



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

CONFERENCE DES OING DU
CONSEIL DE L'EUROPE

Education and Culture Standing Committee

The Religious Dimension of Intercultural Dialogue

Rapporteur : James Barnett, Intereuropean Commission on Church and School

Document prepared by the working group

Janvier 2015

The Document

Preface <i>Alvaro Gil Roblès</i>	Page 2
Introduction	Page 4
The Context - The Council of Europe and religion	Page 8
The Faro Declaration	Page 10
The Religious Dimension	Page 11
The Religious Dimension of Intercultural Dialogue <i>Thomas Hammarberg</i>	Page 17
The Religious Dimension of Intercultural Dialogue <i>Jean-Paul Willaime</i>	Page 18
Address by the Rabbi Rivon Krygier	Page 21
Judaism <i>Manuèle Amar</i>	Page 25
Judaism and Human Rights <i>Gilbert Nerson in cooperation with the Chief Rabbi René GUTMAN, Chief Rabbi of the Bas Rhin</i>	Page 27
Judaism and Culture <i>Gilbert Nerson</i>	Page 29
Islam - Divine "Unity" or the oneness of God and Muslim diversity <i>Lilia Bensédrine-Thabet</i>	Page 31
Introduction to the Charia and its Sources <i>Muhammad Amin Al-Midani</i>	Page 36
Buddhism: Is it a Religion ? <i>Michael Aguilar</i>	Page 41
Contribution by the EBU on the Religious Dimension <i>Michael Aguilar</i>	Page 44
Ethical Principles for an Interreligious Dialogue <i>Richard Fischer</i>	Page 48
The Basis of Intercultural Dialogue <i>Denis Gira</i>	Page 51
The Religious Dimension	Page 53
Proposals	Page 55
Recommendations	Page 61
Glossary	Page 62
Working Party	Page 64

Preface

I should like first of all to express my gratitude for the invitation to write a preface to this excellent report, by a working group of the INGOs of the Council of Europe, on "The Religious Dimension of intercultural Dialogue."

We must certainly congratulate the writers and contributors on this initiative, because all intercultural dialogue is necessarily imbued with the element of religion.

Religion, with its variety of form and practice, has accompanied human existence over the centuries. As an inevitable aspect of society's economic development as well as of the cultural development of those who belong to it, the most brutal and violent aspects of religious ceremonies, those based in ignorance and superstition, have gradually become more mild, or indeed they have disappeared.

To deny or to ignore the value of religion is no less a mistake than not to allow freedom of practice to those who profess a particular belief. But the desire to enforce a system of belief and to take steps against those who do not share it, is even worse.

It is very important to recognise that, over and above belief and the practice of religion, there is respect for common values, innate to human nature, to the dignity of the human being and the things that we have universally classified as human rights.

The involvement of religious traditions, with their variety of creeds, in the common project of guaranteeing absolute respect for human rights, has represented and still represents today a historic challenge for all humanity.

The key to enable this fine project to be transformed into a reality shared by all, is found in the acceptance by different religious groups of the fact that practice must be absolutely constrained by respect for democratic values, for human dignity and the freedom of others whether they be believers or non believers. .

In the years when I worked as Commissioner for Human Rights at the Council of Europe, I endeavoured to create a space for meeting and dialogue between the different religious traditions, with the objective of thinking about the "transcendental role" which they can and must play in the defence of human rights, rather than to be a cause of their violation. I am delighted that this dialogue continues and that it grows in strength and I cite as evidence the initiative about which I am writing today.

Religion should not be a danger for human rights, indeed the opposite is true. Religion cannot be an instrument for the spreading of hatred, of intransigence, of excluding or denying the integrity of the other.

Religion, the practice of which should be an instrument not only of personal fulfilment in seeking after the transcendental "I," but also of positive understanding of other human beings, should be an instrument of peace and not of fanatical confrontation.

That is why the most advanced societies have given effect to the importance of establishing and protecting an integral common space for all, regulated by rules that guarantee the neutrality of institutions and of public authorities, in their structure, in relation to existence and the legitimate practice of different religions. It is what we understand as the *laïcité* of a State that perceives itself as being composed of all its people and as existing for all its people.

That is why it is so important that the school should be a place for handing on knowledge of the essential content of different religions, of their history, which is also that of our continent, and of cultural diversity. Ignorance of the existence of religion can only be of service to those who make use of misinformation to spread fanaticism. We should not confuse information and education (*formation*) with catechesis which is a function of the private realm, for those who belong to each religious tradition. The state should be the guarantor of the transmission of objective information in this syllabus, including the vision of those who find themselves at the edge of all religious belief.

Europe represents an array (*prisme*) of cultures, of religions, of different philosophies. In the course of history, they have not always lived together in peace. Indeed, they have experienced violent and cruel convulsion.

On our continent we have learned the lesson (with some exceptions), and we have defined our identity in human rights, the rule of law, democracy and respect for the fundamental liberties of every person. The Council of Europe is, without

any doubt, the best and most important testimony to this collective engagement for the defence of our fundamental values.

That is why I give my strong support to the initiative by the International, Inter-cultural and Inter-convictional group (G3i) in "organising constructive dialogue between those whose vision of the world is founded on different convictions (beliefs, religions, atheism, agnosticism...). The interconvictional process leads everyone involved, through mutual recognition, to be enriched by one another's point of view, expressed with complete freedom and without seeking to dominate. It is to be hoped that the European Union will both undertake and implement an "inter-convictional" approach.

The document which you have in your hand is a serious reflection in that direction and a resource of great value for a better awareness of the role of religions in what we call intercultural dialogue.

