheran University Press, 2006), nos. 105, 130.

[18]W. Pannenberg, "Person," *Die Religion in Geschichte und Gegenwart*, Vol. 5 (Tübingen: J. C. B. Mohr, 1961), cols. 231–235.

[19]W. Pannenberg, *Anthropologie in theologischer Perspektive* (Göttingen: Vandenhoeck & Ruprecht, 1983), 229 (ch. 5,3).

[20]Biblical passages are taken from the *Christian Standard Bible* unless otherwise indicated.

https://publications.lst.edu/

God has no problem, the Psalm sees, in sharing God's own holiness with us. And the Torah says that every human life is legally protected, the reason for this protection being, again, one of a special elevation:

> Whoever sheds human blood, / by humans his blood will be shed, /
> for God made humans in his image. (Genesis 9:6)

If human beings have such a high position, one can also apply another (not explicitly Biblical but Stoic) title to us: "dignity," and one can say that dignity is what *all* human beings *always* have not because of their performance and achievement but simply because they are human beings. So, here is expressed a principal equality of all humanity. Now from that equality one can also conclude that if people of one particular religion should be free to believe and worship, all human beings of whatever religious view should be free to have, practice, and propagate their conviction.

In short, then, we are all human beings, that is, dignified; that is, we have equal rights. But there is more in the concept of person.

Person in relation. A fascinating explanation of what is really meant by "person" is this: *person is the reality that finds itself in its other*.[21] To understand this, we should make a comparison. Though originating in "theological theology" (in the Christian doctrine of God), "person" became the programmatic word in Christian *anthropology*, that is, our theological answer to the question "What is the human being?" Now, by contrast, a key word of the Enlightenment answer to that question is that the "human being is fundamentally the *individual*."[22] If one focuses on individuality, one underlines that each of us is different and needs space and respect. While this is an important emphasis, one is now in danger of seeing humanity as a huge number of lonely originals. The dynamics of mutuality, dependence, interaction, solidarity, community, society, and responsibility seem to be marginalized. Are they not fundamentally human, too?

---

[21]Pannenberg, *Anthropologie in theologischer Perspektive*, 264 (ch. 6,2a).

[22]W. Pannenberg, "Person und Subjekt," in *Grundfragen systematischer Theologie*, 80–95.

https://publications.lst.edu/

Person, therefore, is the foundational concept of Christian anthropology. Let us see in more detail how it came into the picture. Christian theology witnesses to God as being fully relational.

- Jesus glorifies his heavenly Father and makes all space for him so that the Kingdom of the Father can come (thus Jesus is "the Son");
- the heavenly Father glorifies his Son, Jesus, in not withholding from him any honor, even the glory that is reserved to God alone (and thus God is "Father"); and
- the Holy Spirit glorifies the Father and the Son by letting creatures participate in the acknowledging love which Jesus and his Father share (and thus the Spirit is the spirit of communion).

So, we must say that Father, Son, and Spirit owe their reality to each other. Father, Son, and Spirit are what theology first called "persons." Now one can see why we say that person is that reality that has its life in the other, that receives itself from the other, that arrives at its fullness in giving itself to the other. Let us continue here: it is altogether meaningful to rediscover human nature in light of what we learned from the Biblical witness about God. The human being, too, is best described as that reality which finds itself in its other. This is the reason why Christian theology answers the question "What is the human being?" by saying "person"!

What is the link between the human being as person and religious freedom? The understanding of human beings as persons underlines their relationality. Relationality lives from giving to and receiving from *the other*. This relation of mutual giving is free. It would be destroyed if the giving happened under an exterior force. However, if lived in respect, otherness and difference are not problematic but fruitful. Persons are realities that can discover how productive tensions can be. Contrasts and even contradictions are part of personhood because they are part of relationality. This discovery comes through in the Church

https://publications.lst.edu/

formula that the encounter with people of other faiths is a "positive challenge," a "purification and enrichment."[23]

In short, then, we are persons and therefore relational, therefore in need of the other's free giving of that which I myself do not have, therefore in favor of living together in diversity and also in religious diversity. And yet there is still more to the concept of person.

