CHAPTER VI
FREEDOM OF RELIGION AND ITS
GLOBAL ASPECTS

A person follows religion as per his/her belief and faith. But it is not compulsory to survive in life. Some are those who have no faith in any type of religion and they criticise the religion as per their attitude at Global level.

Freedom of religion is a principle that supports the freedom of an individual or community, in public or private, to manifest religion or belief in teaching, practice, worship, and observance. The concept of religion is generally recognized also to include the freedom to change religion or not to follow any religion.\(^1\) The freedom to *leave* or discontinue membership in a religion or religious group—in religious terms called "apostasy" — is also a fundamental part of religious freedom, covered by Article 18 of the Universal Declaration of Human Rights.\(^2\)

Freedom of religion is considered by many people as well as nations to be a fundamental human right.\(^3\) In a country with a state religion, freedom of religion is generally considered to mean that the government permits religious practices of other sects besides the state religion, and does not persecute believers in other faiths.

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1. Universal Declaration of Human Rights, Article 18.
6.1 Religious History at National Level:

Historically freedom of religion has been used to refer to the tolerance of different theological systems of belief, while freedom of worship has been defined as freedom of individual action. Each of these has existed to varying degrees. While many countries have accepted some form of religious freedom, this has also often been limited in practice through punitive taxation, repressive social legislation, and political disenfranchisement. Compare examples of individual freedom in Italy or the Muslim tradition of dhimmis, literally "protected individuals" professing an officially tolerated non-Muslim religion.

Religious freedom and the right to worship for all persons with in the boundary of Indian Territory freely were practices that had been appreciated and promoted by most ancient Indian dynasties. As a result, people fleeing religious persecution in other parts of the world including Christians, Jews, Bahá'í Faith and Zoroastrians fled to India as a place of refuge to enjoy religious freedom.⁴

Ancient Jews fleeing from persecution in their homeland 2,500 years ago settled in India and never faced anti-Semitism.⁵ Freedom of religion approaches edicts have been found written during Ashoka the Great's reign in the 3rd century BC. Freedom to practise, preach and propagate any religion is a constitutional right in Modern India. Most

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major religious festivals of the main communities are included in the list of national holidays.

There are 80% population in India know as Hindu, yet its prime minister is a Sikh (Manmohan Singh), the chairperson of the ruling alliance is a Catholic woman of Italian birth (Sonia Gandhi), and three out of the twelve presidents of India have been Muslims. Further, the current Chief Election Commissioner of India is a Muslim, as are many successful Indians including film stars, artists, religious scholars, industrialists etc.

Many scholars and intellectuals believe that India's predominant religion, Hinduism, has long been most tolerant religion. All of the religions are treated equally in Hinduism.

The highlight personality Dalai Lama, the Tibetan leader in exile pronounced religious tolerance of 'Aryabhoomi,' a reference to India found in Mahabharata, has been in existence in this country from thousands of years. "Not only Hinduism, Jainism, Buddhism, Sikhism which are the native religions but also Christianity and Islam have flourished here. Religious tolerance is inherent in Indian tradition," the Dalai Lama said.

Freedom of religion in territory of India is exemplified by the reign of King Piyadasi (304 BC to 232 BC) (Asoka). One of King Asoka's main concerns was to reform governmental institutes and exercise moral principles in his

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attempt to create a just and humane society. Later he promoted the principles of Buddhism, and the creation of a just, understanding and fair society was held as an important principle for many ancient rulers of this time in the East. In this respect king Ashoka emphasized on Hindu Religion.

The importance of freedom of worship in India was expressed by Asoka:

King Piyadasi (Ashok) dear to the Gods, honours all sects, the ascetics (hermits) or those who dwell at home, he honours them with charity and in other ways. But the King, dear to the Gods, attributes less importance to this charity and these honours than to the vow of seeing the reign of virtues, which constitutes the essential part of them. For all these virtues there is a common source, modesty of speech. That is to say, one must not exalt one's creed discrediting all others, nor must one degrade these others without legitimate reasons. One must, on the contrary, render to other creeds the honour befitting them.

The Bengaining of Islam into South Asia came in the first century after the death of the Islamic Prophet Muhammad. They were subsequently replaced by another Islamic invader Babar. The Mughal empire was founded by the Mongol leader Babar in 1526, when he defeated Ibrahim Lodi, the last of the Delhi Sultans at the First Battle of
Panipat. The word "Mughal" is the Indo-Iranian version of Mongol.

In Asian Continental the Mongols were tolerant of religions. People could worship as they wished freely and openly, though the formation of two nations i.e. Pakistan and Bangladesh has been on basis of religious intolerance. Persons who are living in Pakistan and Bangladesh are recognized as per their belief and faith of that secular area.