Alvaro Gil Robles
Segovia, 1 June 2014

Introduction

1. The Context

The Council of Europe brings together 47 member states with the aim of safeguarding democracy, the rule of law and the universal values of human rights. Its foundation, which dates from the end of the forties, engaged ten states from western Europe, whereas there were twenty-three member states at the time of the fall of the Berlin Wall in 1989, all from Western Europe. In the last decade of the twentieth century the "liberated" nations of central and eastern Europe were welcomed by the Council of Europe, of which civil servants and experts made an important contribution to the development of democracy, jurisprudence, government and the administration of the new member states. The historical and cultural diversity of the "47", as well as immigration since the war, engages an extended cultural debate. In May 2008 the Committee of Ministers of the Council of Europe adopted the White Paper on intercultural dialogue. The document includes a chapter on the religious dimension of intercultural dialogue, because there was an awareness of certain differences as a result of the religious engagement or tradition of European populations.

2. The INGOs and religion

The term "white paper" borrowed from the British system, denotes a document on policy development, in this case policy on intercultural dialogue. In view of religion's involvement in certain conflicts, the white paper suggests, in a short chapter on the religious dimension that "education as to religious and convictional facts in an intercultural context makes available knowledge about *all* world religions and beliefs and their history."¹ Though the European Convention on human rights guarantees liberty of belief, conscience and conviction, the Council of Europe can have no view on religion, of which the liberty is guaranteed, because the safeguard of human rights involves universal values and not "truth" which is termed "confessional."

The Conference of INGOs is a particular feature of the Council of Europe. The 400 INGOs with participative status bring knowledge of civil society, therefore of the life of citizens among whom they work. There are INGOs of "religious inspiration" of which work in the humanitarian field enriches the life of our continent. At the same time, INGOs with non-confessional inspiration or indeed non-confessional conviction encounter some consequences of religious origin in the context of their work.

Our working group was established at the initiative of the Education and Culture committee with the intention that it should work on the religious dimension. It was hoped that we would be able to shed light on a "phenomenon" in the context of the universal values of human rights. We needed to be objective in respect of intercultural dialogue, the religious dimension and the plurality of the twenty-first century. The members of the group joined it as a result of an open invitation. We had diverse convictions, they were not necessarily religious, but our working method was objective, that is to say that there was a non-confessional assumption about the plurality of our convictions, while the definition of the religious dimension should not prevent the recognition of certain affective aspects in religious practice and belief.

There was discussion neither of religion as such, nor of the merits of any religions. These criteria, which were not negotiated and which were unexpressed, were binding, although we mentioned the definition of religion and the possibility of non-theist religion. The legal principle of general recognition prevailed

3. Objectivity and religion - sacred and rational

Religious communities bring together

- believers and involved people who practice religion,
- less involved people who attend "rites of passage" or services connected with great religious festivals,
- sympathisers with religion who claim to believe but who question some aspects of the received tradition.

It is also the case that a number of non-believers have a good understanding of the religious tradition of their ancestors, while ignorance of religious traditions produces irrational hostility. In that respect there were "various" levels of religious involvement among the members of our group and their contributions were always important. The religious dimension, like the religious fact, involves :

- intellectual knowledge;
- experience of worship, liturgies and music
- arguments at different levels for one's preferred religion.

Furthermore the production of a report on the religious dimension in the context of universal values, which are neutral towards religion, requires an interconvictional approach and not only an interreligious one. The definition of the religious dimension would not involve belief or belonging. On the other hand, interest in the phenomenon of religion in the plurality of contemporary society was both necessary and expected. No one expressed a point of view that would contradict "universal values." We also recognized that personal conviction need neither confine nor determine the definition of the religious dimension, although some practices and beliefs are of basic importance.

¹ White Paper p. 30

Finally mutual respect engages recognition of the intellectual importance of the debate. In that sense the white paper suggests that there should be interreligious dialogue,² but intra-religious debate is also relevant.³ For Christians in particular, a system of inter confessional (therefore inter-religious) meeting has existed for a long time, in particular since the war, the Amsterdam Conference of 1948 and the foundation of the world Council of Churches (WCC).

An INGO working group is interesting. The participants bring a range of expertise and different interests. This interesting diversity is an aspect of the religious dimension, because the religious dimension is not confined to religion. Our societies reflect aspects of religious history, people who do not believe understand themselves as inheriting a family history influenced by religion, whereas popular awareness includes certain antipathies of religious origin which are not just religious. We discussed history and related questions not because we were following the argument of the White Paper, already defined, but because we cannot avoid the questions raised. Extended dialogue is made more comprehensible by history. This dialogue, which is not just religious, involves discussion beyond religion as such. Therefore we are more involved in inter-convictional dialogue than in a debate on religious differences. This debate requires giving impartial value to certain convictional differences.

4. The problem: historical aspects and the legal status

Religions proclaim love, but disagreement or conflict are inseparable from the totality of the religious dimension. In the first century of our era Suetonius wrote of the Emperor Claudius "*Iudaeos impulsore Chresto assidue tumultuantes Roma expulit*" (49 CE). Many wars have been associated with religious differences - the Crusades, the Thirty Years War ... as well as religious aspects of conflicts between communities in Europe. The White Paper suggests that the teaching of history is necessary :

The Committee of Ministers' recommendation on history teaching in 21st century Europe (2001) stressed the need to develop in pupils the intellectual ability to analyse and interpret information critically and responsibly, through dialogue, through the search for historical evidence and open debate based on multi-perspectivity, especially on controversial and sensitive issues.⁴

One result of earlier conflict is the different legal status of religions in the countries of Europe. These differences are still evident. Some states give financial support to recognised traditions or even for religious education (Belgium). Elsewhere those who declare their religion pay taxes for the support of **their own** religious denomination. There are State Churches and established churches (which do not necessarily receive pecuniary support). France and Turkey practice the absolute separation of religion and state (*laïcité*), with exceptions in France (Alsace/Moselle)⁵.

