

Religious Freedom as a Human Right

Address

by the President of the German Bishops' Conference on the occasion of an evening meal at the invitation of His Excellency Archbishop Ignatius Kaigama with His Royal Highness, Alhaji Abdullahi Haruna Maikano, Emir of Wase, on 3 September 2009

Your Excellencies,
Your Royal Highness,
Ladies and Gentlemen,

Before I share with you some of my thoughts on the topic of "*Religious Freedom as a Human Right*", I would like to start by expressing my gratitude that I am able to be together this evening with you, Archbishop Kaigama, and you, Your Royal Highness, in Jos, in the middle of the great country of Nigeria.

I came to Nigeria from Germany to bear witness to the solidarity of Catholics in Germany with the Catholic Church and the Christians of Nigeria. In a similar manner to the members of the Islamic community of faith, the *umma*, we Christians are members of a worldwide community which is not only a community of faith, but also a community of mutual solidarity and of mutual exchange and learning.

We were able to learn last week from our brothers in Nigeria how they live and bear witness to their faith in trying economic and social circumstances and pass it on to the next generation. We wish to learn together how we Christians can do more still to help overcome poverty and suffering, sickness and need. We have a common conviction that faith in the one good, merciful God who created us all and who is a friend of life obliges us to do our utmost in fighting to bring about better living conditions, peace among humans and a more just world.

Nigeria's significance as a country in Africa is similar to that of Germany in Europe. The structure of the co-existence of different faith communities in Nigeria, in particular the relationship between Christians and Muslims, is significant far beyond Nigeria. Questions of co-existence between the religions are becoming more and more important in Germany too. We guests from Germany would therefore also like to learn something about how the leaders of the religions walk together on the path towards good co-existence, how they can help to secure peace and what they are doing to transform unrest and tension into peace.

We were concerned to hear that there were also tension and violent outbreaks between people of Christian and Muslim faith here in Jos in November of last year. We have however also heard how you, Archbishop, and you, Emir of Wase, as the two highest religious authorities of this region, showed unity and courage in your efforts to stem the attacks and violence. You have therefore set people an example of successful co-existence between Muslims and Christians, of the joint efforts against hate and violence and of the joint search for greater justice. By these means, you bear witness that the one Creator God, in whom Christians and Muslims believe, does not wish to see hate and violence among His creatures, but justice and peace. We are all the more grateful that you are allowing us guests from Germany to share your community this evening.

Islam in Germany

We have become accustomed to speaking a lot about globalisation in economic and commercial fields. We are now becoming increasingly aware that we must also speak of globalisation in the domain of the religions.

It is also the case for Germany that peaceful co-existence and successful cooperation between Christians and Muslims is increasingly important to the development of our country. Roughly four million Muslims live in Germany today. This is more than twice as many as twenty years ago, and the numbers will continue to increase. Germany has the second-largest Muslim population among all Member States of the European Union, after France and before the United Kingdom.

The cause of this dynamic growth in the Islamic presence is labour migration, which started in Germany at the end of the nineteen fifties, and which lasted into the early seventies. The lion's share of Muslim labour migrants come from Turkey. A second cause, in addition to the economically-motivated immigration of Muslims, has been decades of rather generous asylum law, making Germany a place of refuge for victims of political, racist and religious persecution and for refugees from almost all the crisis areas in the world. Many hundreds of thousands of people came to Germany as refugees, in particular from the Islamic countries, which fall foul of a large number of conflicts – including from Africa – until the entrance barriers were raised in recent years. Many of them have found permanent refuge in Germany and have been able to build up new lives.

Despite being largely Turkish in its manifestation, Islam in Germany is hence a reflection of the diversity of this world religion. In addition to the two main groups of Sunnites and Shiites, large numbers of Islamic groups and special groups arising from Islam are also represented. As in Africa, we have an Orthodox Islam, primarily orientated in line with the traditional Sharia laws, and a rather more spiritual, mystic Islam. The four Sunni legal schools – Hanafi, Shāfi'ī, Maliki and Hanbali – are represented in Germany, as are the Shiite Jaafari.

It was thought for much too long in Germany that the Muslim “guest workers” would be returning home soon. In fact, many of them started over time to also invite their wives and children. This profoundly changed the situation. Whilst Muslims initially only needed opportunities to say their daily prayers, the reunification of the families increased the need for a complete Islamic infrastructure making it possible to practice the Islamic faith and pass it on to the next generation. Germany currently has an estimated roughly 2,500 mosques. They are all funded by Muslim associations under private law. Specialist shops for religious literature, for ritually-pure food and for clothing according to the Islamic tradition soon grew up in the areas around the mosques. How much the religious landscape has changed in Germany is shown clearly amongst other things by the fact that the Federal Minister of the Interior has for three years been referring to Islam as a “part of Germany”.

Aspirations towards religious freedom in Germany

Germany's history and culture are entrenched in Christianity. Roughly two-thirds of the population are Christians. In political and legal terms, however, Germany is not a Christian country. In 1919, the State and the Church and the State and religion were clearly divided in Germany, but not strictly separated. They work together for the benefit of the people who are both citizens of the State and members of a Church or of another community of faith. This cooperation centres on religious freedom. The Preamble of the United Nations Universal Declaration of Human Rights of 10 December 1948 already stresses that the highest aspiration of the common people is to be the advent of a world “*in which human beings shall enjoy freedom of speech and belief*”. In a parliamentary, democratic state based on the rule of law,

which Germany became in 1919 and then again in 1949, religious freedom is understood as a human right in accordance with the United Nations' Conventions. Guaranteeing the comprehensively-understood religious freedom hence counts among the fundamentals of the state system in Germany. The state, characterised by Christianity and bound by its values, but at the same time neutral with regard to a specific religious confession, must hence ensure that all its citizens are able to confess and practice their faith regardless of their religious affiliation.