After arrival of Europeans, Christians in zeal to convert local as per belief in conversion as service of God, have also been seen to fall into frivolous methods since their arrival. Though by and large there are hardly any reports of law and order disturbance from mobs with Christian beliefs except perhaps in the north eastern region of India.⁸

The raising issue of the BJP political party and the emergence of Hindu nationalism have been accompanied by the repression of Christianity and in some cases assaults on Christians and their institutions. The worst of these happened in August 2008 when 4,640 houses and 252 churches were torched in Kandhamal. 54,000 people were made homeless by the violence. In November, 2010 Hindutva extremists attacked Christian homes in Peliguda, Kenduguda and Telarai villages in Orissa state. Christians say about this happen that they were attacked for refusing to contribute to the local Durga Puja celebrations.⁹ Freedom of religion in contemporary India is a fundamental right

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guaranteed under Article 25 of the Indian constitution. Accordingly every citizen of India has a right to profess, practice and propagate their religions peacefully. Vishwa Hindu Parishad counters this argument by saying that evangelical Christians are forcefully (or through money) converting rural, illiterate populations and they are only trying to stop this.

In a month of September 2010, Indian state Kerala's State Election Commissioner announced that "Religious heads cannot issue calls to vote for members of a particular community or to defeat the nonbelievers". The Catholic Church comprising Latin, Syro-Malabar and Syro-Malankara rites used to give clear directions to the faithful on exercising their franchise during elections through pastoral letters issued by bishops or council of bishops. The pastoral letter issued by Kerala Catholic Bishops' Council (KCBC) on the eve of the poll urged the faithful to shun atheists.

Most of Indians celebrate all religious festivals with equal enthusiasm and respect to all religion. Hindu festivals like Deepavali and Holi, Muslim festivals like Mahanabi Jayanti, Christian festivals like Christmas and other festivals like Buddha Purnima, Mahavir Jayanti, Gur Purab etc. are celebrated and enjoyed by all Indians.

11. "‘Using places of worship for campaigning in Kerala civic polls is violation of poll code’ | Indian Orthodox Herald – Breaking Church Catholicate News and Doctrinal Information". Orthodoxherald.com. 18 September 2010.
12. Ibid.
6.2 Religious Status at International Level:

By the month of November 25, 1981 the United Nations General Assembly passed the "Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief." This declaration recognizes freedom of religion as a fundamental human right in accordance with several other instruments of international law, but the international community has not passed any binding legal instruments that guarantee the right to freedom of religion.13

Contemporary discussion in Various Religions:
There are so many religions in which norms like as freedom are prevalent.

Atheism:

As per the mean of The Freedom From Religion Foundation, which bills itself as the largest association of freethinkers in the United States,14 argues that the U.S. Constitution not only prohibits the intrusion of religion into the processes of government, but also guarantees equal rights to citizens who choose not to follow any religion.15 Conservative sociopolitical commentator Bryan Fischer responds, "The Constitution guarantees freedom of religion, not freedom from religion."16

Liberal System of Secularism:

A great personality known as Adam Smith, described in his book *The Wealth of Nations*, (using an argument first put forward by his friend and contemporary David Hume) states that in the long run it is in the best interests of society as a whole and the civil magistrate (government) in particular to allow people to freely choose their own religion as it helps prevent civil unrest and reduces intolerance. So long as there are enough religions sects operating freely in a society then they are all compelled to moderate their more controversial and violent teachings, so as to be more appealing to more people and so have an easier time attracting new converts. It is this free competition amongst religious sects for converts that ensures stability and tranquility in the long run. Adam Smith argued in favour of freedom of religion.

Smith highlighted points on also points out that laws that prevent religious freedom and seek to preserve the power and belief in a particular religion will, in the long run, only serve to weaken and corrupt that religion, as its leaders and preachers become complacent, disconnected and unpracticed in their ability to seek and win over new converts.\(^\text{17}\)

The interested and active zeal of religious teachers can be harmful and troublesome only where there is either but one sect tolerated in the society, or where the whole of a large society is divided into two or three great sects; the teachers of each acting by concert, and under a regular

discipline and subordination. But that zeal must be altogether innocent, where the society is divided into two or three hundred, or, perhaps, into as many thousand small sects, of which no one could be considerable enough to disturb the public tranquility. The teachers of each sect, seeing themselves surrounded on all sides with more adversaries than friends, would be obliged to learn that candour and moderation which are so seldom to be found among the teachers of those great sects.\(^\text{18}\)

**Hindu and their Religious Feelings:**

Hinduism is one of the more open-minded religions when it comes to religious freedom.\(^\text{19}\) It respects the right of everyone to reach God in their own way as per his devotion. Hindus believe in different ways to preach attainment of God and religion as a philosophy and hence all religions are equally respectable. One of the famous Hindu sayings about religion is: "Truth is one; sages call it by different names."\(^\text{20}\)

**Christian and its Religion System:**

Christian emphasize on moral duty to serve the religion. According to the Catholic Church in the Vatican II document on religious freedom, *Dignitatis Humanae*, "the human person has a right to religious freedom," which is described as “immunity from coercion in civil society?”\(^\text{21}\) This principle of religious freedom "leaves untouched traditional Catholic doctrine on the moral duty of men and societies toward the true religion."\(^\text{22}\) In addition, this right

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"is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right."\textsuperscript{23}

