

Freedom of Religion in Europe Today: Under Critical Investigation

All times in CET.

Thursday, 6 May 2021

13.00 **Walk-in / Networking opportunity 1**

13.30 **Session 1**

- Welcome
- **Plenary Paper & Discussion**
[Heiner Bielefeldt:](#)
"Freedom of Religion in Europe Today: Under Critical Investigation"

14.30 **Networking opportunity 2**

15.00 **Session 2**

- **Plenary Paper & Discussion**
[Alexis Artaud de La Ferrière:](#)
"Challenges to FORB I: Crisis (EU in the COVID-19 crisis)"
- [Small Papers 1](#)

16.20 **Networking opportunity 3**

17.00 *End*

Friday, 7 May 2021

9.00 **Walk-in / Networking opportunity 4**

9.30 **Session 3**

- **Plenary Paper & Discussion**
[Tatiana Kopaleishvili:](#)
"Challenges to FORB II: Religious nationalism (Georgia)"
- [Small Papers 2](#)
- [Small Papers 3](#)

11.25 *Break*

11.40 **Session 4**

- **Plenary Paper & Discussion**
[Jelle Creemers:](#)
"Challenges to FORB III: Secular discomfort with religion (Belgium)"
- [Small Papers 4](#)

13.00 **Networking opportunity 5**

13.30 *End*

Small Papers: Overview

Click on the name of the presenter to be linked to the **abstract** of his/her presentation.

Small Papers 1 (Thursday – during Session 2)

James Bultema: *An Unwanted Child: Secularism, Religious Freedom, and the Turkish Protestant Church*

Zachary R. Calo: *Healthy Secularity, Public Religion, and the Idea of Europe*

Georgia Du Plessis: *Social Integration as a Possible Limitation to the Right to Freedom of Religion or Belief in Europe*

Yaroslav Yuvsechko, Liudmyla Fylypovych: *The Current State of New Religious Movements in Ukraine: Equality With Others & Free Development OR Discrimination & the Need for Protection?*

Small Papers 2 (Friday – during Session 3)

Adelaide Madera: *Some Preliminary Remarks on the Impact of COVID-19 on the Exercise of Religious Freedom in France, Germany, and Italy*

Lena Rose: *The ‘Ideal Convert’ – Negotiations of ‘Christianity’ in Asylum Processes Based on Conversion*

Serhii Shevchenko, Viacheslav Kobrzhytskyi, Iryna Vasylieva: *Christian Values in the Context of Specifics of the Formation of Religiousness in Independent Ukraine*

Small Papers 3 (Friday – during Session 3)

James Dorsey: *Europe, a Frontline in the Battle for the Soul of Islam*

Geert Lorein: *Religion Never Stands Above the Law*

Andrei Motta: *Secularism, the State, and the Person: Reappropriating Jacques Maritain’s Thought for the Present Age*

Roman Soloviy: *The Transition From the Model of Tolerance to the Paradigm of Hospitality in the Ukrainian Evangelicals’ Stance Toward the Religious Other*

Small Papers 4 (Friday – during Session 4)

Nadezhda Beliakova: *Between Violent Secularization and the Traditional Hierarchy of Confessions: Conflicts Between the Soviet Perception of Freedom of Conscience and the Understanding of Religious Freedom Among Religious Minorities in the Late USSR*

Felipe Augusto Lopes Carvalho: *Religious Proselytism in Europe: Assessing the Strasbourg and Luxembourg Jurisprudences*

Massimo Introvigne: *“Sect Filters” in Germany: Institutionalizing the Anti-Cult Narrative*

Carsten Polanz: *Between Salafism and Secularism: The Contemporary Discourse of German Muslims on Freedom of Religion*

Plenary Papers: Outlines

Plenary Paper 1

[Heiner Bielefeldt](#): *Freedom of Religion or Belief in Europe*

Message:

The right to freedom of religion or belief (FoRB) is multifaceted, topical and indeed indispensable for a comprehensive human rights agenda in Europe.