Person of conscience. As we have just seen, one alternative model in anthropology for describing what a human being is other than person is "the individual." Now another proposal in the Enlightenment tradition is to respond to the question about human nature by saying subjectivity—that is to say, the human being is first and foremost a subject. Again, this offer makes good points. It underlines that each of us must be warranted to ourselves rights and freedoms, that each of us is capable of rationality and responsibility, and that each of us has his or her own perception and perspective.

However, if one overemphasizes subjectivity, one runs into serious problems. If one focuses on "the subject," one underlines the fact that different people have different points of view, different ways of seeing and understanding, and one tends to hold that whatever truth there may be, it is seen only from one's own perspective. There are important insights in this, but one is now in danger of fragmenting reality into a huge number of perspectives and ending there. With all the subjective perspectives, one loses sight of intersubjectivity and one might give up one's aspiration to objectivity. Are there no matter-of-fact arguments anymore? Does one not have to admit sometimes that one was mistaken and had to correct oneself because one later saw reality more clearly? Are there only "alternative facts"?

[23]John Paul II, *Redemptoris Missio*, no. 56: "Other religions constitute a positive challenge for the Church: they stimulate her both to discover and acknowledge the signs of Christ's presence and of the working of the Spirit…"; cf. also John Paul II's address to the Secretariat for Non-Christians on March 3, 1984, *Reflections and Orientations on Dialogue and Mission*, no. 21: "Religious experiences and outlooks can themselves be purified and enriched in this process of encounter."

https://publications.lst.edu/

Of course, no human being can claim to possess the truth, understand it fully, and be able to express it indisputably beyond all controversy. All truth claims will be challenged. That is part of our relationality. It helps us to become humble. However, we now seem stuck between the call for *objectivity* beyond the fragmentation of subjectivity and the reminder of humility. Christian anthropology comes in with another key observation here: we all have a conscience; that is to say, I have as a human being a certain capacity to understand reality and myself and a certain capacity to see, in light of that, how I must act. Conscience is already a New Testament word; indeed, Paul uses it (1 Corinthians 10:29 etc.). And it is also Paul who offers us the word to describe what we are doing in our conscience:

> Do not be conformed to this world, but be transformed by the renewal of your mind, that by testing you may *discern* [dokimazein] what is the will of God, what is good and acceptable and perfect. (Romans 12:2 [English Standard Version])

Each person has the ability to discern in his or her own conscience, and people cannot judge whether or not another person's discernment is correct. What everyone must always do, however, is help others to form their conscience—to understand what loving action is and to see other perspectives of reality. Faith traditions have a key role to play in the formation of conscience.

The institutions of society will still punish someone who, though obeying their conscience, goes against current norms, yet according to the Christian understanding one is morally free to discern, decide, and act according to one's own conscience; indeed, one is obliged to do so (cf. Acts 5:29). St. Thomas Aquinas famously said, already in the 13th century, that one must obey one's conscience even if it is in error. With Pope Francis, this view has become important once again; indeed, the Church no longer uses the judgmental language of "error" in this context. We say, rather, that the Church cannot take the place of the personal conscience in its discernment. However, we try to form the human conscience to be a truly personal conscience, one that includes the self-critical question of whether one is listening to one's conscience shaped by a growing understanding of oneself, the world,

https://publications.lst.edu/

and the Gospel or only following some selfish instinct or artificial ideology. One cannot have absolute certainty in this, but such is the risk of personhood; indeed, it is the risk of freedom, of humanity. However, we are not just left alone with individual consciences in their own final judgements; we are persons and that includes, after dignity, relationality, and conscience, a fourth aspect: history.