Christians, who keep faith in orthodox ideology especially those living in democratic countries, support religious freedom for all, as evidenced by the position of the Ecumenical Patriarchate. Many Protestant Christian churches, including some Baptists, Churches of Christ, Seventh-day Adventist Church and main line churches have a commitment to religious freedoms. The Church of Jesus Christ of Latter-day Saints also affirms religious freedom.\textsuperscript{24}

However others persons have also took part to think about religion freedomness. African scholar Makau Mutua, have argued that Christian insistence on the propagation of their faith to native cultures as an element of religious freedom has resulted in a corresponding denial of religious freedom to native traditions and led to their destruction. As he states in the book produced by the Oslo Coalition on Freedom of Religion or Belief — "Imperial religions have necessarily violated individual conscience and the communal expressions of Africans and their communities by subverting African religions."\textsuperscript{25}

A well known person Joel Spring explains about the Christianization of the Roman Empire, "Christianity added a new impetus to the expansion of empire. Increasing the

\textsuperscript{23} Ibid.

\textsuperscript{24} "We claim the privilege of worshiping Almighty God according to the dictates of our own conscience, and allow all men the same privilege, let them worship how, where, or what they may", the eleventh Article of Faith.

arrogance of the imperial project, Christians insisted that the Gospels of the Church were the only valid source of religious beliefs. By the 5th century, Christianity was thought of as co-extensive with the *Imperium Romanum*. This meant that to be human, as opposed to being a natural slave, was to be "civilized" and Christian. Historian Anthony had now become coterminous with Christianity, that is, one who was "civil." and who was able to interpret correctly the law of nature. He is known as Christi till today.

"After the fifteenth century, most European colonialists rationalized the spread of empire with the belief that they were saving a barbaric and pagan world by spreading Christian civilization."\(^{26}\) In the Portuguese and Spanish colonization of the Americas the policy of Indian Reductions and Jesuit Reductions resulted in forced conversions of indigenous peoples of the Americas from their long practiced spiritual and religious traditions and theological beliefs. The actual population of indigenous peoples, congregations of neophytes and the untouched plummeted from unintended consequences of missionary Christianity's contacts.\(^{27}\)

**Islamic Religion Theory:**

Constitution guarantees freedom to all persons who are living in India. Following a period of fighting lasting around a hundred years before 620 AD which mainly involved Arab and Jewish inhabitants of Medina, religious freedom for Muslims, Jews and pagans was declared by Muhammad in the Constitution of Medina. The Islamic


Caliphate later guaranteed religious freedom under the conditions that non-Muslim communities accept dhimmi (second class) status and their adult males pay the jizya tax as a substitute for the zakat paid by Muslim citizens. Jews and Christians were alternately tolerated and persecuted, the most notable examples of the latter being the conquest of Islamic Spain by Berber-Arab forces from north Africa (the Almoravids, followed by the Almohads from the mid-12th century). Persecution of non-Muslims caused the emigration of many Jews (and Christians) into the northern, Christian states. Religious pluralism existed in classical Islamic ethics and Sharia law, as the religious laws and courts of other religions, including Christianity, Judaism and Hinduism, were usually accommodated within the Islamic legal framework, as seen in the early Caliphate, Al-Andalus, Indian subcontinent, and the Ottoman Millet system. In medieval Islamic societies, the Qazi (Islamic judges) usually could not interfere in the matters of non-Muslims unless the parties voluntarily choose to be judged according to Islamic law, thus the dhimmi communities living in Islamic states usually had their own laws independent from the Sharia law, such as the Jews who would have their own Halakha courts.

Dhimmis were permitted to operate their own courts following their own legal systems in cases that did not involve other religious groups, or capital offences or threats

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to public order.\textsuperscript{30} Non-Muslims were allowed to engage in religious practices that were usually forbidden by Islamic law, such as the consumption of alcohol and pork, as well as religious practices which Muslims found repugnant, such as the Zoroastrian practice of incestuous "self-marriage" where a man could marry his mother, sister or daughter. According to the famous Islamic legal scholar Ibn Qayyim (1292–1350), non-Muslims had the right to engage in such religious practices even if it offended Muslims, under the conditions that such cases are not presented to Islamic Sharia courts and that these religious minorities believed that the practice in question is permissible according to their religion.\textsuperscript{31}

The Main articles of Islamic theory are Political aspects of Islam, Sharia, Caliphate, Islamic religious police, and Islamism

Conversion from another religion to Islam is simple (cf. shahada), but Muslims are forbidden to convert from Islam to another religion (cf. Apostasy in Islam). Certain Muslim-majority countries are known for their restrictions on religious freedom, highly favoring Muslim citizens over non-Muslim citizens. Other countries, having the same restrictive laws, tend to be more liberal when imposing


them. Even other Muslim-majority countries are secular and thus do not regulate religious belief.\textsuperscript{32}

Some Islamic theologians quote the Qur'an as a source of Islamic religion ("There is no compulsion in religion" and "Say: O you who reject faith, I do not worship what you worship, nor do you worship what I worship...To you be your religion, and to me be mine", i.e., Sura Al-Kafirun) to show scriptural support for religious freedom. As per the theory of religion Islamic say that we are only for worship of our own religion.