The presence of Islam in Germany is visible in public life above all through (the construction of) mosques. A mosque serves to realise religious freedom. Its construction is hence protected in the context of the German legal system by the fundamental right to religious freedom. This is not only a view prevalent in large parts of the German political arena and sections of the public. It is also the conviction held by the German Bishops' Conference. Muslims in Germany are no longer satisfied today with inconspicuous buildings at the edge of town, but they aspire to representative buildings, frequently modelled on the great mosques from the time of the Ottoman Empire on the territory of today's Turkey. People in whose neighbourhood such a mosque is to be built however frequently consider this to be the personification of what is religiously or culturally foreign. What is more, it is shown that the construction of a mosque may give rise to a dispute as to whether at all, and if so how often and at what volume, the call to prayer may be issued from the minaret. For instance, there are very different views and controversies in Germany on the construction of large mosques which thank God have however so far been solved peacefully on the whole without the use of force. The German Bishops' Conference helps here by publicly defending Muslims' right to build mosques, whilst encouraging Muslims to engage in a more intensive dialogue with society and to be more transparent when it comes to funding. At the same time, the Church aims at local community level to bring about suitable solutions taking into consideration the legitimate interests of all concerned. Successfully dealing with mosque building conflicts has repeatedly proven to be a starting point for more open co-existence.

Muslims' most important concerns in Germany in terms of policy on religion include improving the religious education of Muslim youth growing up in Germany. The Koran courses offered by the mosque communities are almost all given by Imams from the countries of origin. Many Muslims, too, consider them to be insufficient. Along with the knowledge of the Koran, the standards of conduct applicable in the countries of origin of the respective Imams are frequently also imparted at the same time without consideration for the completely different circumstances faced by children growing up in Germany. Against this background, the German Bishops' Conference has repeatedly and robustly endeavoured to enable Muslim children and juveniles at public schools to receive religious instruction under the same conditions, entrenched in the Constitution, as Christian ones. It welcomes the fact that Muslim religion teachers are now also being trained at several German universities to give Islam lessons in public schools.

The teaching of the Catholic Church on religious freedom as a human right

In historical terms, today's constitutional system, which is bound by values, but religiously neutral, is based on the sad experience of bloody religious wars. As a consequence, the State renounced its monopoly on truth in being forced to learn to renounce the imposition of religious convictions by applying state power. For the Catholic Church, the more profound reason for the recognition of religious freedom as a civil and human right lies in Her conviction that God has created human beings as a free opposite number, and that faith in God can only be lived authentically in a free decision.

The teaching of the Catholic Church on the question of religious freedom was refined in the 19th and 20th Centuries, and was brought to its most recent conclusion by the Second Vatican Council. Perhaps the most important of all documents of the Second Vatican Council is the Declaration on Religious Freedom of 7 December 1965. After an intensive discussion, the universal Catholic Church professed the view in this document *“that the human person has a right to religious freedom”*. Even more important than this profession itself is the reasoning given for it: *“The council further declares that the right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself.”*

According to this teaching of the Church, religious freedom in other words corresponds to the will of our Creator Himself. This realisation is highly significant. On this basis, the fathers of the Council were convinced that this must lead to consequences for the state legal order. The Second Vatican Council’s Declaration on Religious Freedom therefore goes on to say: *“This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right.”*

With these statements, the Catholic Church definitively rejects older views previously held by many of its own leaders according to which religious freedom is to be subordinated to the claim to truth, in other words could be claimed only for Christians and is to be brought to fruition by the State only for Christians. By placing religious freedom on a human rights-based footing, it has placed it on the foundation of the modern constitutional developments which have been brought into being by the democratic state based on the rule of law, the preeminent task of which consists of guaranteeing human rights, including religious freedom. By ultimately entrenching this human rights foundation in human dignity, and hence in Creation itself, it provides a theological basis for peaceful co-existence between various religions which is characterised by mutual respect: It is a matter of the decisive, forward-looking task of not only defending one’s own religious freedom, but also of standing up for the religious freedom of others.

The fundamental value decision of the modern Western constitutional systems for religious freedom hence also corresponds to a Christian conviction. The recognition of religious freedom as a human right based on human dignity makes it comprehensible on the one hand, and in the well-understood sense also necessary, for Christians to stand up in their encounter with Muslims for the concept that Christians should enjoy the same degree of religious freedom in Islamic countries as Muslims do in Christian countries.

Not only in German society, but almost everywhere in the world, the fundamental right of religious freedom is increasingly found in the context of religious diversity, and in parts of the world also of an absence of religion. Our societies still need to reach an amicable agreement as to where the line is to be drawn between the freedom of belief of the one and the freedom of belief of the other. Christians and Muslims are also called upon in this context to enter into an exchange on their faith, to build bridges of trust and therefore to give convincing examples to the peoples in which they live. This is the spirit in which I also view our meeting today and the opportunity to exchange ideas. I am extremely grateful to you for this.