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# RELIGION, STATE & SOCIETY

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## Editorial

A number of articles in this issue of *Religion, State and Society* look at current legislation on religion in various countries and at how that legislation is actually applied. Nikolas Gvosdev examines various ways in which, while safeguarding religious freedom in general terms, states can nevertheless qualify this right in substantial ways. Simon Barnett shows that as far as legislation on religion and its actual application are concerned the Baltic states of Estonia, Latvia and Lithuania compare favourably with some European Union countries from the point of view of religious liberty, and he focuses particularly on Austria and Greece.

There has been increasing pressure in many European countries from the mid-1990s to introduce more restrictive legislation on religion, and it is important to realise that the countries concerned are by no means confined to those which were previously under communist rule. One phenomenon which has led to alarm in many quarters and has produced this pressure for change is the growth in strength and activity of various 'cults' and 'sects'.

In the first half of the 1990s world attention focused on a series of collective suicides-homicides and acts of aggression instigated by the leaders of religious movements. In April 1993 88 Branch Davidians committed mass suicide or died from confrontations with the police in Waco, Texas. In October 1994 53 members of the Order of the Solar Temple died in mass suicide-homicides in Switzerland and Canada. On 5 March 1995 some 5000 people were injured and 11 killed in a gas attack perpetrated by Aum Shinrikyo in the Tokyo subway. In December 1995 there was another suicide-homicide of 16 Solar Temple members in France.

A debate began within the European Union and the Council of Europe on whether new policies needed to be designed for dealing with unconventional religions in order to avert future incidents of similar kind. Eleven EU member states concluded that 'sects' as such did not harm the individual, the family, society or democratic institutions to the extent of making it necessary to create new institutions or organisations to combat them: as in the past problems posed by certain religious movements could be dealt with using existing legislation. However, four EU member states – Austria, Germany, Belgium and France – decided to develop new forms of action, including setting up investigative commissions and information centres and distributing documentation. And in France new anti-sect legislation has now been passed.

With only one dissenting voice, on 30 May 2001 the French National Assembly adopted the 'About-Picard' law, which is designed provide individuals and the public authorities with new courses of action to allow them to paralyse the activities of cult organisations and render them harmless. The French government is now allowed to shut down a religious group when two representatives are found guilty of at least one legal infraction. Offences include fraud, the illegal practice of medicine, misleading advertising and or sexual abuse. The meaning of these terms is not closely defined. The law also stipulates that banned groups which re-form under a different name can face prosecution.

There is speculation as to why it should be France which has become the first Western European country to introduce legislation of this kind. Some point to the French tradition of *laïcité*, which originated as a form of denial of religious hegemony in the shape of one monolithic Catholic Church, but which when now presented with burgeoning religious pluralism finds itself without the potential to develop a more nuanced policy. Others note the French tendency to practise cultural protectionism, and see this now being extended to the religious sphere. Meanwhile there are those who argue that anti-sect attitudes are as strongly held in Germany as in France, but that Germany is inhibited about introducing repressive legislation because of fears of the legacy of Nazi intolerance.

International concern about the new French law revolves around the fact that it appears to violate France's commitment to international and European treaties and covenants which protect religious freedom, notably the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religious Belief. In France itself the law has come under fierce protests from religious groups, including the French Protestant Federation and the French Catholic Bishops' Conference.

Meanwhile it seems that the Chinese government will be closely monitoring the development of this law, no doubt seeing in it a model of potential use in moves against unofficial religious activity in China.

The new religious movement which has achieved most publicity in China in recent years has been Falungong. The Chinese government has been unable to deal with it effectively. The legislative and administrative machinery is too unwieldy; and there is no conceptual place within Chinese thinking on religion for a 'new religious movement' and certainly no way in which it could gain official recognition. The authorities started by sending the wrong messages to Falungong: they tried to ignore it, and when it held mass rallies they used appeasement. On 25 April 1999 10,000 Falungong members rallied outside a Party headquarters to protest at the fact that a provincial student newspaper would not withdraw a critical article. This was the last straw for the authorities, who now quickly moved to a policy of systematic repression. Since the end of 1999 at least 30,000 Falungong members have been arrested and at least 77 (some say up to 200) have died in prison of beatings, torture and other mistreatment.

One of the main dangers involved in anti-cult legislation is that it is a blunt instrument. It can engender or intensify a climate of intolerance and give an unofficial green light to activists with a wider agenda. Those in Russia who were pressing from the mid-1990s for the adoption of a more restrictive law on religion spoke of it as an instrument to be used against 'harmful' and 'totalitarian' sects coming into Russia from abroad. Those who have suffered most, however, since the new law was adopted in 1997 have been indigenous independent-minded Protestant denominations, Roman Catholics and Islamic 'fundamentalists'. In general, the law has encouraged an atmosphere of mistrust and a 'divide and rule' policy.

In his survey of current Chinese religious policy in this issue of *RSS*, Tony Lambert notes that 'In the continuing crackdown on Falungong unregistered Protestants and Catholics often get short shrift as local cadres close all unregistered religious meetings in their eagerness to obey the central government's edicts.' Others go further and see the crackdown on Falungong as deliberately preparing the way for a more repressive policy towards unofficial Catholic and Protestant religious activity too.

## Notes on Contributors

**Simon Barnett** lectured in law for ten years at the Royal Agricultural College, Cirencester, England before commencing practice as a barrister. His areas of work include human rights and advising nongovernmental organisations. In the course of his work he has visited Estonia, Lithuania, Nigeria, Kenya, Malta, France, Italy, Germany and the USA.

**Janice Broun**, an Oxford graduate, is a specialist writer on religion in communist and postcommunist societies. She has had several articles published on Bulgarian religious affairs since the early 1980s, and book reviews on a wide variety of aspects of religious life in Central and Eastern Europe. She is the author of *Conscience and Captivity: Religion in Eastern Europe* (1988).

**Ružica Cacanaska** graduated in sociology at the University of Skopje in 1987, went on to study at postgraduate level in Belgrade, specialising in the sociology of religion, received a doctorate in 2000 with a study of Protestantism in Macedonia, and since 1987 has been a research fellow at the Institute for Sociological and Juridical Research in Skopje.

**Nikolas K. Gvosdev** is a graduate of Georgetown University and studied for his doctorate in history at St Antony's College, Oxford. He is now associate director of the J. M. Dawson Institute of Church-State Studies at Baylor University. His academic interests include the relationship of religion and culture to democracy. He has published in a number of journals and is the author of *Imperial Policies and Perspectives towards Georgia, 1760–1819* and *Emperors and Elections: Reconciling the Orthodox Tradition with Modern Politics*. He is now completing a third book, *Eastern Perspectives on Church and State*.

**Tony Lambert** is a former British diplomat in Beijing and now director of China research for Overseas Missionary Fellowship. He is renowned for his research into the growth of the Protestant churches in China. His published works include *The Resurrection of the Chinese Church* (1991).

**Gerd Stricker** is the head of research at the institute Glaube in der Zweiten Welt near Zurich and editor of the publication of the same name. He has lectured and published prolifically on many aspects of church life in communist and post-communist countries and on the history of denominations in those areas. One of his special interests is the history of Protestantism in Russia. He is a Lutheran.