It has been referred by the Quran\textsuperscript{33} that the war against Pagans during the Battle of Badr in Medina, indicates that Muslims are only allowed to fight against those who intend to harm them (right of self-defense) and that if their enemies surrender, they must also stop because God does not like those who transgress limits.

Jabir ibn 'Abdullah narrated that a Bedouin accepted Islam and then when he got a fever he demanded that Muhammad to cancel his pledge. Muhammad refused to do so. The Bedouin man repeated his demand once, but Muhammad once again refused. Then, he (the Bedouin) left Medina. Muhammad said, "Madinah is like a pair of bellows, it expels its impurities and brightness and clear it's good." In this narration, there was no evidence demonstrating that Muhammad ordered the execution of the Bedouin for wanting to renounce Islam.


\textsuperscript{33} Quran 2:190–194.
In addition, a holy book Quran 5:3, which is believed to be God's final revelation to Muhammad, states that Muslims are to fear God and not those who reject Islam;\textsuperscript{34} it has been directed states that one is accountable only for one's own actions. Therefore, it postulates that in Islam, in the matters of practising a religion, it does not relate to a worldly punishment, but rather these actions are accountable to God in the afterlife. Thus, this supports the argument against the execution of apostates in Islam.

However, on the other hand, some Muslims support the practice of executing apostates who leave Islam. They are called as Bukhari.\textsuperscript{35} To sustaining the religion "The Prophet said, 'If a Muslim discards his religion, kill him.'"

The constitution of Iran recognizes four religions whose status is formally protected: Zoroastrianism, Judaism, Christianity, and Islam.\textsuperscript{36} The constitution, however, also set the groundwork for the institutionalized persecution of Bahá'ís,\textsuperscript{37} who have been subjected to arrests, beatings, executions, confiscation and destruction of property, and the denial of civil rights and liberties, and the denial of access to higher education.\textsuperscript{38} There is no freedom of conscience in Iran, as converting from Islam to any other religion is forbidden.

\textsuperscript{34} Quran 53:38–39. 
\textsuperscript{35} Bukhari:V4 B52 N260. 
\textsuperscript{36} International Federation for Human Rights (1 August 2003). "Discrimination against religious minorities in Iran" (PDF). Fdh.org. 
\textsuperscript{38} International Federation for Human Rights (1 August 2003). "Discrimination against religious minorities in Iran" (PDF). Fdh.org.
In Egypt, an observation held on 16 December 2006 related to the judgment of the Supreme Administrative Council created a clear demarcation between recognized religions of Islam, Christianity and Judaism by the all other religious beliefs; no other religious affiliation is officially admissible. The ruling leaves members of other religious communities, including Baha'is, without the ability to obtain the necessary government documents denying them of all rights of citizenship. They cannot obtain ID cards, birth certificates, death certificates, marriage or divorce certificates, and passports; they also cannot be employed, educated, treated in public hospitals or vote, among other things. Egyptian identification card controversy recognizes this system.

**Change and Abandonment Religion:**

Change in any religion system and abandonment of Religion is related to Religious conversion.

Among the most contentious areas of religious freedom is the right of an individual to change or abandon his or her own religion (apostasy), and the right to evangelize individuals seeking to convince others to make such a change.

Other discussion have centered around restricting certain variances of missionary activity by religions. Many

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41. Ibid.
Islamic states, and others such as China, severely restrict missionary activities of other religions. Greece, among European countries, has generally looked unfavorably on missionary activities of denominations others than the majority church and proselytizing is constitutionally prohibited.\textsuperscript{42}

A critique of the freedom by different way to propagate religion has come from non-Abrahamic traditions such as the African and Indian. African scholar Makau Mutua criticizes religious evangelism on the ground of cultural annihilation by what he calls "proselytizing universalist faiths":

\begin{quote}
The human rights regime incorrectly assumes a level playing field by requiring that African religions compete in the marketplace of ideas. The rights corpus not only forcibly imposes on African religions the obligation to compete a task for which as non-proselytizing, non-competitive creeds they are not historically fashioned—but also protects the evangelizing religions in their march towards universalization. It seems inconceivable that the human rights regime would have intended to protect the right of certain religions to destroy others.\textsuperscript{43}
\end{quote}

\textsuperscript{42} "US State Department report on Greece". State.gov. 8 November 2005.
\textsuperscript{43} Mutua, Makau (2004). \textit{Facilitating Freedom of Religion or Belief, A Deskbook}. Oslo Coalition on Freedom of Religion or Belief.
Some Indian scholars\textsuperscript{44} have similarly argued that the right to propagate religion is not culturally or religiously neutral. So it is stated that propagation religion is not free from transparency of cultural or religion issues.

In Sri Lanka there have been debates regarding a bill on religious freedom that seeks to protect indigenous religious traditions from certain kinds of missionary activities. Debates have also occurred in various states of India regarding similar laws, particularly those that restrict conversions using force, fraud or allurement.