Person in history. The Vatican II document on religious liberty was an enormous breakthrough and offers conceptual backup for what we have said so far. However, we must go beyond the teachings of *Dignitatis Humanae* in this last aspect. The text has already offered important elements but it did not draw out the lines to their conclusion—that the human person is the "I" of religious freedom because it lives in history. History does not simply mean "past"; history means "in time, temporal existence," and temporal existence means that we are in the present, separated by the flow of moments from the past and from the future. We have a certain access to the past through memory and record. We have a certain access to the future through hypothetical anticipation. This is true, and yet these are strong limitations which fundamentally mark our way of life. The historicity of personal existence has three vital consequences for the theological justification of religious liberty.

i) Anticipation as humility. We want to hold our faith convictions as being absolutely reliable. We can be seized in our hearts by the experience of love, the core of faith. In those moments, there is no exterior question of argument and controversy. But when thinking about our faith at other moments, alone or together, we can also see that absolutely certain knowledge is not possible for us within time. So, we can become aware of the epistemological status of our faith as trust. That is not a lack of faith, not an evil doubt. It is just a fair way of seeing it in context. We can then accept that in faith, when we are, say, on fire in praising the glory of Christ, we are in fact anticipating the end of history. We sense that the Easter encounters of the first disciples were already intuiting what will be eternity: the life communion of creatures with the heavenly Father. However, through reflection we may come to see that other people can actually anticipate the end of days differently. Since we have no absolute knowledge of the future, we

https://publications.lst.edu/

know at least that *our* way of anticipating the end and meaning of all things is not the only possible way of anticipation. Only when the end is there will we see. In this sense, there is a hypothesis in all faith. If we accept this, we can also accept that other people anticipate the fullness of everything differently, and that is why the insight of the human person as historical existence is a reason to accept religious freedom.

ii) Mystery as dignity. Second, we must never forget that the person we encounter in this life is at this present moment unable to show us their full reality. Even of ourselves we by no means know everything as of yet. Many sides of our personality will manifest themselves only later. If one treats someone as a person, one also acknowledges that this limited impression one gets now from him or her is only a part of the greater reality which is more whole and more holy than what can be perceived now. In this sense, each person is a mystery, and to respect that mystery and give them space to unfold more and more is to acknowledge that person's dignity. Part of this respect is respecting their present state of truth discovery. So, from our "historical" existence as persons, it follows that we also respect the liberty of the other person's conscience in their faith discernment.

iii) The learning process as dialogue. Many faith traditions have foundational texts like the Bible and the Qur'an. It would be wrong to say that in the light of new discoveries we have to eliminate those old texts and write new ones. They are unchangeable. However, it would be wrong to say that our understanding of our texts is also unchangeable. In the light of ever new experiences and scientific progress, we also better understand the real contents of our belief. We need to see that the contents were formulated for a certain historical situation and mentality, and that they must be understood and realized in ever new historical situations. This process of ever better understanding is part of our historical existence, and it is not a disturbing but an interesting process of discovery. Now this process of discovery is not exclusive. We do not exclude persons of other convictions from contributing to that process. While not using the concept of historicity, even *Dignitatis Humanae* already saw how good and necessary this process of truth finding by encounter is:

https://publications.lst.edu/

> Wherefore every [human being] has the duty, and therefore the right, to seek the truth in matters religious in order that [they] may with prudence form for [themselves] right and true judgments of conscience, under use of all suitable means.
>
> Truth, however, is to be sought after in a manner proper to the dignity of the human person and [their] social nature. The inquiry is to be free, carried on with the aid of teaching or instruction, communication and dialogue, in the course of which [human beings] explain to one another the truth they have discovered, or think they have discovered, in order thus to assist one another in the quest for truth.[24]

Discussing the Problems

In Discussion with Islamic Views

In Christian-Muslim dialogue, there is concern that some Muslims—individuals, preachers, movements—might reject the human right of religious freedom on the ground that it is "un-Islamic." But is it, really?