In France the state pays for chaplains in hospitals, the armed forces and prisons so as to ensure the right to freedom of religion for citizens who are in an exceptional or special situation. In England, twenty-six Bishops of the Church of England sit in the House of Lords.⁶ The right to be without religion is a fundamental aspect of liberty of conviction. In Belgium certain non-religious organisations receive support as communities of conviction.⁷

5. Dimension and dialogue :

Dimensions et dialogue :

Apart from the dialogue between public authorities and religious communities, which should be encouraged, there is also a need for dialogue between religious communities themselves (interreligious dialogue). The Council of Europe has frequently recognised interreligious dialogue, which is not directly within its remit, as a part of intercultural dialogue and encouraged religious communities to engage actively in promoting human rights, democracy and the rule of law in a multicultural Europe. Interreligious dialogue can also contribute to a stronger consensus within society regarding the solutions to social problems. Furthermore, the Council of Europe sees the need for dialogue within religious communities and philosophical convictions (intrareligious and intra-convictional dialogue), not least in order to allow public authorities to communicate with authorised representatives of religions and beliefs seeking recognition under national law.

Cpt 3.5 White paper pp. 23f.

The White Paper encourages interreligious dialogue "which is not directly within its remit." We did not represent our religions, but INGOs with participative status bring the competence and skills that they contribute to civil society.⁸

² White Paper pp. 23 et 24

³ The Council of Europe considers that further dialogue is required in religious communities and among traditions of philosophical thought (intrareligious dialogue and that within a conviction), in particular to allow public authorities to communicate with authorised representatives of religions and beliefs which seek to be recognised in national law. *Livre Blanc* p. 24

⁴ *Ib Id* pp. 29sq. for the Committee of Ministers Recommendation (2001) 15.

⁵ Alsace/Moselle : the region was annexed by the Germans from 1870-1918. Some aspects of German law such as financial support for religion by the state continue.

⁶ Only the Bishops of the Church of England sit in the House of Lords. The Church in Wales has been disestablished since 1920. In Scotland the situation is different.

⁷ Precise and extensive information is available: see Frank Cranmer « Church and State in Western Europe » ; <http://www.ucl.ac.uk/spp/publications/unit-publications/133.pdf> . Practice is complicated.

⁸ A current challenge for the Organisation is to strengthen INGOs and Civil Society and to develop participative democracy at a "continental" level. *Council of Europe web page on les OING.*

In the same sense we used our knowledge of civil society to enable us to mention some differences of which the definition could properly be subjected to philosophical analysis based on a knowledge of Greco-Roman philosophy - a pillar of European history and thought. In any event this report is not a theological document. Interreligious dialogue would be undertaken by appointed representatives of the religions with the job of representing particular aspects, sometimes confessional aspects of the global dimension of religions. However one mismatch should be mentioned.

6. Equality of convictions and Europe

Our working group which was open to those who were interested in the religious dimension, brought together believers

Article 11 (TEU)

1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.
2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.

Article 17 (TFEU)

1. The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.
2. The Union equally respects the status under national law of philosophical and non-confessional organisations.
3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.

from the three monotheist religions, a representative of the EBU (an INGO with participative status) and non-believers. Furthermore the document includes a contribution from the CEC which was less involved than some religious traditions as such.

The debate includes giving equal value to religious and non religious convictions. In our work we saw *laïcité* as a neutral space in which liberty of conviction, guaranteed by article 9 the ECHR is assured. As far as possible, contributions from religious traditions are balanced and there is no presupposition about non religious convictions.

The Treaty of Lisbon, between the twenty-seven member states of the European Union was signed on 13 December 2007. It transforms the institutional architecture of the European Union, while keeping existing treaties, albeit modified in depth.⁹ It is important to ensure that groups with non religious convictions are as well situated as religious groups.

European Union, while keeping existing treaties, albeit modified in depth.⁹ It is important to ensure that groups with non religious convictions are as well situated as religious groups.

7. The substance of the debate.

a). Interreligious : In recognising the importance of interreligious dialogue the Council of Europe is careful because confessional questions are not within its ambit. Nevertheless since 2008 there have been annual encounters about issues connected with the religious dimension. The encounters bring together representatives of religious traditions and non religious convictions. Participants are invited by the Council of Europe. In addition the Parliamentary Assembly has worked on reports about *The contribution of Islamic civilisation to European culture*¹⁰ which mentions the distorted image of islam and on the *Jewish Contribution to European Culture*¹¹ which counters the negative image of Judaism by extolling the contribution that Jews have made to European commerce, life and culture.

2. Intrareligious: The reality is determined by history. Some religious traditions were proscribed, like the Catholic Mission in the United Kingdom, the Protestants in France ... French Protestants do not forget the dragonnades, some villages in England do not play cricket together because they fought on opposite sides in the English Civil War. In the greater Europe, after the Thirty years War the consequences of the treaties of Westphalia were a complex mixture of religious solutions and political ambitions.

3. Interconvictional A page in the French Wikipedia on interreligious dialogue includes the quotation in the frame¹²: This interconvictional dialogue makes it possible to take into account the thought and experience of non-religious groups which are somewhat distanced from their "institution." In fact the web page adds "non elected religious authorities, who claim an exclusive entitlement to speak for and to represent faithful citizens of a religion are recognised by states on the simple basis of the practice of a religion."¹³

8. The report: basic objective, philosophical and affective aspects.

1. The first chapters examine the neutrality of the European Institutions and quote the second Commissioner for Human Rights, Thomas Hammarberg 2006-2012, the sociologist Jean-Paul Willaime and the address of the Rabbi Krygier in Notre Dame Cathedral in Paris which is used as an example. Religions and their adherents must live together in Europe, they should be able to do so. The colloquies organised by Mr Gil Robles and the address by the Rabbi Krygier in Notre Dame represent the possibility of non-syncretistic coming together.

⁹ The treaty of Rome 1957 - now the "Treaty on the functioning of the European Union" and the treaty of Maastricht 1992 now the "treaty on the European Union."