A multifaceted right

FoRB is a right to freedom, with many sub-freedoms, as it were. Its scope is much wider than usually assumed, covering issues of personal conviction, conversion and missionary activities, access to relevant information, communitarian ceremonial practices, education and religious socialization of children, dress-codes and the display of religious symbols, accommodation of dietary regulations, school education, the management of graveyards, public holidays, regulations of legal personality status, family law issues, the running of charity organizations and many other things. Accordingly, violations of FoRB can occur in virtually all spheres of society and from the cradle to the grave.

A topical right

FoRB enjoys the reputation of an old-established, “classical” human rights. The flipside is the widespread impression that, compared to recent discussions e.g. on gender issues, sexual orientation or environmental rights, FoRB may look a bit outdated. However, in fact FoRB is highly topical. It plays a crucial part, for example, when it comes to building resilience against the temptation of religiously colorized national identity politics, which currently is on the rise of large parts of Europe, too. FoRB is also needed to detect and tackle complex forms of discrimination in the intersection of gender and religious minority status. It furthermore facilitates an “inclusive” reading of the secularity of the state, which from the perspective of FoRB should serve as a space-providing principle operating in the interest of diversity. In the face of tendencies, existing in virtually all European states, to turn the secular nature of the state into an argument against public manifestations of religiosity, the significance of FoRB is obvious.

An indispensable right

The possibility to develop identity-shaping profound convictions, on which to base one’s life – usually in community with others – is part of the “condition humana”. Without respecting this important dimension, human rights would cease to be fully humane.

Plenary Paper 2

[Alexis Artaud de La Ferrière](#): *FoRB and the COVID-19 crisis*

Public acts of worship or communal gathering pose real health risks. However, the protection of public health should not discount the public's right to religious freedom; restrictive sanitary measures may be (indeed have been found by numerous courts to be) disproportionate with regards the objective of preserving public health.

As we begin to perceive the perennial nature of sanitary crises for our societies, it appears essential to establish a framework that can guarantee the continued respect of religious freedom whilst also safeguarding public health. Such a framework requires a commitment from public authorities as well as from religious groups and individuals.

A legal trend in favour of religious liberty?

In response to the first wave of the COVID-19 pandemic in Spring 2020, most European governments imposed some form of limitation on the freedom to manifest one's religion or belief. In April 2020, we can identify four broad tiers of restrictiveness in Europe:

1. Certain public authorities imposed very high levels of restrictiveness, effectively curtailing public religious celebrations and prohibiting access to religious buildings.
2. A second, larger, group suspended public celebrations but allowed, under certain conditions, for private prayer to be accommodated in places of worship.
3. A third group allowed public celebrations to take place so long as they did not exceed a maximum number of participants.
4. Finally, Bulgaria and Hungary exempted religious activities from most restrictions.

However, following an initial restrictive impulse during the Spring-time lockdowns, many states have subsequently tended to provide greater accommodations for religious practices and communities, often under the influence of the judiciary.

4 key issues for FoRB during the Covid19 crisis

Violations of individual moral autonomy and religious group autonomy

COVID-19 limitations may constitute a violation of individuals' moral autonomy, conscience, and dignity. Such restrictions may also violate the religious autonomy of the religious group as a whole.

The "hierarchization of the essential" and the normative nature of policy-making

Although policies of grouping social activities into a hierarchy of essential and non-essential categories are invariably presented as being "guided by science", this discourse fails to recognise the normative character of political decision-making.

Fair treatment for all religious traditions

Restrictions on public religious practices and access to sites of worship can be more detrimental to certain religious communities than to others. There is a particular risk that minority religious groups may be unintentionally targeted.

Financial impact for religious groups

Just as many commercial establishments have suffered unprecedented financial losses as a result of social distancing and lockdown policies, many religious institutions are unable to recuperate lost revenue through total or partial reliance on online sources of funding.

Civic trust

When public authorities demonstrate religious literacy and when they include religious representatives in the policy process, such practices help to foster civic trust between religious communities and the state. That leads to greater levels of compliance on behalf of religious persons with public health guidelines.

