

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/Sub.2/NGO/11
28 February 1957

ORIGINAL: ENGLISH



COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION
OF MINORITIES

Ninth session
Item 7 of the agenda

STUDY OF DISCRIMINATION IN THE MATTER OF
RELIGIOUS RIGHTS AND PRACTICES

Statement submitted by the Catholic International Union for Social Service,
a non-governmental organization in category B consultative status

The Secretary-General has received the following statement which is circulated in accordance with paragraphs 28 and 29 of Economic and Social Council resolution 288 B (X).

Dated: 27 February 1957

Received: 27 February 1957

In resolution 586 (XX) dated 29 July 1955 the Economic and Social Council expressed the hope that the non-governmental organizations would continue to give the Sub-Commission all the co-operation and assistance it might require when undertaking studies in discrimination.

In accordance with this resolution, and prompted by our interest in the study concerning discrimination in the matter of religious freedom and freedom of religious rights and practices, we wish to suggest some considerations concerning the method of making the study and its presentation.

When undertaking a study on a subject which is so specialized and delicate, further thought should be given to the method of preparation. Consultations with agencies specified by the Sub-Commission should be supplemented by consultations of another type which would indicate the views of the different religious groups regarding discrimination. Because this is a new field, it will be difficult in preparing the report to evaluate fully all the factors involved.

It is with the greatest interest that we have taken note of the report drafted by Mr. Arcot Krishnaswami (E/CN.4/Sub.2/182 - 12 November 1956). We compliment the Rapporteur on the care he has taken to secure information, but should like to make certain suggestions which we shall group under two headings: Religion and the State.

I. RELIGION

1. The reply to the different questions raised by the inquiry (the right to maintain one's faith or change it, the right to manifest it, etc.) depends above all on the fundamental concept of religion and the angle from which it is considered.

The report (paragraph 23) rightly stresses the vital role played by groups professing religious or philosophical beliefs in the development of society. "Historically", the report says, "such groups have been responsible for widening the bounds of good neighbourliness and the obligation to meet human need." This explains in part why there is "world-wide interest in ensuring the right to freedom of thought, conscience and religion".

But, in our opinion, this world-wide interest has a deeper root, and we consider that, although it is desirable to consider attentively the constructive influence exerted by religion upon personal life and social relations, it is not, however, under this aspect that it should be studied if one wants to understand its real nature, its excellence, and its practical effects on individuals and communities, including States.

Religion stems from God, creator and master of human destinies. We believe that God has a plan for the world, that he has made it known in the course of history, and that this plan, which proceeds from his intelligence and his infinite goodness, has value for all men, for he wishes to save them all. In short, religion is an appeal from God to the free will of man; man has the duty to comply when this truth is sufficiently apparent to him; and, as we shall explain subsequently, one cannot deny to religion the right to express itself at all levels, including that of the State.

It is above all - we do not say solely - on the basis of this concept of religion that the problem of fidelity to a belief or of conversion, manifestation, propaganda, etc., should be resolved.

/...

2. What has just been said of religion in general applies also to worship. The report (paragraph 53) considers the right to worship as comprised in the idea that men have a right freely to express their opinions. Worship undoubtedly has this aspect. But, rather than being directed toward men, it is the outward and social expression, appropriate to human nature, on the part of persons and communities, of their devotion to the Creator.

3. In the same spirit, we hope that the notion of tolerance recommended by the Rapporteur (paragraphs 25 and 26) may be gone into more thoroughly and freed of all ambiguity.

Our tolerance is not based on a philosophic relativism which would deny the existence of absolute truth, nor on a religious relativism which would place all religions on an equal footing. God, who is absolute truth, has manifested his love for humanity in the course of history, and man, guided by the light of God should seek him freely by the route God himself has laid out.

This does not prevent Catholics from respecting the efforts made by other religions to find God.

II. THE STATE

1. Relation of the State to Religion. Religion, as we understand it, imposes duties, not only on individuals but also on communities. It is in this light that we should like paragraphs 27 and 28 of the report to be re-examined.

(a) The concept of "neutrality" should be defined more explicitly; it is ambiguous: to some, it means the total indifference of the State with regard to religion; to others, the attitude of a State respectful of religion in a country where there is no predominance of a given creed.

In our view, neutrality can and should include a recognition of the primacy of religion with regard to moral values, a public esteem of the religions professed by citizens, and the practice of ethics inspired by transcendent values. This point appears to us of great importance.

(b) The Rapporteur seems to prefer a "neutral" attitude of the State to an attitude that tends to favour one or more religions (paragraph 28). However, as a consequence of what we have said above regarding religion, it appears normal that in a State where a large majority of citizens professes a given religion, this should logically be the religion professed by the State, provided that each citizen preserve his freedom of conscience and the right to express publicly what he regards as true.

/...

In this connexion, it might be advisable to introduce into item 1 of paragraph 27 "Those which have an established religion", a distinction between the theocratic State and the religious State.

The theocratic State, as we define it, makes impossible for a citizen the exercise of his "civil" rights and duties unless he accepts a given religion or, at least, unless he conforms to it.

The second idea, that of a religious State, means only that the State's adherence to an instituted religion will inspire its concept of the world, its ethics, and its cultural life, and that the State regards itself as a community of persons professing belief in the Creator, bound in the conduct of State affairs by the duty of recognizing on its own level the existence of God and rendering him the worship to which he is entitled. The rights of the individual, particularly in matters of religion and conscience, will not thereby be violated. The community should not impose on the individual its way of thinking and should not try to deny his right to profess his faith or his atheism and live according to his convictions. Like all citizens, he has the right to express his opinions and, provided he does not disturb the structure and rhythm of life of a State, it seems difficult to deny him the right of propaganda. The exercise of his rights as a citizen should not be subject to restrictions because of his religious beliefs, or to measures directed against his convictions, provided he exercises these rights in a manner compatible with public order and morality (Cf. The Constitution of Ireland, dated 29 December 1937, article 40).

2. Intervention of the State in the religious sphere. The Rapporteur is well aware of the difficulty of defining what limits can legitimately be set by the State to the exercise of religious freedom (paragraphs 45, 46, 47, 50, 55, 56). The State, he says, must maintain order and national security. We think this part should be elaborated upon.

The address of His Holiness, Pope Pius XII, to the members of the Fifth National Congress of Italian Catholic Jurists (6 December 1953) suggests clarifying principles on this point and draws attention to the common good of each State and of the community of peoples.

With regard to paragraph 55 of this report, one cannot help being concerned over the abuses which might result from the State's interest in preserving "national security", "social welfare", "public order". Has the State that organizes birth control with a view to "social welfare" the right to combat

/...

religions which condemn these practices? Has the State that wages an unjust war the right to forbid the declarations of religious authorities condemning such a war?

3. Foreign jurisdiction and authority of the State. The text of John Locke quoted in paragraph 56 admits of an interpretation which is unacceptable to us. In this connexion, it is necessary to explain whether both jurisdictions (that of the State and that of the foreign prince) are of the same order (both political) or of different orders (political and religious).

In closing, we wish to emphasize once more the importance of good methodology. Would it not be preferable to begin with a study of the attitude of different religions toward civil tolerance and with a geographically limited inquiry which would subsequently be enlarged? It would seem desirable to assemble a much more complete file of information. All this work, both in relation to principles and historical facts, should be made in conjunction with the authorized religious and official organs.