¹⁰ Recommendation 1162 (1991)

¹¹ Doc 5587 11 September 1987

¹² http://fr.wikipedia.org/wiki/Dialogue_interreligieux

¹³ Translation James Barnett.

2. Shared philosophical aspects touch on theological questions. In particular we mention the three "classic" arguments for the existence of God with their limits of application, but, at the same time, the relevance of accessible philosophy in the debate about the religious dimension. A connected problem is the religion practiced, the belief that one expresses (art 9§1) or indeed the mismatch between the religion taught and lived human experience. Buddhism, which is not theist, is concerned with the nature of humanity and an eventual rather than a theoretical perfection. It is not really concerned with the creation - a philosophical question taken up by religious dialectic.
3. Our group was made up of believers of different traditions and non believers, whose cultural heritage, for example the social tradition, works of art or architecture expressed religious traditions which were more widely known and practiced in the lives of their ancestors than they are today. Although the tradition includes an unstated memory of religious practice, developments in the knowledge of human society lead to a reassessment of religions. Scriptural texts are neither scientific nor are they literal history. Their interpretation necessitates literary understanding of a number of documents written within the believing community over the centuries. Religions, well understood in a context of mutual and widespread respect, open to dialogue alongside non religious groups and convictions, should be able to engage in seeking understanding that enlightens human life and concepts of truth.

The Council of Europe and Religion

In 2008 the Council of Europe adopted the white paper on Intercultural Dialogue, with the subtitle "living together in equal dignity."¹ The term "white paper," borrowed from the British (see below p. 7), refers to a policy document, in this case written after consultation that included governments, the European institutions² and indeed the religious organisations. Moreover, the white paper includes a chapter on the religious dimension of intercultural dialogue. Nevertheless the starting point for the document was the Council of Europe's interest in cultural issues as well as their relevance to contemporary society. Another field of activity was a growing engagement over the last ten years with religion and culture.

Historical Influences

Religious traditions in Europe are complicated. The continent is divided for reasons of history. There is an imaginary frontier that separates the territory of the two "Roman Empires ;" the western one, of which the capital was Ravenna and the eastern empire of which the "capital" was Byzantium. For Christians the "dividing line" is "uncrossable." It is the point of division between the influence of the Catholic and Orthodox traditions.³ The line is uncrossable because the history of western Europe saw Reformations (that were Lutheran, Calvinist, Nordic, English and so on), while in the eastern part of Europe the Orthodox are not just one church and the patriarchates are related to cultural traditions that also reveal a certain rivalry. In the twentieth century, Eastern Europe experienced long-running totalitarian oppression.

One must also remember certain religions that have existed in Europe since the middle ages - Islam in Moorish Spain, with its architecture, its medical knowledge and its Aristotelian philosophy, Judaism since the time of the Roman Empire⁴ with its influence on the evolution of the banking system, as well as the Spanish contribution through the County of Venaissin to which should be added national churches in the west (for example in Scandinavia or the British Isles, the *ländeskirche* in Germany or the "cantonal" churches in Switzerland.) Islam was present in other places, for example in ex-Yugoslavia as well as in Russia.

Convictional, cultural and convictional pluralities

It is important to take account of the convictions of people who are "without religion," because they are as sincere as those of religious believers. Confronted with this complexity, the religious dimension of intercultural dialogue is a fundamental aspect of European culture. Religions are distinct, however. "Religious" people adopt the "doctrines" of their communities, but unreflected conformity has been a factor in former conflicts of which the origins were religious. Knowledge of the other and the recognition of extremism should be required in the education and training of "religious professionals." In addition a theological education must involve philosophy and an awareness of the ineffability of God whose existence is not open to demonstration or proof. In that sense belief, or the interpretation of faith, is provisional, while certainty implies that the other person is mistaken or that the tradition of one community excludes that of another.

It is self-evident that, in the White Paper on Intercultural Dialogue the "Religious Dimension" is not just confessional, that is to say that this dimension of experience goes beyond individual religions and denominations. In addition many aspects of the religious dimension are shared: belonging to the community, religious practice (liturgy, prayer, etc.) and spiritual experience or understanding. The spiritual aspect is the most difficult. It is impossible to understand religion of any tradition without knowing about spirituality, while the white paper is necessarily neutral on the issue and the Council of Europe does not know whether God exists - and should not know whether he exists either! The recognition of belief in a context of plurality does not, however, involve taking a position.

An examination of the religious dimension of intercultural dialogue by a working group of INGOs with participative status at the Council of Europe is concerned with the opportunities and difficulties of long term cooperation, with the accessibility of religious vocabulary and with mutual knowledge among believers or adherents of different religions. We must go on to mention the values of the Council of Europe: human rights, democracy and the rule of law. Religious believers are united by their experience of faith, they are divided by their beliefs and they should agree about the existence of conviction with believers and non believers of whatever tradition. It is important to take account of honestly held insights that may also imply aspects of division, or of convictional facts...

¹ *White Paper on intercultural Dialogue "Living together as Equals in Dignity"* Strasbourg, Council of Europe 2008: To download the complete text: http://www.coe.int/t/dg4/intercultural/Source/Pub_White_Paper/White%20Paper_final_revised_EN.pdf

² The White Paper will be the end result of an open consultation process, ensuring that the experience of the various stakeholders (governments, parliaments, local and regional authorities, academic experts, ethnic and religious communities, civil society organisations and others) is reflected in the final document. The consultation process will also help to ensure that the White Paper, once published, induces a lasting discussion process and leads to practical measures by as many partners as possible. *Preparing the "White Paper on intercultural dialogue" of the Council of Europe §5.3 p. 10*. http://www.coe.int/t/dg4/intercultural/source/consultation_document_en.pdf

³ We speak about the eastern and western (European) traditions. Generally Protestant Churches are "western" because their thought and the areas where they are present are usually in western Europe. But there are Protestant Churches in Romania and in Russia for example.

