

CHALLENGES AND DILEMMAS

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The results of the debates of the authors are not easy solutions for the problems that arise from the right of freedom of religion. Far from that, we attained progress on a deeper level: an increased sensitivity for the dilemmas regarding law making and law keeping and for the vulnerability and identity of religious people and communities. The interdisciplinary character of the colloquium was essential for this result. It could be attained because we did not aim to develop cut-and-dried solutions. There was no pressure to reach a common declaration. That gave us the freedom to openly discuss what is at stake from different perspectives and to complicate the discussion with aspects that are not easily resolved politically. Precisely these aspects are, however, often fundamental for the issue in debate.

A striking discovery was that the contributions of Cliteur and Van de Beek who depart from mutually excluding paradigms—respectively, modern liberalism and classic orthodox Christianity—that obviously should oppose each other were nevertheless so close to each other that their positions could be viewed as complementary rather than opposing or excluding. Cliteur wants to keep the state free from religious power, while Van de Beek opts for religion that abstains from power. Both agree that the intertwining of state and religion will spoil both.

In this concluding article, we will not summarize what is written in the preceding articles. We will not even summarize the discussions of the conference. We will, inspired by the discussions, pay attention to specific items that were in debate because these are, according to our opinion, issues that challenge our reflection on freedom of religion and the role of governments and religions in their mutual relation.

Basic

First of all, it is clear that freedom of religion is a basic right. Historically, the concept of fundamental freedoms was developed from freedom of religion, as Vermeulen argues in his paper. This is not a

coincidental historical fact, but has certainly to do with the fundamental character that religion has for religious people. They experience their religion as basic for their human identity. Thus violence of religion is violence of the very being of a person. By consequence, the right to freedom of religion covers all other rights. Thus it is clear that infringement of freedom of religion is often an open door to infringement of other rights as well—as J.M. Vorster indicates.

One could argue that because of the comprehensive character of religion an explicit formulation of this right is not needed because it is solidified in specific rights. These specific rights try to protect the integrity of human personal identity and by doing so the fundamental identity that is given in religion for religious people is also covered. In this way, there is not a specific exception for religion that, different from other fundamental rights, is only applicable to religious people.

From the perspective of religion, this would not be sufficient because the whole of personal identity is more than the mere sum of its aspects and even more because the self of a religious person usually is conceived as related to an external divine identity. By consequence, it is not merely about the integrity of the person but even more about the integrity of the divine person. Laws against blasphemy aim for this aspect of religious freedom.

Further, in a secular society people often do not have much sensitivity for the vulnerability of religious people. Much of what the latter consider as fundamental expressions of their faith might seem to be futile to other people. And in a secular society, people are increasingly less prepared to overstep their own conception of the futility of religious expressions.

Therefore, it still seems necessary to explicitly protect religious freedom.

What is Religion?

Is everything that religious people claim to be an expression of their faith basic? Are there not also real futilities that are called religious? And are there not religious futilities as well? Not everything that belongs to a religion is so fundamental that it cannot be skipped for a moment because it irritates other people.

For the legislature, it is, however, difficult to decide what is futile and what not. Even more, it is hard to distinguish what is religion and