Christian Solidarity Worldwide, declared in 2008 a Christian human rights non-governmental organisation which specializes in religious freedom, launched an in-depth report on the human rights abuses faced by individuals who leave Islam for another religion. The report is the product of a year long research project in six different countries. It calls on Muslim nations, the international community, the UN and the international media to address the serious violations of human rights suffered by apostates.\textsuperscript{45}

It was observed by the Islamic law (Sharia), the consensus view is that a male apostate must be put to death unless he suffers from a mental disorder or converted under depress, due to an imminent danger of being killed. A female apostate must be either executed, according to Shafi'i, Maliki, and Hanbali schools of Sunni Islamic


\textsuperscript{45} "No place to call home". Christian Solidarity Worldwide. 29 April 2008.
jurisprudence (fiqh), or imprisoned until she reverts to Islam as advocated by the Sunni Hanafi school and by Shia scholars.\textsuperscript{46}

Ideally, the one performing the execution of an apostate must be an imam.\textsuperscript{47} At the same time, all schools of Islamic jurisprudence agree that any Muslim can kill an apostate without punishment.\textsuperscript{48} If a person ignores the norms of religion he will be liable for punishment.

However, while almost all scholars agree about the punishment, many disagree on the allowable time to retract the apostasy. Many scholars push this as far as allowing the apostate till he/she dies. Thus, practically making the death penalty just a theoretical statement/exercise. A well known person Sh. S. A. Rahman, a former Chief Justice of Pakistan, argues that there is no indication of the death penalty for apostasy in the Qur'an.\textsuperscript{49}

6.3 Religious Freedom and Restrictions on International Perspective:

A study on religious freedom in the world by the Pew Research Center's Forum on Religion & Public Life performed for which data were gathered from 16 governmental and non-governmental organizations – including the United Nations, the U.S. State Department and Human Rights Watch – and representing over 99.5

\begin{itemize}
\item \textsuperscript{47} Ibid.
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percent of the world's population.\footnote{50} According to the results that were published in December 2009 about one-third of the countries in the world have high or very high restrictions on religion, and nearly 70 percent of the world's population lives in countries with heavy restrictions on freedom of religion.\footnote{51} This concerns restrictions on religion originating from both national authorities and social hostilities undertaken by private individuals, organisations and social groups. Government restrictions included constitutional limitations or other prohibitions on free speech were imposed by the mystery of religion.

Social hostilities were speculated by religion-related terrorism and violence between religious groups.

The countries which are situated in North and South America reportedly had some of the lowest levels of government and social restrictions on religion, while The Middle East and North Africa were the regions with the highest to keep faith in religion, as measured by Pew.

As per the observation of pew Saudi Arabia, Pakistan and Iran were the countries that top the list of countries with the overall highest levels of restriction on religion, while Russia, Israel, the Philippines were among those with medium levels of restriction.

It has been observed that 25 most populous countries in the world namely, Iran, Egypt, Indonesia and Pakistan had the most restrictions, while Brazil, Japan, Italy, South

\footnote{51} \textit{Ibid.}
Africa, the United Kingdom, and the United States had some of the lowest levels as measured by Pew.

While the Middle East, North Africa and the Americas exhibit either extremely high or low levels of government and social restrictions. Present two variables do not move together simultaneously. Countries like as Vietnam and China, for instance, had high government restrictions on religion but were in the moderate or low range when it came to social hostilities. Nigeria and Bangladesh follow the opposite pattern. According to the practices of these countries they are high in social hostilities but moderate in terms of government actions as per the view of Pew study.

The study found that government restrictions were relatively low in the U.S., but the levels of social religious hostilities were higher than those reported in a number of other large democracies, such as Brazil and Japan.

The Pew observed that countries with medium government and social restrictions on religion are the Philippines, France, and Kenya.

While most of the countries allowed for the protection of religious freedom in their constitutions or laws, only a quarter of those countries were found to fully respect these legal rights in practice.

It has been found that in 75 countries, four out of 10 in the world governments limit the efforts of religious groups to proselytize and found in 178 countries, 90 percent, religious groups must register with the government.
Practices in India and China are different. They also exhibited extreme, but different restrictions on religion. China showed very optimum levels of government restriction but low levels of social hostilities, while India showed very high social hostilities but only low levels of government restrictions.

The Pew government restrictions index acknowledged that Saudi Arabia, Iran, Uzbekistan, China, Egypt, Burma, Maldives, Eritrea, Malaysia and Brunei, were top on the matter of restriction on religion.

Restrictions on religion at global level increased between mid-2009 and mid-2010, according to a 2012 study by the Pew Research Center. Restrictions on religion in each of the five major regions of the world increased, including in the Americas and sub-Saharan Africa, the two regions where overall restrictions previously had been declining. The Social Hostilities Index (SHI) measures acts of religious hostility by private individuals, organizations and social groups. The number of countries with very high social adamants rose from 10 as of mid-2007 to 15 as of mid-2010, as Egypt, Nigeria, the Palestinian territories, Russia and Yemen were added to the “very high” category and no countries were removed. The five highest social hostility scores, in descending order, were for Pakistan, India, Sri Lanka, Iraq, and Bangladesh.

6.4 Religion Condition in Poland:

There were certain norms to nourish the religion. The main article of that religion named as Warsaw Confederation.