Plenary Paper 3

[Tatiana Kopaleishvili](#): *Challenges to FORB II: Religious nationalism (Georgia)*

Message:

Religious Nationalism as one globally emerging expression of Nationalism. It is not to be seen as oxymoron or regressive development, but as a given. But as it is expressed in Georgia, where secular and religious forces compete instead of balancing each other in the state building process, it has negative consequences on the rights of religious minorities.

- Examples of Georgian State-Church-Minority relationship dynamics during the Covid-19
 - The Georgian Orthodox Church (GOC) “above the law”?
- Religious Nationalism theories:
 - Religious Nationalism as an oxymoron (In Durkheimian system)
 - Religious Nationalism - as a direct consequence of modernization - “the Frankenstein of religion” (Juergensmeyer 1996)
 - Religious and national identities coexist and reinforce each other (Soper and Fetzer 2018), (Grzymala-Busse 2019)
- Two preconditions of how the strong religious discourse came to life, which became problematic in the Republic of Georgia.
 1. A collision of contradictory agendas: “I am Georgian, therefore I am European vs “I am Georgian, therefore I am Orthodox.”
 2. Soviet and pre-Soviet roots: After the dissolution of the USSR, Georgia was left with ethnic and religious, rather than civic modalities.
- Looking at the extent of Georgian Religious Nationalism and how it is expressed in the following three dimensions (according Grzymala-Busse classification): (1) Society, (2) State policies, (3) Impact on minorities.
 1. Georgian Society is highly religious;
 - a. High level of trust in GOC religious institutions/Patriarch;
 - b. Deep roots in the belief system: Exclusivity and superiority claims;
 - c. The church supports religious fervour of the society.
 2. Georgian governments utilize societal trust in religious institutions for their self-legitimization by legislative and financial empowerment. In return they get support of the GOC during important political events.
 3. Looking for an imagined enemy for Georgian nationhood among religious and ethnic minorities.
 - a. Organised and open acts of aggression in 1999-2004
 - b. Legislative limbo for religious minorities until 1997
 - c. Attempt to elicit the asymmetry during Saakashvili’s tenure
 - d. Introducing new financing policies and the establishment of the State Agency for Religious Issues as a step back to maintain the Status Quo.

Conclusion

- Empowerment of the church made the government a hostage of its own policies;
- Taking the extend of the religious presence in the society and legislation, it will not be easy to transform the country into at least a mediocre form of a secular state as is needed in view of its Euro-Atlantic aspirations.

Plenary Paper 4

[Jelle Creemers](#): *FORB and Secular Discomfort with Religion: Belgium*

Message:

Secularism as a doctrine (cf. Talal Asad) challenges FoRB as it wants to confine religion to a space where it cannot threaten political stability or liberties. The upcoming new Flemish Regulations on Recognized Religious Communities demonstrate how this works out in practice by seeking to classify, instrumentalise and control religious communities.

Defining Secular/ism

- Joppke: religion and secular state are two models of authority in competition, but in Europe, no religion is an actual challenge to the secular state.
- Taylor: A secular society is one where different worldviews, including, non-religion, can freely debate in the public sphere and search for 'overlapping consensus' (Rawls)
- Asad: the public space is *necessarily* (not just contingently) articulated by power. ... Secularism insists that religious practice and belief be confined to a space where they cannot threaten political stability or the liberties of 'free-thinking' citizens. ... The way social spaces are defined, ordered, and regulated makes them all equally 'political.'

Upcoming Flemish Legislation on Recognition and Control of Religious Communities

- Context: Flanders has 1697 'recognized' religious communities receiving State support: 1694 Roman Catholic, 47 Protestant, 27 Islamic, rest Orthodox, Israelite, Anglican.
- Argument: the upcoming legislation demonstrates an attitudinal change of Flemish political actors in view of organized religion, replacing distance with classification, appreciation with instrumentalization, and trust with control.

Classification of "good" and "bad" religion

- "The rules of recognition are being sharpened, so that the wheat can be better separated from the chaff."
- Can there also be "good" communities which prefer to keep distance from the State?

Instrumentalisation of religious communities and ministers

- The legislation "aims to gain hearts for our societal model. ... Those who actively take part in that, are our allies."
- Is prophetic or critical voice disallowed?
- Should religious leaders be 'summoned' to promote good citizenship?