⁴ See p. 5 and p. 15 footnote 15.

The Beginning:

The Council of Europe's interest in religion has been evident for more than twenty years. For example in 1987 and 1991 there were declarations by the Parliamentary Assembly on the Jewish and Islamic contributions to European Culture⁵. The debate on the religious dimension and the teaching of religious facts has however developed since the beginning of the twenty-first century. Since 2000 the Commissioner for Human Rights has organised five colloquies in which representatives of religions and experts have been involved. The last colloquy took place in 2006 in Kazan.

In 2004, the Wroclaw declaration by the Ministers of Culture⁶, which examined *Cultural Diversity and the cohesion of society* asserted :

Intercultural and inter-religious dialogue, based on the primacy of common values, should be organised and systematically encouraged as a means of promoting awareness and understanding of each other, preventing conflicts, promoting reconciliation and ensuring the cohesion of society. This should be done in particular through formal and non-formal education, the dimensions of remembrance and common heritage, cultural action and participation in the community. To this end, the Council of Europe should continue to develop strategic policy frameworks for the management of cultural diversity and models of good practice based on its fundamental values.

Moreover

... the Council of Europe should promote an intercultural and inter-religious dialogue between Europe and the neighbouring regions, in particular the southern shore of the Mediterranean, with a view to ensuring stability and cohesion and to enhancing mutual understanding and respect.

In 2005, the summit of heads of state and government also looked at intercultural and interreligious dialogue, common values and the cultural, religious and humanist heritage of Europe. In the same year the ministers of culture of the member states produced the Faro declaration on Education and Culture. It included the proposal for a White Paper on Intercultural dialogue, which would be adopted by the Committee of Ministers in 2008.

The Summit of Heads of State and Government and the Warsaw Declaration of 16-17 May 2005⁷

In the following year the Heads of State and Government met in Warsaw. In their final declaration they mentioned the religious question :

§6. We shall foster European identity and unity, based on shared fundamental values, respect for our common heritage and cultural diversity. We are resolved to ensure that our diversity becomes a source of mutual enrichment, inter alia, by fostering political, inter-cultural and inter-religious dialogue. We will continue our work on national minorities, thus contributing to the development of democratic stability. In order to develop understanding and trust among Europeans, we will promote human contacts and exchange good practices regarding free movement of persons on the continent, with the aim of building a Europe without dividing lines.

9. We strongly condemn all forms of intolerance and discrimination, in particular those based on sex, race and religion, including antisemitism and islamophobia. We affirm our determination to further develop, within the Council of Europe, rules and effective machinery to prevent and eradicate them

In the same year the Faro Declaration⁸ proposed a strategy for the development of intercultural dialogue. The strategy included a white paper aimed at managing intercultural diversity. The term "White Paper" is derived from British Parliamentary procedure. In general, it is used of a policy document or a governmental report which provides information or which makes suggestions. The drafting of the White paper followed a series of consultations with all the "stakeholders." The process, which included the churches and other religious organisations, applied the proposals made by the Committee of Ministers in April 2006. The resultant documents map out the process of consultation with :

- the governments of the 46 member states of the time
- the various independent entities of the Council of Europe and institutions set up in relation to partial agreements
- the steering committees of the Council of Europe
- international organisations active in the field of intercultural dialogue
- representatives of local and regional authorities, religious and ethical communities and of civil society organisations.
- experts in the field of intercultural dialogue

The consultation period would be approximately October 2006 to April 2007.

The consultation process will be accompanied by a group of eminent intellectuals and high political representatives who will meet to evaluate the results of the consultations and to contribute to the drafting of the final text of the White Paper.⁹

⁵ Doc 5778 11 September 1983 and Recommendation 1162 (1991) on the Jewish and Islamic contributions to European culture.

⁶ <https://wcd.coe.int/ViewDoc.jsp?id=802607>

⁷ http://www.coe.int/t/dcr/summit/20050517_decl_varsovie_EN.asp?

⁸ http://www.coe.int/t/dg4/CulturalConvention/Source/DGIV-DC-FARO_2005_8EN.pdf (DGIV/DC-FARO (2005) 8)

⁹ Living together : Combining diversity and freedom in 21st-century Europe : Report of the Group of Eminent Persons of the Council of Europe : <http://book.coe.int/ftp/3667.pdf>

945 Meeting, 9 November 2005

7 Education and culture

7.1 50th anniversary of the European Cultural Convention

(Faro, 27-28 October 2005) – Closing Conference

Faro Declaration on the Council of Europe's Strategy for Developing Intercultural Dialogue¹

We, the Ministers responsible for Cultural Affairs of the States Parties to the European Cultural Convention, meeting in Faro on 27 and 28 October 2005: On the basis of the Declaration and Action Plan of the Third Summit of the Council of Europe (Warsaw, 16-17 May 2005), at which our Heads of State and Government renewed their commitment to the common values and principles rooted in Europe's cultural, religious and humanistic heritage and expressed their firm belief that education and culture are keys to ensuring the promotion of these values in our societies,

- i. assert the political **vision** on which we wish the Council of Europe to base its strategy for developing intercultural dialogue both inside European societies and between Europe and the rest of the world;
- ii. define the **lines of action** on which this strategy should be implemented between the States Parties to the European Cultural Convention, through intergovernmental co-operation, and within European societies, using the different facets of the Council of Europe's work and its networks and field contacts;
- iii. extend, as far as possible, implementation of the strategy beyond Europe and set up **instruments** for that purpose;

Adopt this declaration as the basis for our future action in favour of intercultural dialogue and submit it to the 115th Session of the Committee of Ministers (Strasbourg, 16-17 November 2005) so that it may be implemented by the member states and the appropriate Council of Europe bodies.