Poland has a long tradition of religious freedom. The right to worship freely was a basic right given to all inhabitants of the Commonwealth throughout the 15th and early 16th century, however, complete freedom of religion was officially recognized in Poland in 1573 during the Warsaw Confederation. Poland kept religious freedom laws during an era when religious persecution was an everyday occurrence in the rest of Europe.54

To strengthen the religion General Charter was issued. The General Charter of Jewish Liberties known as the Statute of Kalisz was issued by the Duke of Greater Poland Boleslaus the Pious on 8 September 1264 in Kalisz. The statute served as the basis for the legal position of Jews in Poland and led to creation of the Yiddish-speaking autonomous Jewish nation until 1795. The statute granted exclusive jurisdiction of Jewish courts over Jewish matters and established a separate tribunal for matters involving Christians and Jews. Moreover, it guaranteed personal liberties and safety for Jews including freedom of religion, travel, and trade. The statute was corroborated by subsequent Polish Kings: Casimir III of Poland in 1334, Casimir IV of Poland in 1453 and Sigismund I of Poland in 1539. The Commonwealth set a precedent by allowing Jews to become ennobled.

6.5 Religious Condition in United States:

Freedom of Religion in the United States was based upon the form of worship. Most of the early colonies were generally not tolerant of dissident forms of worship, with Maryland being the only exception. For example, Roger Williams found it necessary to found a new colony in Rhode Island to escape persecution in the theoretically dominated colony of Massachusetts. The Puritans of the Massachusetts Bay Colony were the most active of the New England persecutors of Quakers, and the persecuting spirit was shared by the Plymouth Colony and the colonies along the Connecticut river.\(^{55}\) In 1660, one of the most notable victims of the religious intolerance was English Quaker Mary Dyer who was hanged in Boston, Massachusetts for repeatedly defying a Puritan law banning Quakers from the colony. One of the four executed Quakers known as the Boston martyrs, the hanging of Dyer on the Boston gallows marked the beginning of the end of the Puritan theocracy and New England independence from English rule, and in 1661 King Charles II explicitly forbade Massachusetts from executing anyone for professing Quakerism.\(^{56}\)

Another remarkable example of religious persecution was highlighted in 1692 and 1693 by Puritans in Massachusetts. He was the Salem who made trials in this matter. Thirty-one witchcraft trials were held, convicting twenty-nine people of the capital felony of witchcraft.

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Nineteen of the accused, fourteen women and five men, were hanged. One man who refused to enter a plea was crushed to death under heavy stones in an attempt to force him to do so.

Freedom of religion was first applied as a principle and direction of government in the founding of the colony of Maryland, founded by the Catholic Lord Baltimore, in 1634.\textsuperscript{57} Fifteen years later the Maryland Toleration Act, drafted by Lord Baltimore, provides, "No person or persons...shall from henceforth be any ways troubled, molested or discountenanced for or in respect of his or her religion nor in the free exercise thereof." The Maryland Toleration Act was repealed during the Cromwellian Era with the assistance of Protestant assemblymen and a new law barring Catholics from openly practicing their religion was passed.\textsuperscript{58} In 1657, the Catholic Lord Baltimore regained control after making a deal with the colony's Protestants, and in 1658 the Act was again passed by the colonial assembly. This time, it would last more than thirty years, until 1692,\textsuperscript{59} when after Maryland's Protestant Revolution of 1689, freedom of religion was again rescinded.\textsuperscript{60} In addition in 1704, an Act was passed "to prevent the growth of Popery in this Province", preventing Catholics from holding political

\textsuperscript{58} Brugger, Robert J. (1988). Maryland: A Middle Temperament, p. 21, Baltimore, Maryland: Johns Hopkins University Press.
\textsuperscript{59} Finkelman, Paul, Maryland Toleration Act, The Encyclopedia of American Civil Liberties, New York: CRC Press.
\textsuperscript{60} Zimmerman, Mark, Symbol of Enduring Freedom, p. 19, Columbia Magazine, March 2010; Roark, Elisabeth Louise, p.78, Artists of colonial America Retrieved 22 February 2010.
office. Full religious toleration would not be restored in Maryland until the American Revolution, when Maryland's Charles Carroll of Carrollton signed the American Declaration of Independence. It was made free from any kind of doubt.

Reiterating Maryland's earlier colonial legislation, the Virginia Statute for Religious Freedom, written in 1779 by Thomas Jefferson, proclaimed:

"No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities."

Those sentiments also found expression in the First Amendment of the national constitution, part of the United States' Bill of Rights:

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof..."

The United States formally observes religious freedom to maintain foreign relations. The International Religious Freedom Act of 1998 established the United States

61. Roark, Elisabeth Louise, p.78, Artists of colonial America Retrieved 22 February 2010
Commission on International Religious Freedom which investigates the records of over 200 other nations with respect to religious freedom, and makes recommendations to submit nations with egregious records to ongoing scrutiny and possible economic sanctions. Many human rights organizations have urged the United States to be still more vigorous in imposing sanctions on countries that do not permit or tolerate religious freedom.

Religious condition in Canada more information was laid down for religion which is known as *Freedom of religion in Canada*.