Strict control of religious communities

- Full transparency of structures and finances, including log book of all gifts +500euro/year
- Establishment of "most performative" control agency of Flemish administration with far reaching powers.

Concluding remarks

- Only religious communities falls under this legislation, not the humanist community.
- Developed for Islamic communities... but what if they withdraw?
- New policies seem to allow "open discussion" in the public sphere, but this is already strongly defined and regulated by hegemonic discourses of the secular.

Small Papers: Abstracts

Small Papers 1

(Thursday – during Session 2)

James Bultema: *An Unwanted Child: Secularism, Religious Freedom, and the Turkish Protestant Church*

Turkey's secularism and religious freedom have enduring Ottoman influences. These influences have not only hindered their integration into all levels of state and society, but they have obscured evidence of a synergy between secularism, religious freedom, and the Turkish Protestant Church (TPC). Although intertwined with Sunni Islam, secularism provided an amenable context in which well-protected religious freedom, granted in the 1961 Constitution, could catalyze the emergence of the TPC. Moreover, the TPC has helped the state and society to manifest and mature its religious freedom, so that it has proven to be more than the arbitrary religious tolerance of Ottoman times.

Zachary R. Calo: *Healthy Secularity, Public Religion, and the Idea of Europe*

This paper examines the relationship between secular and religious values in European law, society, and culture by considering the concept of "healthy secularity" as developed in the thought of Pope Benedict XVI. This concept presents a conceptual way of moving beyond a secular-religion binary and offers a unifying account of European identity.

The concept rejects a hard secularism that excludes religion from public life and meaning, as well as the facile idea of a revived "Christian" Europe. Rather than positioning Christianity against the secular, healthy secularity posits that Christianity should go through the secular. In other words, the problem Europe faces in defining the nature of public religion is not with the secular as such. It is with a distorted ideological understanding of the secular. Healthy secularity is thus a way of defining – or better yet, redefining – the place of Christianity within the public life of a secular Europe. As one objective, this paper will consider the intellectual structure of healthy secularity, while also considering how it has informed engagement with debates over the reference to Christianity in the proposed European constitution and the *Lautsi v. Italy* case before the European Court of Human Rights.

Healthy secularity is not limited in its implications to Christianity. It also bears on minority religions, especially Islam. Islam presents a conceptual problem for Benedict and thus also for how he envisions Europe's religious future. This problem was addressed most forthrightly in the Pope's controversial address at Regensburg, in which argued that Islam is un-reasonable and thus ill-suited to sustaining European identity. Can Islam contribute to the sustenance of a healthy secular order in which plural religious traditions resist the imposition of a dogmatic secularism? Can healthy secularity be read in a way that opens space for Islam to contribute to the secular future of Europe? The second part of the paper considers such questions.

Georgia Du Plessis: *Social Integration as a Possible Limitation to the Right to Freedom of Religion or Belief in Europe*

The increasing arrival of immigrants with diverse religious beliefs in host countries challenges traditionally religiously homogeneous or secular states.¹ At least in Europe, this challenge is partly due to 1. the continuing secularisation of societies diminishing the moral authority of traditional religious institutions and 2. the increase of religious and belief diversity, partly by way of immigrants and immigrant groups.² This challenge is exacerbated by the complex issue of how to assure equal rights and opportunities for all, while respecting diversity.³ One of the ways in which these challenges pertaining to religiously diverse immigrant groups have been dealt with is by way of “social integration”.

Social integration is a contested concept with no clear definition or with varying definitions depending on the discipline within which it is studied. In most instances, it is implemented as a pragmatic policy aim and therefore, no definition is sought. This paper investigates, from a legal perspective, how European laws and courts have applied this concept in very specific instances and whether the application thereof in these instances unjustifiably and disproportionately limits the right to freedom of religion or belief (FORB) as contained in Article 9 of the European Convention on Human Rights (ECHR) (and Article 18 of the International Covenant on Civil and Political Rights (ICCPR)). The possibility that the studied instances of limitation of FORB by social integration have limited the inviolable and absolute forum internum dimension of FORB will also be investigated.