Part 1: Vision

We reaffirm our vision based on the principles of the **universality and indivisibility** of human rights, democracy and the rule of law. We reject the idea of a clash of civilisations and firmly believe that, on the contrary, increased commitment to cultural cooperation – in the broad sense of the term – and intercultural dialogue will benefit peace and international stability in the long term, including with respect to the threat of terrorism. We will work towards a true and open dialogue among cultures on the basis of mutual understanding and respect.

We undertake to pursue our efforts in favour of European identity and unity on the basis of shared fundamental values, respect for and valorisation of our common heritage and cultural diversity. At the same time, we will remain open and co-operate with neighbouring regions and the rest of the world.

We are committed in particular to promoting a model of democratic culture, underpinning the law and institutions and actively involving civil society and citizens, and to ensuring that diversity is a source of mutual enrichment, by promoting political, intercultural and inter-religious dialogue. Access to and participation in cultural life for all – in the sense of the European Cultural Convention – are essential conditions to achieve this aim.

We are also determined to build supportive societies and strengthen cohesion in social, educational and cultural terms. We shall endeavour in particular to create the right conditions for the emergence and development of sustainable communities where people want to live and work, now and in the future.

We forcefully condemn all forms of intolerance and discrimination, especially on the grounds of sex, ethnic origin or religion...

Part 2: Action

To give an operational basis to this twofold commitment, we shall capitalise on the achievements of 50 years of cultural co-operation, focusing on the following lines of action:

- respect for, and access to cultural rights and the right to education, in order to fight exclusion and build equitable societies, paying particular attention to all vulnerable groups;
- setting up inter-sectoral public policies encouraging cultural diversity and intercultural dialogue, as well as language learning and access to information technologies as a means of promoting intercultural exchanges at world level;
- developing the knowledge of history, cultures, arts and religions, and highlighting elements illustrating both the historical and the contemporary influence of cultures and civilisations on each other, as well as cultural cross-fertilisation;
- devising and applying principles and methods for management of the heritage and use of cultural resources as factors for human development and sustainable development;
- supporting cultural and artistic activities and exchanges and recognising the role of artists and creators – as vehicles for dialogue and mutual understanding, and introducing incentives to facilitate everyone's access to and participation in these activities.

Part 3: Instruments

- i. Furthermore, to provide the Council of Europe with the new resources required to implement this strategy, we advocate: the launch of a Council of Europe "**White paper on integrated policies for the management of cultural diversity through intercultural dialogue and conflict prevention**"; the setting-up of new instruments for intercultural dialogue between Europe and its neighbouring regions. In this respect, we welcome the first steps in this direction which are:
 - ii. the signature of a co-operation memorandum between the Council of Europe and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures;
 - iii. the setting-up of a co-ordinated activity programme between the Council of Europe and ALECSO in the areas of education, culture, cultural and natural heritage, youth and sport;
 - iv. the creation of a platform for intercultural dialogue and co-operation between the Council of Europe and UNESCO, open to other international or regional partners.

¹ The Faro Declaration <https://wcd.coe.int/ViewDoc.jsp?id=927109>

The religious Dimension Experience and the non confessional. Common Elements and Ultimate Issues

The problem

The white paper on intercultural dialogue contains a short chapter on the Religious Dimension. The chapter (3.5) touches on the extent of the "dimension" but it offers no definition, whereas it emphasises the diversity of religious understanding or religious plurality.

Part of Europe's rich cultural heritage is a range of religious, as well as secular conceptions of the purpose of life. Christianity, Judaism and Islam, with their inner range of interpretations, have deeply influenced our continent. Yet conflicts where faith has provided a communal marker have been a feature of Europe's old and recent past.¹

Should we see a common religious dimension in the diversity of Europe today? In that case the religious dimension would be neutral, non confessional or even *laïque*. To bring together the religions present in Europe, the religious dimension would need to include common aspects of the religions; for example,

- the experience of belonging to a community of believers,
- the scriptures or the holy texts,
- liturgies, rituals, meditation, prayer (taking appropriate account of "religious" belief)²,
- myths, symbols etc³,

To elucidate religion's cultural involvement, the religious dimension should be a bridge between convictions which influence the religions, the contribution of religions to human society and the common values of contemporary society, which are often *laïque*. People whose convictions are not religious should become aware of the religious dimension with its internal diversity, while hoping for reciprocal interest from believers and religious leaders.

Our Working Group.

In that respect, the members of our group also represent diverse confessional and convictional elements. We do not always agree on religious doctrines, nor on our convictions either⁴. We raise questions about the definition of religion. At the same time we agree that religion in general is important, while a non theist religious system, represented by our Buddhist participants, raises interesting questions. It is important to remember that Buddhism is understood as a religion and that the European Buddhist Union has participative status at the Council of Europe.

The recognition of the community at Landrevie, for example, is guaranteed by the decree of 1988.⁵

In respect of the Council of Europe at which we represent our INGOs, we agree about the fundamental importance of Human Rights, democracy and the rule of law. These three fundamental values are neutral about religious and non religious belief, while guaranteeing religious liberty. Human rights are understood as universal values.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.⁶

The Council of Europe is interested in a non confessional examination of religion, but it encourages teaching about religion (*le fait religieux*) in the public school.

Within the formal curriculum, the intercultural dimension straddles all subjects. History, language education and the teaching of religious and convictional facts are perhaps among the most relevant. Education as to religious and convictional facts in an intercultural context makes available knowledge about *all* the world religions and beliefs and their history, and enables the individual to understand religions and beliefs and to avoid prejudice. This approach has been taken by the Parliamentary Assembly of the Council of Europe, the European Court of Human Rights and ECRI. In 2007, the European Ministers of Education underlined the importance of measures to improve understanding

¹ *The White Paper on Intercultural Dialogue* p. 22

² Religious belief rather than belief in God because "legally" the principle of a non-theist religion is accepted.