Throughout history, Islamic polities tended to be more welcoming toward Christians and Jews than Christian polities were to Muslims and Jews. Still, the history of Islam cannot be presented as a series of instances of religious freedom. If the Jews did not become Muslims, Muḥammad would have had them driven out of Medina or killed. The reason, however, was not their divergent religious professions; rather, he was concerned about political unreliability, and outside Mecca and Medina Islam soon had a legal instrument to let most non-Muslims survive under Islamic supremacy: the *ḏimma*, the protective citizenship for followers of "religions of the Book." While this is not equality, the status of the *ḏimmī* offered security, for example, to Jews fleeing to the Ottoman Empire from the "Catholic" Reconquista of Spain.

[24]Paul VI, *Dignitatis Humanae*, no. 3.

https://publications.lst.edu/

But what about the human right of religious freedom, that is, the legal and social equality granted to all members and groups of all religions and convictions, including unbelievers and apostates?

God's rights "or" human rights. Muslims sometimes perceive the concept of a "human right" to be offensive. "Human rights" (Arabic *ḥuqūq al-ādamiyīn* or *ḥuqūq al-ʿibād*) can be the antonym to the rights of God (*ḥuqūq Allāh*). Both terms appear in a particular Islamic legal discussion from the 11th century onwards that deals with a question concerning the five offences expressly sanctioned in the Qur'an, the *ḥudūd* ("borders"; singular *ḥadd*), namely, violent street robbery, fornication, the false accusation thereof, alcohol consumption, and theft. The *ḥudūd* concept can be extended to other serious crimes and can be systematized as a disturbance of public order. Who is the holder of the legal interest concerned? Who is the aggrieved party? For the great Transoxanian legal scholar as-Saraḫsī (d. ca. 1096), it is God. So, if draconian corporal punishments are imposed, the community acts in the place of God.

In the terminology being proposed here, "human right" is precisely not the opposite of God's right. "Human" stands here rather because the respective rights apply not only to a certain group but to each member of humanity. As we have seen when we were studying the "dignity of humanity," it is given to us, according to the Biblical witness, by God himself. So, granting human rights can be seen as an application of God's will rather than as an infringement of God's rights. The same can be said from a Muslim perspective, as we will soon see.

Compatibility with Qur'anic Views

The weakest form of Qur'anic argumentation is simply adducing verses, for what the verses mean is always controversial. Nevertheless, it is worth considering four Qur'anic themes before looking into a basic "gesture" of the Qur'an.

i) Natural law. Christian anthropology argues in the light of Christian revelation but claims that the human realities it discovers in this light can also be seen by those who do not acknowledge this revelation. In

https://publications.lst.edu/

this sense, Christian anthropology appeals to natural reason and has a natural law aspect. What about the Qur'an?

The Qur'an is even less preoccupied with the particularity of its own message. For the Qur'an, the history of humankind is not an event of ever new surprises but a sequence of events in "repetitions of patterns."[25] One of the patterns that appear over and again is that of a prophet with his or her divine message leading a people out of ignorance (*ǧāhilīya*). However, this divine message is not something that people cannot discover by themselves through careful observation of the orders of nature and thorough reflection.

Sura 30 points to natural structures six times: they are a "sign" of God (vv. 20–25). The listener is then called to come before God like Abraham, in that pure form of faith undefiled by later distortions. In the Qur'an, anyone who believes in such an undistorted manner is called a *ḥanīf*.

> Now turn your face to the religion! As a *Ḥanīf!* That is the natural way (*fiṭra*) in which God created humankind. The way in which God created cannot be exchanged for anything else. This is the straightforward religion. But most people do not know. (30:30)

The Qur'an considers its contents to be rational—every human being can understand these, even find these independently from the Qur'an. This has three consequences. The first, upon hearing that Christians sometimes start wondering whether the Qur'an is, then, not ultimately unnecessary, is the Muslim claim that it does not furnish anything new. The first prophet was Adam, that is, the first human being, and all true prophets have proclaimed the same message: there is only one God, prepare for God's final judgment, and do justice. The Qur'an's newness is only in that it corrects what has been distorted

[25]F. Körner, "Gottes Weltregierung im Prozess der Geschichte. Handlungstheorien bei Wolfhart Pannenberg und in der islamischen Theologie," in G. Wenz, ed., *Offenbarung als Geschichte. Implikationen und Konsequenzen eines theologischen Programms*, Pannenberg-Studien, Vol. 4 (Göttingen: Vandenhoeck & Ruprecht, 2018), 200: "Musterwiederholung."

https://publications.lst.edu/

by false religious traditions and brings the divine message across in a particularly intensive, beautiful, and catching manner.