Yaroslav Yuvsechko, Liudmyla Fylypovych: *The Current State of New Religious Movements in Ukraine: Equality With Others & Free Development OR Discrimination & the Need for Protection?*

It was not easy for new religious movements (NRM), which appeared in the Ukrainian religious field objectively, to fit into the religious life of Ukraine. Over the years of their existence in Ukraine, they have become an element of Ukrainian religious landscape, a subject of interreligious relations. However, the current state of NRM in Ukraine can be qualified as contradictory, determined both by successes and defeats.

As a whole, Ukrainian society has not yet accepted the NRM as native and natural. Despite some successful attempts to organize a full-fledged religious life of the NRM, they are still not quite integrated into the cultural context of Ukraine, they feel alien to this environment and experience the ambiguous attitude of Ukrainians to the NRM.

Although plurality creates conditions for free choice of religions, these conditions are not the same for traditional and new religions (traditional religions are supported by local authorities, and most PRMs are, at best, supported by foreign institutions).

Traditional religions consider NRM as hostile, because of they contribute to the destruction of stable dogmatic ideas about the supernatural, the universe, a human, etc, that make the rivalry not only religious, but also ritual. Although new religions are unable to compete with them due to their small number. On the other hand, it is believed that the NRM blur ethnic identity, thereby creating the so-called problem of identity conflict.

By law, all religions in Ukraine are equal. But it is difficult for the state to guarantee the equality of the denomination, which is supported by 5 million adherents, and a religious organization that consists of up to one hundred followers.

It is increasingly difficult for new movements to obtain available premises to hold prayers and ceremonies, even on a lease basis. It is extremely difficult for NRM to access national or regional media resources. So most of NRM focus on using the power of the Internet.

What determines the position of NRM in Ukraine today – equality with others or vulnerability as a religious minority; equality of rights or the need for protection policies; free development or pressure from traditional religions; comfortable activity or discomfort to themselves? The answers are in our research, which is based not only on the analysis of current situation, but also on the results of surveys conducted by the authors with representatives of new religious communities.

Small Papers 2

(Friday – during Session 3)

Adelaide Madera: *Some Preliminary Remarks on the Impact of COVID-19 on the Exercise of Religious Freedom in France, Germany, and Italy*

Since 2020, the spread of COVID-19 has had an overwhelming impact not only on our personal lives, but also on domestic regulatory frameworks. Influential Academics have strongly underlined that, in times of deep crisis, like the current global health crisis, the long-term “viability of legal institutions” are put to a severe test. In this period, in fact, the protection of health is the “leading principle,” a precondition that is orientating many current legal choices.

Such an unprecedented health emergency also raises a serious challenge in terms of fundamental rights and liberties. Several basic rights that normally enjoy robust protection under constitutional, supranational, and international guarantees, have experienced a devastating “suspension” for the sake of public health and safety, thus giving rise to a vigorous debate concerning whether and to what extent the pandemic emergency justifies limitations on fundamental rights. Legal systems responded individually, and with differences to the pandemic emergency, ranging from a complete interruption of the collective exercise of religious worship, to a more cautious recognition of forms of religious accommodation.

The present paper compares the impact of COVID-19 restrictions on the exercise of religious freedom in different European legal contexts (France, Germany, and Italy) and the key role the judiciary played in managing competing interests during the pandemic crisis, and investigates how the pandemic crisis emphasized underlying judicial, political, sociocultural, and economic challenges, giving rise to a tension between competing rights and exacerbating concerns about the “special” role of religion.

Lena Rose: *The ‘Ideal Convert’ – Negotiations of ‘Christianity’ in Asylum Processes Based on Conversion*

Who determines what ‘Christianity’ is? This paper examines the negotiation of ‘Christianity’ through the lens of asylum adjudications based on religious conversion. The arrival of more than five million refugees in Europe since 2015 has led to increasing investigations into Europe’s management of multiculturalism and religious pluralism, focusing chiefly on the integration of the cultural and religious ‘other’. This paper takes a different approach by focusing on asylum proceedings based on conversion from Islam to Christianity in Germany, brought particularly by Iranian asylum seekers. The assessment of asylum applications based on a conversion focuses on 1) the credibility of the applicant’s conversion and 2) on its potential consequences in case of the applicant’s return to their country of origin. The negotiations of credibility of newly converted Christian asylum seekers are insightful because they throw into relief how German legal authorities conceive of their own historically Christian identity, and the processes of inclusion and exclusion that result from it. The paper shows how these negotiations are influenced by the power dynamics of the court setting, understanding of cultural and religious context, and assumptions about conversion and Christianity. Asylum adjudications based on conversion highlight the tension between religion, culture, and power in the legal negotiations of who or what counts as ‘Christian’ and deserves a state’s protection.