Freedom of religion in Canada is a constitutionally protected right, without limitation or interference. The Canadian Human Rights Act allows an exception to freedom of religion with respect to religious dress, such as a Sikh turban, when there is a *bona fide* occupational requirement, such as a workplace requiring a hard hat.\(^6^2\)

### 6.6 Secular Law and its Object:

Secular law gives a massage of fraternity and common brotherhood. All persons should be treated equally irrespective of caste, creed and religion. Religious practice may also conflict with secular law creating debates on religious freedom. For instance, even though polygamy is permitted in Islam it is prohibited in secular law in many countries. This raises the question of whether prohibiting the practice infringes on the beliefs of certain Muslims. The US and India, both constitutionally secular nations, have

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taken two different views in this regard. In India polygamy
is permitted, but only for Muslims, under Muslim Personal
Law. In the USA polygamy is prohibited for all. This was a
major source of conflict between the Church and the United
States until the Church amended its position on practicing
polygamy. Because the concerned religion is permitted to
entertain such practice in life.

Similar issues have also arisen in the context of the
religious use of psychedelic substances by Native American
tribes in the United States as well as other Native practices.

During the year 1955, Chief Justice of California Roger
J. Traynor neatly summarized the American position on how
freedom of religion cannot imply freedom from law:
"Although freedom of conscience and the freedom to believe
are absolute, the freedom to act is not." 63 But with respect
to the religious use of animals within secular law and those
acts, the U.S. Supreme Court decision in the case of the
Church of Lukumi Babalu Aye v. City of Hialeah in 1993
upheld the right of Santeria adherents to practice ritual
animal sacrifice with Justice Anthony Kennedy stating in
the decision, “religious beliefs need not be acceptable,
logical, consistent or comprehensible to others in order to
merit First Amendment protection”. (quoted by Justice
Kennedy from the opinion by Justice Burger in Thomas v.
Review Board of the Indiana Employment Security Division. 64

6.7 Children's Rights in Context of Religion:

Germany law provides the term of "religious majority"
(Religiöse Mehrheit) with a minimum age for minors to follow

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64. "Criminal Law and Procedure By Daniel E. Hall - Cengage Learning,
July 2008 - p. 266.
their own religious beliefs even if their parents don't share those or don't approve. Children who are below 14 years of age and older have the unrestricted right to enter or exit any religious community. Children below the age of 12 and older cannot be compelled to change to a different belief. Children who do not attain the age of 10 years and older have to be heard before their parents change their religious upbringing to a different belief. There are similar laws in Austria and in Switzerland.

**Recent Trends**: As per the annual report of 2011, the United States Commission on International Religious Freedom designated fourteen nations as "countries of particular concern". The commission chairman commented that these are nations whose conduct marks them as the world's worst religious freedom violators and human rights abusers. The fourteen nations designated were Burma, China, Egypt, Eritrea, Iran, Iraq, Nigeria, North Korea, Pakistan, Saudi Arabia, Sudan, Turkmenistan, Uzbekistan, and Vietnam. Other nations on the commission's watch list include Afghanistan, Belarus, Cuba, India, Indonesia, Laos, Russia, Somalia, Tajikistan, Turkey, and Venezuela.

There are various links about the persecution of religious minorities such as the banning of worn religious articles such as the Muslim veil, Jewish skullcap, and Christian cross in certain European countries. Article 18

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65. "Gesetz über die religiöse Kindererziehung". Bundesrecht.juris.de.
66. Bundesgesetz 1985 über die religiöse Kindererziehung.
68. "US commission names 14 worst violators of religious freedom". Christianity Today. 29 April 2011.
of the UN International Covenant on Civil and Political Rights limits restrictions on freedom to manifest one's religion or beliefs to those necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.\footnote{International Covenant on Civil and Political Rights. Retrieved 4 July 2009.} Freedom of religion as a legal concept is related to, but not identical with, religious toleration, separation of church and state, or secular state (*laïcité*).

As well as concerned the individual not government’s religious toleration is generally taken to refer to an attitude of acceptance towards other people’s religions. Such toleration does not require that one view other religions as equally true; rather, the assumption is that each citizen will grant that others have the right to hold and practice their own beliefs. Against this backdrop, proselytism can be a contentious issue, as it could be regarded as an offense against the validity of others' religious beliefs, including irreligious belief.

### 6.8 Efforts in the Way of Tolerance:

Steps were taken to become pleasant for people in Norman kingdom. The Norman Kingdom of Sicily under Roger II was characterized by its multi-ethnic nature and religious tolerance. Normans, Jews, Muslim Arabs, Byzantine Greeks, Lombards and native Sicilians lived in harmony. Rather than exterminate the Muslims of Sicily, Roger II’s grandson Emperor Frederick II of Hohenstaufen (1215—1250) allowed them to settle on the mainland and
build mosques. Not least, he enlisted them in Christian army and even into his personal bodyguards.\(^{71}\)

Bohemia (present-day Czech Republic) enjoyed religious freedom between 1436 and 1520, and became one of the most liberal countries of the Christian world during that period of time. The so-called Basel Compacts of 1436 declared the freedom of religion and peace between Catholics and Utraquists. In 1609 Emperor Rudolf II granted Bohemia greater religious liberty with his Letter of Majesty. The privileged position of the Catholic Church in the Czech kingdom was firmly established after the Battle of White Mountain in 1620. Gradually freedom of religion in Bohemian lands came to an end and Protestants fled or were expelled from the country. A devout Catholic, Emperor Ferdinand II forcibly converted Austrian and Bohemian Protestants.