³ See Ninian Smart who defined the dimensions of religions, for example doctrinal, mythological, ethical, ritual, experimental, institutional. The first three were para-historical and the other were classed as historical according to Smart. *Dimensions of the Sacred: An Anatomy of the World's Beliefs*. Berkeley, CA: University of California Press, 1998. ISBN 0-520-21960-0

⁴ In the context of the Council of Europe Human Rights are universal (universal values). On the other hand human rights are "western". In principle we agree about rights, whereas some religious traditions claim a universality. In all instances, if a religion were "true" it would be universal. At the same time the religions called "Abrahamic" are mutually exclusive ... But they share monotheism. Non theist traditions are to be compared.

⁵ In the first instance it was therefore necessary to arrange for the spiritual leader of the school Kagyune to nominate His holiness Shamar Rinpoché one of the representatives in France who could be "assimilated" by the Catholic Bishops. That is what happened? In a letter of 13 May 1987, the minister of foreign affairs confirmed to the Minister of the interior that his Holiness Shamar Rinpoché filled all the criteria to give valid nomination to representatives in France and that, as a result, they would have the power to provide the declaration required by law. The file, completed in this way, was submitted to the Council of State by the Minister of the Interior. A decree dated 8 January 1988 N° INTA 8700383 D and published in the official journal of 10 January 1988 granted legal recognition to the Karmé Dharma Chakra community.

<http://www.bouddhisme-france.org/adherents/congregations/article/les-congregations-bouddhistes-de-france.html>

⁶ Article 9 § 1 of the European Convention on Human Rights.

between cultural and/or religious communities through school education, on the basis of shared principles of ethics and democratic citizenship; regardless of the religious education system that prevails, tuition should take account of religious and convictional diversity.⁷

Awareness of religion :

Neutrality is essential. As for the objective of the dialogue, it is mutual knowledge and not an agreement that might imply compromise or the acceptance of contradictory ideas. Nevertheless, the experience of religious belonging is not only intellectual and doctrinal. Affective aspects of faith have an emotional influence on the believer. In addition, personal integrity involves taking a convictional position. Paradoxically knowledge of diversity requires interest in others as persons in their own right, as fascinating for themselves and their convictions... The aim is to live together in mutual respect and to take seriously the ideas, convictions and diversity of human existence without the expectation of conversion. As for the Council of Europe and religion, a political, pan-european organisation cannot know whether God exists, but it must recognise the presence of men and women who do believe that he exists. In the light of the four meetings already organised with the religions, Mr Gil Robles' colloquies when he was Commissioner for Human Rights and the importance given to the religious dimension, the Council of Europe is in a good position to facilitate dialogue without being compromised by taking a position in the debate.

The Definition of Religion

Because religion is both complicated and complex, it would be difficult to offer a deep and detailed definition of religion. The dictionaries are contradictory. The English (American) Webster's dictionary proposed :

The belief in and worship of a superhuman and controlling power especially a personal God or gods or a particular system of faith and worship (there is no mention of (one) God).

In French, the *dictionnaire Larousse* suggests:

A defined group of beliefs and dogmas that define the relationship of humanity with the holy (sacred).

A defined group of practices and specific rituals that pertain to each one of these beliefs. (There is no mention of (one) God.

The French definitions make mention neither of God nor of a superhuman power. It seems, therefore, that the fundamental assumptions of the three Abrahamic traditions are not essential to the French understanding of religion. According to the French definition, a religion is not necessarily theist.

God : A religious and philosophical concept :

As far as God is concerned, the adoption of a position is not expected in view of religious freedom and European plurality. The question of "his" existence should be a meeting point, however, because it involves a philosophy with greco-Roman origins, which is at the heart of European thought. The three "classic" arguments for the existence of God are particularly interesting because they apply to the three monotheist religions :

1. Ontology

Anselm (1033-1109) was Abbot of Bec in Normandy and Archbishop of Canterbury. He was very concerned because he thought that one should be able to prove the existence of God. Finally he developed the "ontological" proof : *Deus est id quo nihil maius concipi potest* or "God is that than which nothing greater can be conceived." Because existence is greater than non-existence, God must exist. It is obvious that the argument fails because it does not relate to reality. Anselm developed an *a priori* argument.

2. Cosmology

The cosmological argument, with its Aristotelian origin, sets out the principle of contingency. There is a cause of all that happens - but what of the origin of the cosmos? The cause of the Cosmos must be God, but what was the cause of God? The cause of the cause of the cause... of God would be God. So God is the uncaused cause, therefore ineffable etc. It does not necessarily follow that the origin of all is the Personal God of religions, and we cannot prove the ineffable.

Our current interest concerns creation because the argument is supported by the "putative fact" of a creation, but it is obvious that evolution and creation are not the same. Evolution is a scientific issue. Its scientific proof is well known and well presented in the Brasseur Report.⁸ As a consequence the young must be taught about the nature of biblical literature, about the deep truths expressed by "mythology" and the differences between myth, legend and religious assumptions, for example...

3. Teleology

At the beginning of the nineteenth century, the teleological argument, that from purpose or design, was set out by William Paley. His book *Natural Theology*, which was published in 1800, was effectively demolished by Darwin with his *Origin of Species*. According to Paley the cosmos was as coherent as the movement of a watch, which he might have found by chance without any knowledge of what a watch was. The collapse of the principle of "natural theology" shocked anglo-

⁷ Quoted from the Final Declaration of the 22nd session of the Permanent Conference of European Ministers of Education, Istanbul Turkey 4 and 5 May 2007 ("Construct a more human and inclusive Europe:-the contribution of educational policies." *Livre Blanc sur le Dialogue interculturel* p. 33 version internet.