Serhii Shevchenko, Viacheslav Kobrzhytskyi, Iryna Vasylieva: *Christian Values in the Context of Specifics of the Formation of Religiousness in Independent Ukraine*

Deepening the dialogue between science and religion in medicine and healthcare is important in contemporary post-secular world. Given the religious and confessional features of Ukrainian society, we emphasize the importance of Christian spiritual tradition as a counterbalance to utilitarian, relativistic and technocratic approaches. This necessitated the consideration of an issue not only in the context of reflection on the peculiarities of Christian doctrine, but also the real attitude of believers towards actual issues of medicine. The results of a sociological study show that the evaluative judgments of medical students who have identified themselves as Christians on issues of healthy lifestyle, abortion, euthanasia, although are different from the guidelines of Christian morality, but are less liberal compared to other groups of respondents. At the same time, we can conclude that there is an internal differentiation of the respondents who identify themselves as Christians to believers with internal and “external” religiousness, due to different levels of influence of religious and secular/liberal cultures on their consciousness. It is substantiated that the nature of religiousness depends not only on the inner, personal virtues of man, but also on the peculiarities of his microenvironment and macrosocial influences, in particular the peculiarities of religiousness of contemporary Ukrainian society. It is necessary to take into account, first, the isolation from the religion of the older generations of Ukrainians as a result of 70 years of forced atheism has had a significant impact on the socialization of modern youth. Second, the sharp growth of religiousness in independent Ukraine was due primarily to changes in the social model of society, its socio-political and ideological priorities, i.e. transformational influences in secular culture. The growing influence of secular values on the worldview of some believers in recent years is taking place against the background of a symbiosis of ethnic, linguistic and religious-confessional factors, politicization of religious life in Ukrainian society and growing tensions between Orthodox churches, whose parishioners make up about 65% of believers.

Small Papers 3

(Friday – during Session 3)

James Dorsey: *Europe, a Frontline in the Battle for the Soul of Islam*

In a rapidly changing world in which big powers are vying to reshape the global order, Europe has emerged as a primary battleground in the struggle between major Muslim-majority states in the Middle East and Asia for control of the definition of Islam in the 21st century.

The outcome of this battle will significantly empower the winner or winners to wield religious soft power and thereby secure leadership of the Islamic world and project strategic influence in Europe and elsewhere. This is a 'battle for the soul of Islam' as much as it is a struggle for geopolitical power. It pits major players that purport to be religiously moderate such as the United Arab Emirates, Saudi Arabia, and Indonesia against nations like Iran and Turkey which advocate more militant or nationalistic understandings of the faith.

The result of this rivalry will determine which Muslim-majority country or countries will be recognized as leaders of the Islamic world. It will also determine which notions will prevail of a 'moderate Islam,' including the degree to which these notions embrace pluralism, tolerance, gender equality, secularism, and human rights as defined by the Universal Declaration of Human Rights or remain vague, as in current Saudi and Emirate usage of the term moderation, which is designed to mask these states' failure to systematically integrate these values into their domestic and foreign policy agendas.

Ultimately, this battle for the soul of Islam will significantly impact how Muslims in Europe and elsewhere understand and practice their faith. This complex religious and geopolitical struggle will play a significant role in determining the prospects for peace and security in Europe as well as much of the rest of the world.