During that time in Germany Philip Melanchthon drafted the Augsburg Confession as a common confession for the Lutherans and the free territories. It was presented to Charles V in 1530.

At that time the Holy Roman Empire, Charles V agreed to tolerate Lutheranism in 1555 at the Peace of Augsburg. Each state was to take the religion of its prince, but within those states, there was not necessarily religious tolerance. Citizens of other faiths could relocate to a more hospitable environment for the welfare of public brotherhood.

Attempts were being made continue to reconcile the matter. In France, from the 1550s, many attempts to

\(^{71}\) Christopher Gravett (15 November 1997). *German Medieval Armies 1000–1300*. Osprey Publishing. p. 17.
reconcile Catholics and Protestants and to establish tolerance failed because the State was too weak to enforce them. It took the victory of the converted Protestant prince Henry IV of France, to impose religious tolerance formalized in the Edict of Nantes in 1598. It would remain in force for over 80 years until its revocation in 1685 by Louis XIV of France. Intolerance remained the norm until Louis XVI, who signed the Edict of Versailles (1787), then the constitutional text of 24 December 1789, granting civilian rights to Protestants. The French Revolution then abolished state religion and confiscated all Church property, turning intolerance against Catholics.

6.9 Religious Freedom as a Legal Guarantee:

Free practices in religion are considered as legal guarantee. As per this view during 1558 the Transylvanian Diet of Torda declared free practice of both the Catholic and Lutheran religions, but prohibited Calvinism. Ten years later, in 1568, the Diet extended the freedom to all religions, declaring that "It is not allowed to intimidate anybody with captivity or expelling for his religion". However it was more than a religious tolerance, it declared the equality of the religions. The emergence in social hierarchy wasn't depended on the religion of the person thus Transylvania had also Catholic and Protestant monarchs. The lack of state religion was unique for centuries in Europe. Therefore the Edict of Torda is considered by mostly Hungarian historians as the first legal guarantee of religious freedom in the Christian Europe.

Ibid.
6.10 Religious Tolerance and Freedom of Conscience\textsuperscript{73}:

It was produced at that time to tolerate the Religious Activity and support to the soul. His majesty, our Lord, in what manner he – together with his realm – legislated in the matter of religion at the previous Diets, in the same matter now, in this Diet, reaffirms that in every place the preachers shall preach and explain the Gospel each according to his understanding of it, and if the congregation like it, well. If not, no one shall compel them for their souls would not be satisfied, but they shall be permitted to keep a preacher whose teaching they approve. Therefore, no one of the superintendents or others shall abuse the preachers, no one shall be reviled for his religion by anyone, according to the previous statutes, and it is not permitted that anyone should threaten anyone else by imprisonment or by removal from his post for his teaching. Faith is the gift of God and this comes from hearing, which a hearing is by the word of God.\textsuperscript{74}

In the Union of Utrecht on 20 January 1579 personal freedom of religion was declared in the struggle between the Northern Netherlands and Spain. The Union of Utrecht was an important step in the establishment of the Dutch Republic. The establishment of a Jewish community in the Netherlands and New Amsterdam during the Dutch republic is an example of the freedom of religion. When New Amsterdam surrendered to the English in 1664, the freedom of religion was guaranteed as an article of Capitulation.

\textsuperscript{73} \textit{Ibid.}

System of intolerance was prevalent to protect the religion integrity. Intolerance of dissident forms of Protestantism also continued, as evidenced by the exodus of the Pilgrims who sought refuge, first in the Netherlands, and ultimately in America, founding the Plymouth Colony in Massachusetts in 1620. William Penn, the founder of Philadelphia, was involved in a case which had a profound effect upon future American law and those of England. In a classic case of jury nullification the jury refused to convict William Penn of preaching a Quaker sermon, which was illegal. Even though the jury was imprisoned for their acquittal, they stood by their decision and helped to establish the freedom of religion.

India is known as Hindustan also and the people who live in India keep paid in Gods and Goddesses. People of India go to temple, Gurudawara, Shrine, Masjid for worship. Even that some people go at River Ganga, Yamuna, Sarswati, Kumbhmela for worship. Even that they do not bother to take risk. Even that in a recent Kumbh mela which was held on January 2013 at Allahabad, near about 50 persons were died in stampede and 100 persons had injured. Due to secularism there is no major controversy on the name of worship place. As per sentiments or devotion they worship their lord as per belief and faith. But as well concerned for other countries there is no good devotion like as Indian. The people who live in China, Tibbat follow the prophet of Dharm Guru Dalailama. In Saudi Arabia, Pakistan and Iran people follow the restriction on religion.