Secondly, can Muslims argue for human rights in a philosophical manner? Yes, it is humanly possible because of the access to truth that we already have as human beings. Simply look and reflect.

Lastly, this also has consequences for the Qur'anic theology of religions. For the Qur'an, all religions make basically the same claim. Indeed, while everything that does not correspond to the Qur'anic teaching in another religion must be a later distortion, the principle that all religions convey basically the same contents is also a kind of tolerance. It is not an acknowledgment of the difference in contents but an argument to let the others live.

ii) The meaning of plurality. One verse speaks of religious diversity as desired by God; from this is drawn a remarkable conclusion for living together:

> For each of you we [God] have determined a custom (*šir'a*) and a way (*minhağ*). And if God had wanted, he would have made you into one community (*umma*). But he wanted to put you to the test through what he gave you. Now compete for the good things! (5:48b)

The meaning is obviously this: different groups of people with different God-given traditions exist to incite each other to more righteousness. That means, no less, that it is good for Muslims that there are others, that is, the "religious other."

iii) Freedom of religion. The Qur'an provides two series of statements that are difficult to subsume under one category. Almost every religion knows a similar tension. On the one hand, the divine will happens in everything; on the other hand, people are called intensely to conversion, making them seem to be involved in working for their own salvation after all.

> The one that wills therefore believes, and the one that wills believes not. (18:29)

https://publications.lst.edu/

Punishment for unbelief is announced; it is, however, an exclusively eschatological punishment. By contrast, there is a verse addressed to the proclaimer of the Qur'an that runs thus:

> And if thy Lord had willed, all that are upon the earth would have believed together. Will you then compel human beings to believe? (10:99)

The context and meaning here is that the preacher of faith—then and now—is disappointed by so little resonance in view of his or her tireless commitment; the consolation given here, however, argues that one simply cannot force people to believe. More famous—and more clear—is what the Qur'an will state later in Medina:

> In religion there is no compulsion. The right way has become clear in the face of error. He that believes not in idols but believes in God, therefore, holds unto the firmest rope, where there is no tearing. And God hears and knows. God is the friend of those who believe. He brings them out of the darkness into the light. But the unbelievers have idols for friends. They bring them out of the light into the darkness. They will be inmates of the fire of hell and remain therein. (2:256–257)

However, even if the meaning of both passages is, first of all, that one *cannot* force people to believe, they are often used as a reason for stating that one *must not* force them. There is justification for this because here the Qur'an presents coercion in matters of faith as something contrary to faith.

iv) Dignity and honor. The Qur'an also provides a theological basis for the idea of human dignity—the human being is God's "representative." That is mostly the way *ḫalīfa* in Sura 2:30 is understood. Everything is placed at the service of the human being (32:20). She or he must be honored by the angels (38:72f), and the Qur'an says, "We (God) have honored the children of Adam" (17:70).

Muslims use such verses as apologetic proof texts to show that human dignity is something originally Islamic or as a help for understanding human dignity in a characteristically Muslim manner. That is plausible—according to the Qur'an, God has manifested that God honors us by giving us special care in protecting us and providing for us. The Qur'an also does not make any gradations within humanity here but speaks of the human being without excepting anyone.

https://publications.lst.edu/

However, there are other verses that place men above women (4:34) and believers above unbelievers (3:31f).