Geert Lorein: *Religion Never Stands Above the Law*

Regularly, civil authorities (in the ECHR-area) ask religious communities to confirm that 'religion never stands above the law'. Some believers would like to react with something like 'the law never stands above the Bible/Tanakh/Qur'an'. None of both statements, however, would be correct: the relation between religion and law is more complicated than that. This text tries to formulate this relation in a language that is understandable for civil authorities, and with a content that reassures them as far as our peaceful intentions are concerned, but that at the same time does not betray our religious convictions (at least as Christians, preferably as Abrahamic religions).

After a description of the task of the State in ECHR-country and the task of the religions in the society, the possible tensions between these two tasks are discussed. Finally, a synthesis is offered. At this moment, this synthesis is not yet acceptable for all users of the text (different religious leaders and State officials). It is the author's hope that the presentation of this text to the participants of the ISFORB Conference will provide the necessary material to reach a more advanced stage of this text that will perfectly (or at least: better) answer the needs.

Andrei Motta: *Secularism, the State, and the Person: Reappropriating Jacques Maritain's Thought for the Present Age*

My aim in this paper is to reappropriate Jacques Maritain's thinking for discussions on secularization. Following Maritain and his concept of personhood, I will argue that secularism, when it is conceived as the prohibition to use religious language in the public sphere or to justify public arguments on religious grounds, makes a depersonalizing demand. In the following sections, I will begin by analyzing what I consider to be Maritain's prophetic critique of the concept of state sovereignty and its implications for persons' allegiances to the state. Moving beyond secularism must imply a rethinking of the very nature of the state, I argue. I will then identify what I believe to be the main problem with secularist filters in the public sphere, namely their epistemological and philosophical materialism. Afterwards, I shall look into Maritain's proposition for a personalist social ethic and the relationship between the person and the common good. Finally, I conclude with a reflection, drawing on Maritain's thinking, but also in dialogue with other scholars, about the Christian person and democracy.

Roman Soloviy: *The Transition From the Model of Tolerance to the Paradigm of Hospitality in the Ukrainian Evangelicals' Stance Toward the Religious Other*

In my presentation I would like to argue that in contemporary pluralistic context tolerance is a necessary but insufficient virtue that helps maintain a common life amid difference and disagreement, particularly of a moral and religious kind. Tolerance need to be supplemented by a concept of hospitality as an important way of framing relations between different religions. It is a productive way of conceptualizing how to forge a common life with others with whom we disagree. In recent decades we have observed the recovery of the Christian theology and practice of hospitality. Theologians mostly view hospitality as a fundamental spiritual virtue, an obligation essential for the authentic Christian faith's expression. My intention is to demonstrate that a theological framework of hospitality can be enriched by dialoguing with the interpretation of hospitality in continental philosophy. The philosophical approach calls attention to the fact that hospitality is not only moral virtue that inspires Christian communities' response to the needs of and the most vulnerable. Our basic point is that, first and foremost, hospitality should be regarded as unconditional exposure to the Other. The presentation will conclude with an analysis of preliminary outcomes and of prospects for the further development of a truly hospitable attitude to the religious other in Ukrainian evangelical communities

Small Papers 4

(Friday – during Session 4)

Nadezhda Beliakova: *Between Violent Secularization and the Traditional Hierarchy of Confessions: Conflicts Between the Soviet Perception of Freedom of Conscience and the Understanding of Religious Freedom Among Religious Minorities in the Late USSR*

A feature of the Soviet secularization project was that Decree on the separation of church from state (1918) declared the full freedom of religious convictions, the equality of all religions before the law, forbade the mention of religious affiliation in official documentation. At the same time, the Decree liquidated the rights of “Churches and religious organizations” to act as legal entities, forbade the teaching of religion in public schools, abolished ecclesiastic charities. My long-term study of the specifics of religious life in the USSR shows that the USSR there was no “separatio” as a minimum of ties between the state and churches, there was no equality of religions and confessions; and in my report I will propose to compare the hierarchy of confessions that existed in the Russian Empire with the situation in the post-war USSR.

However, in the 1960’s and 70’s an important discourse of socialist legality is being formed, within the framework of which believers begin to speak publicly about their “rights”. I will focus on understanding religious freedom in the texts of Soviet religious activists. For example, I will compare several texts from Evangelical Christians-Baptists and Catholics. Curiously, the Catholic hierarchs spoke about religious freedom, which was viewed as an inalienable human right. Whereas the Baptists analyzed the principle of freedom of conscience more as one’s freedom to choose faith.

