Editorial: On Religious Liberty

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ON RELIGIOUS LIBERTY

The two papers in this issue, "Religious Liberty in Yugoslavia: A Study in Ambiguity" by Paul Mojzes and "The Human Right of Freedom of Religion and Soviet Law" by Otto Luchterhandt, were delivered at a conference on "Religious Liberty and Human Rights Between Nations, Within Nations, and Within Religions." The conference took place at Haverford, Pennsylvania, from November 3 to November 8, 1985, and was sponsored by The Journal of Ecumenical Studies, the Religion Department of Temple University, and the Jacob Blaustein Institute for the Advancement of Human Rights, New York. The conference was based on the Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, passed by the United Nations in 1981, and some subsequent U.N. documents and seminars. Present at the conference was Elisabeth Odio-Benito of Costa Rica, the Special Rapporteur of the United Nations concerning religious liberty. These two papers are being reprinted with permission of the publisher of Religious Liberty and Human Rights in Nations and in Religions edited by Leonard Swidler (Philadelphia: Ecumenical Press, 1986).

Countries of Eastern Europe have long had a reputation of being among the major offenders in the field of repression of religion. The two articles confirm this impression in regard to Yugoslavia and the Soviet Union, though it is equally clear that there is far less religious repression in Yugoslavia than in the Soviet Union. The degree of religious repression varies in other Eastern Europeans countries.

Dr. Luchterhandt, a legal expert from Cologne, West Germany, concentrates on the issue of Soviet legislation which he finds repressive of religious liberties. His emphasis is of particular significance because one frequently encounters claims from both communists and official religious leaders from the U.S.S.R. that religious freedom in the Soviet Union is unhampered since it is guaranteed by law. Luchterhandt carefully exposes the nature of Soviet law, showing its many discriminatory and intolerant facets.

Luchterhandt does not explore in this article an issue of considerable importance, namely whether the laws are actually applied and to what extent. In the Soviet Union the governing organs handle most of their relationships with religious people extra-legally, by secret directives, by accusing
religious people of trumped up civil offenses, or by discretionary use of power by local officials whose own breaking of the law goes unpunished. The text of most of the laws which affect the religious individual or group are usually not available to them, and they practically never have legal recourse against the decisions of such organs as the State Council on Religious Affairs. Perhaps more devastating than all the above is that it is the Communist Party of the Soviet Union, and only it, that determines what is in the interest of the people and the state. When the party organs send instructions to the courts on what the verdict is to be, no judge may differ without breaking party discipline. Thus Luchterhand's study provides the minimal indictment in regard to Soviet restrictions of religious liberties. The nature of the Soviet system of justice and great regional discrepancies in applying the law, together with massive official atheist propaganda nearly always exceed this minimal repression. Some groups, for instance Soviet Jews, Lithuanian Catholics, and Ukrainian Uniates, have been singled out for much greater oppression than the laws would reflect. According to Professor Nora Levin of Gratz College in Philadelphia, an expert on Nazi and Soviet dealings with Jews, anti-Semitism in the Soviet Union is currently more vile than it was even in Nazi Germany. Frequently it issues in the curtailment of other rights, not merely of freedom of worship.

As is obvious from the Yugoslav case, religious groups have sometimes contributed to religious intolerance. In an atmosphere where in the past religious groups have denied freedom to other religious groups or atheists and where they continue a thinly veiled hostility, it is easier for the Communist Party organs to carry out their restrictive policies. Often they justify these policies by maintaining that they are necessary to protect social harmony and security. One of the imperatives for religious organizations in Eastern Europe is to bring their own house in order.

Finally some words on Western attitudes toward religious freedom in Eastern Europe. It is crucial that we do not play political games with the issue of religious freedom. Generally political conservatives have shown interest in victims of religious persecution in the Soviet Union and Eastern Europe as part of an overall attitude of total hostility, which excludes all but antagonistic dealings with these countries. Such conservatives generally have a blind spot for religious oppression which takes place among nations
allied with the West. The opposite seems to be true of many political liberals. They show concern about religious oppression by right wing dictatorships and bring pressures to bear against such violations but are soft spoken about violations of religious liberty in Eastern Europe because they fear that this only adds fuel to paranoia about the Soviet threat and thus increases tensions.

The suffering of those whose religious liberties are violated, whether by right-wing or left-wing dictatorships, is real and does not admit to being treated by a double standard. Only a completely consistent concern over violations of human rights, no matter by whom they are perpetrated, is a position of integrity. Without integrity there is no credibility.

Paul Mojzes
Editor