A Qur'anic quotation obviously does not end all discussion. There are conflicting Qur'anic statements, and interpretations are necessary and will always be controversial. So, citing individual verses is not enough; instead of searching only for isolated proof texts, we should look for fundamental Qur'anic patterns of thought. These will demonstrate more convincingly why it is Qur'anic to esteem others—even those with other religious convictions.

v) A fundamental Qur'anic gesture. The Qur'an presents God as the one who addresses people, admonishes them to conversion of heart, and invites them to believe. Basically, the Qur'an is God's call to human beings. God calls humanity to conversion from all paths of perdition because God wants us to go along the right path. However, God does not beat human beings onto that path. God does not steer them like puppets; rather, God speaks to them. God advertises and reminds and argues; God treats people as mature, insightful beings that can be reached with reasons and through their reason. If for Muslims the Qur'an is God's call to conversion from disorientation to faith and justice, then the Qur'an presupposes that human beings are free. Therefore, whoever wants to treat people as God treats them in the Qur'an must take them seriously as thinking creatures capable of making decisions, as free. The Tunisian Muslim writer Mohamed Talbi (aṭ-Ṭālbī [d. 2017]) argued along those lines for a Qur'anic justification of religious freedom, and he has a point there.

Concerns

By way of conclusion, I will point briefly at five areas of possible legal and religious problems and indicate in which direction one should proceed.

Collisions with other human rights? How are conflicts between different fundamental rights to be dealt with? For example, the call to prayer should be allowed since it is part of public religious practice. On the other hand, people have a right to be left undisturbed at night, and a call to *ṣalāt al-fağr*, the ritual morning prayer, shortly after four o'clock in

https://publications.lst.edu/

the morning can be perceived as a disruption. Other such discussions include the right to conduct male circumcision[26] vis-à-vis the right to physical integrity. In such conflicts between different fundamental rights, one cannot find a mathematical solution. A transparent legal debate based on rational arguments must be employed to find viable solutions.

Heretics? Often more problematic than dealing with persons of *other* religions is another challenge, viz., dealing with those one considers heretics of one's own religion: sectarians, deviants, whatever the respective tradition calls them. Family conflicts, those from one's intimate story and one's credentials, are often more painful than tensions with people farther away from home.

Some experiences and insights gained from intra-Christian dialogue may be helpful here.[27] It seems that both Christians and Muslims develop cultures of intra-religious plurality and religious freedom more easily during times when the majority mentality is one of grateful self-esteem. An inferiority complex, by contrast, seems to flip over to poor oversimplifications of one's own religious tradition and then to intolerant exclusions and identity-grasping agitations. If this is true, intra-religious tolerance and freedom can be promoted best by improving a religious culture's self-knowledge and self-esteem.

Public practice? Should Islam allow other believers to practice their religions audibly and visibly in areas under Muslim sovereignty? On the way toward a response, the author of the following shares a personal experience.

[26]What is euphemistically and misleadingly called "female circumcision" is in fact a dangerous mutilation where the only rationally conceivable solution is the complete abandonment of the tradition.

[27]I hope to publish soon an article that has grown out of my 2017 *Pakighinabi* contribution at Ateneo de Davao University; so far, one may confer "Exploring Intra-Religious Dialogue through ADDU's Al Qalam Institute with Fr. Felix Koerner, S.J." at https://bit.ly/3cIZYZa (accessed November 20, 2018).

https://publications.lst.edu/

> At the end of a high ranked dialogue event, the first seminar of the "Catholic–Muslim Forum," in Rome 2008,[28] we wanted to sign a communiqué which stated among other things that religious minorities have the right of public religious practice. Several members of the Muslim delegation, however, wanted that passage to be eliminated. They said [that] where Islam predominates [they] do not want Church bells to challenge the expression of Islamic rule. The turning point came through a Muslim leader from a formerly communist country. He said: "If we do not allow the churches to ring their bells, we behave like the communists. They feared to lose power and therefore prohibited public *adān* (the Muslim call to prayer). We should not imitate the communists; we should grant liberty to the churches!" That was a wise and effective statement.

In future life under the Bangsamoro Organic Law, even if the legal situation guarantees religious freedom, what can be done against a turn in the mentality of majority of the population toward a society that does not allow a clearly perceptible public practice of non-Muslim faiths? An answer will be given at the end of the next section.

Apostates? How can Muslims deal with people who decide to leave their religious community? Another personal note may be in place here.