Felipe Augusto Lopes Carvalho: *Religious Proselytism in Europe: Assessing the Strasbourg and Luxembourg Jurisprudences*

The right to proselytize is encompassed within the scope of Freedom of Religion or Belief (FoRB) in international law. The European Convention specifically refers to “teaching” as a form of “manifestation” of religion. It is also supported by the reference to “change religion or belief”. As part of the forum externum, it is not an absolute right, and may be limited by the State. Domestic law might seek to protect individuals considered in some sense vulnerable against inappropriate pressure to change a religious belief. As a result, domestic and international courts are called on to decide whether an alleged interference was or was not justified in the particular circumstances. This Article analyzes how the European Court of Human Rights and the Court of Justice of the European Union have ruled on domestic laws and practices that prohibit or restrict religious proselytism, and the consequences of such decisions to religious minorities. The Kokkinakis case dealt with the criminalization of proselytism in Greece. The ECtHR majority’s decision was based on factual particularities and legitimated the law itself as providing the certainty and foreseeability required to guide potential infringers. In Larissis, the ECtHR found no violation of the rights of military officers who were convicted for proselytizing their military subordinates. In 2018, The CJEU has touched lightly this issue in Tietosuojavaltuutettu, and found that privacy rights outweighed the Jehovah Witnesses’ interest in conducting their evangelism without restrictions. We argue that the Courts have too readily accepted state justifications for measures that impact negatively on the ability of religious minorities to share their beliefs. By using a case-by-case balancing approach, they have missed the chance to provide predictable principles about the extent to which restrictions on proselytism are in accordance with the international human rights regime.

Massimo Introvigne: *“Sect Filters” in Germany: Institutionalizing the Anti-Cult Narrative*

Some German länder and cities have introduced something called a “sect filter,” a mandatory declaration intended to exclude members of groups labelled as “sekten,” the German derogatory word equivalent to “cults,” from working in a variety of sectors. When applying for a job or a contract with the government, citizens are requested to state in writing that they do not belong to certain “cults” nor do they attend “cult” activities. Private companies have also adopted the “sect filter.” The city of Hamburg first introduced the “sect filter” for employees and business dealing with the city, and also recommended its use to local private businesses through its Web site. Scientologists started a good dozen of court proceedings against Hamburg, and consistently won, up to the Federal Administrative Court. In 2017, Hamburg gave up promoting the “sect filter” to private businesses, but is still using it in the city administration—although further lawsuits may eventually stop its use as well. In 2019, a decision in Bavaria, where the “sect filter” had been introduced, also ruled that its application is not legitimate. The controversy, however, continues. It confirms that the rhetoric against “cults” still plays an important role in German politics, particularly at the local level, although federal courts have repeatedly concluded that discriminating members of “cults” in the workplace is not admissible.

Carsten Polanz: *Between Salafism and Secularism: The Contemporary Discourse of German Muslims on Freedom of Religion*

The Muslim community is diverse - in Germany as in all of Europe. This is also clear when it comes to the scope and the limits of religious freedom. The paper compares different approaches to FORB among contemporary Muslim theologians and functionaries in Germany: How broadly or narrowly do they define religious freedom (especially in the public sphere)? In what areas are they particularly vocal in calling for religious freedom in Europe? Where do they see the greatest challenges and strongest restrictions (e.g. in the context of a so called Western Islamophobia)? What role does the religious freedom of non-Muslims or dissenting Muslims play in their writings or public statements? To what extent do they critically engage with the classical dhimma concept and prevailing positions on apostasy and blasphemy?

The paper explores these questions by reviewing and comparing relevant contributions from officials and influential opinion makers from the context of the major mosque umbrella organizations with the contributions of Mouhanad Khorchide's attempts to depoliticize Islam and spiritualize the Shariah in the name of a humanistic “theology of mercy” as well as with the concept of religious freedom in Abdel-Hakim Ourghis theses for an enlightenment-inspired reform of Islam.