> I lived in Turkey for six years. There, Christians are a small minority. They amount to less than 1% of the total population. Still, the Turkish majority society sometimes made us feel that they were afraid of us "missionaries": we might convert Muslims to Christianity and baptize them; we might do that by giving them money. We never gave anybody any money to make him or her a Christian. And none of those (few) who were baptized had received any money from us.

Still, religious freedom also implies that all religions can practice their faith, and the practice of most faith traditions includes propagation of the message, mission, *tablīġ*, *da ʿwa*, invitation—with different methods and means of motivation. In theory, this can include missionary groups inciting people to conversion by giving them money,

[28]F. Körner, "Das erste Seminar im katholisch–muslimischen Forum. Theologische und islamwissenschaftliche Auswertung," in M. Delgado & G. Vergauwen, eds., *Interkulturalität. Begegnung und Wandel in den Religionen*, Religionsforum, Vol. 5 (Stuttgart: Kohlhammer, 2009), 229–248.

https://publications.lst.edu/

which can also result in individuals changing their religion. In Turkey, Muslims who defect from Islam are not subject to legal prosecution, although some Muslims consider them apostates (*murtadd*) and exert social pressure. In some countries, becoming an apostate can lead to being killed. Thus, even if the legal system also grants religious freedom to the individual, what can be done against such abuses which may lead to societal sanctions all the way down to murder? The key point is that laws do not automatically shape society. The most humane legal code does not guarantee a humane society; for that, education in school, at home, in preaching, and in the media is vital. Credible religious leaders must show convincingly that state legislation is in accordance with God's will as expressed in the holy texts and the tradition. The above reflections are meant to serve this purpose.

Losing Influence? An Epilogue

"All religions will lose influence under a rule of religious freedom." Claims such as this one call for a sober, precise, and multidisciplinary discussion. As an epilogue, four notions can be hinted at, four observations from four angles, from four different academic disciplines.

1) The political sciences can provide a concept that is helpful in describing the power of religions to shape the world when the state has the monopoly of physical force. When religion has no power to coerce, it is not powerless. It has power to persuade; it is a *soft power*.[29]

2) Legal scholarship offers an impressive reflection that explains why the secular is in need of such soft powers, especially those of a religious grounding. In a state that grants civil freedom and rule of law, people cannot be forced physically to go by the rules; much, in fact, cannot be regulated legally. The society in such a state is built on trust. It must rely on the honesty and

[29]J. Nye, Jr., *Soft Power: The Means to Success in World Politics* (New York: Public Affairs, 2004).

https://publications.lst.edu/

solidarity of most citizens. To secure such a mentality, which is vital for a state that grants freedom, one needs *moral inspiration*, that is, institutions that care for the internalization, interpretation, and refreshment of ethical intuitions like honesty and solidarity. Such structures exist on a large scale only within religions. The classical formulation of this insight is the dilemma that "the free and secularized state lives by prerequisites which it cannot guarantee itself."[30]

3) Moral theology shows us that the truly religious influence of religions on societies should be the *formation of consciences*.[31]

4) Finally, political theology reminds us of another aspect of religious freedom. Religions are not to be the functionaries of a state; instead, religions are *critical interlocutors* of politics. They need to be free to remind leaders of their limits—where they go wrong, where they fail to perceive problems, and where they overrate their capacity to produce a perfect world with human hands, which will always remain an empty promise and a totalitarian one at that. Religions need to remind all actors of their merely preliminary, relative, and limited power.[32]

[30]E.-W. Böckenförde, *Staat, Gesellschaft, Freiheit. Studien zur Staatstheorie und zum Verfassungsrecht* (Frankfurt am Main: Suhrkamp, 1976), 60 (author's translation).

[31]Francis, *Amoris Laetitia*, no. 222.

[32]W. Pannenberg, *Systematische Theologie*, Vol. 3 (Göttingen: Vandenhoeck & Ruprecht, 1993), 70 (ch. 12,2a).

https://publications.lst.edu/