⁸ Parliamentary Assembly of the Council of Europe - Doc. 11375 17 September 2007 The dangers of Creationism in Education Culture, science and Education Commission report: Rapporteur : Mme Anne BRASSEUR, Luxembourg, ADLE

phone Christians in 1859. There followed a debate organised by the British Association in Oxford, when the Bishop, Samuel Wilberforce, did his best to defend the literal truth of the creation stories at the beginning of the Christian (and Jewish) Bible.

In any event we assume that the God of philosophy is the God of monotheist religion or of Christianity, Judaism and Islam.

"Classic" religion : its failure and current thought.

In the "classic" monotheist religions God is believed to reveal himself. For example a reason for reading the scriptures is that they transmit the content of this self-revelation. Sometimes the spirit of God is understood as the support and guide of believers. Sometimes the experience of mystery is an element of the religious dimension whatever the religion.

Muslims interpret the Quran as the word of God dictated to the Prophet by the Angel Jibril. In that sense the Quran would be more like Jesus (Jesus is the Word - *Gospel of St John* chapter i), rather than like the Jewish or Christian scriptures. Therefore Koranic studies are not quite the same as the study of the Scriptures in the Judaeo-Christian tradition.

Practice in this field is sometimes open to controversy. In Leicester, (a "multicultural" city in England), a school teacher did a critical study of the text of Genesis with a class of adolescents from several traditions. His lessons were well received, with much interest, until he studied the Quran... because, according to his pupils, the Muslim perception of the Quran did not allow critical study. *Mutatis mutandis* children from some evangelical families would be offended by biblical criticism. It is important to take account of that kind of difficulty, remembering that school syllabuses should inform but that teachers must also be sensitive to the beliefs of pupils, and aware of "certainties" that are keenly and passionately held.

It is to be noted that, in the Judaeo-Christian tradition, the Scriptures are also "the word of God," but we must also take note of the nature of Biblical literature of which there are different *genres* (see above)...

Certainty, religious requirements and the evolution of scientific thought :

In chapter lviii of his rule, St Benedict says that the novice must be one who truly seeks after God. There are ways of reflecting on the human condition, but religion is a complex matter. During a course on Science and Religion in Oxford, a Christian physicist compared his doctoral studies at the University of Geneva (the CERN project) with Christian theology. He was about to submit his thesis when he noticed that it contradicted that of his Professor, written thirty years earlier. He explained his dilemma to his Professor whose answer was generous. He should include a chapter on what he had just discovered. However the reputation of the Professor was not called in question. The method of scientific research encourages development. The Professor's reputation was in no way affected. His research had been well done, the results were well presented. On the other hand religions emphasise the tradition because they are "historical" and they rely on transmitted doctrine. Mutual knowledge is required while ignorance is sometimes a cause of useless conflict.

Question : understanding the other, modern thought and revelation : what possibilities for reconciliation?

Education for religion must consider specific issues as well as religious difficulties.

For a non confessional awareness, which is also open and reasonable, pedagogy should counter incorrect ideas and opinions. In the case of education in school, it should make no presumption about pupils' convictions but it should inform. Because there is a common philosophy shared by the great monotheist traditions, it is essential to know the literature of the traditions being studied. The provision of information on the nature of scriptural literature is necessary and correct. Work undertaken by the Parliamentary Assembly emphasises the need really to understand interpretation and tradition. By touching on the problem, the Council of Europe reminds us that philosophy contradicts neither religion in general nor individual religions when they are well presented. There are possibilities for cooperation with the religions so that they can be taken seriously but non-negotiable issues must be sensitively handled.

The experience of being a believer

For monotheist religions, God is a reality or even ultimate reality. According to the Theologian Paul Tillich he is "the ground of our being." Generally God is an "external" reality whose will does not always agree with that of the believer. Those who do the will of God must hear his call... It follows that there is a "psycho-theological" question. There is no proof of the existence of God. School syllabuses make no assumption about the beliefs of pupils. On the other hand, because it is possible to examine the internal coherence of a religious tradition, the intellectual exercise is accessible, with the condition that the belief should be well founded while not making unsupported claims.

However, when one meets candidates for formal ministry there is a suspicion about those who understand ordination as a possession or as a personal vocation. It is to be hoped that candidates will undertake to serve the community. Hesitation is normal whereas certainty is dangerous or even intolerant. Richard Holloway writes that the opposite of faith is not doubt, it is certainty.⁹

Some theologians think that God is internal, for example Meister Eckhart or in our days the British theologian Don Cupitt. There are connected questions about the objectivity of religion.

An objective religion ?

It follows that the span of the religious dimension is greater than the sum of its parts. An examination of that dimension applies to the whole experience of belonging to a religion. One belongs to a group, to a community, to a religious culture,

⁹ *Leaving Alexandria* p.

to the ambient culture, to society... Each of us speaks the language of the country, reads its literature... We listen to the same music. We sing the same hymns. In addition religion is never pure¹⁰. It reflects the wider culture. Among the examples :

- The Anglican Church of Nigeria is not that of North America. The differences are a cause of current conflict.
- The Anglican Church of the United States, for example, has ordained women Bishops and an openly homosexual Bishop unilaterally. According to Nigerian church-people homosexuality is absolutely unacceptable¹¹...
- The Muslims of Bradford are, for the most part, of Pakistani origin, while the Muslims of France come from North Africa (for the most part). Integration in western society takes place in the light of cultural differences.
- Sephardic and Ashkenazy Jews are different, because of their respective cultures - of "North African" and "Germanic" origin. These origins go back to the middle ages.

At the same time, people who are without religion cannot distance themselves from religious influences on society and culture. Music, the arts, architecture and literature reflect culture based on tradition, religious history and stories, but also in expressing the requirements of one or a number of religious traditions. Examples are Jewish ritual baths or Mosques with their *mihrabs*. In addition aspects of ethic are defined by the dominant cultural tradition of a country or a society.

Provisional Conclusion

The extent of the religious dimension includes :

- religious certainty,
- open belief which sustains evolving conviction,
- cultural, historical and current influences,
- the impossibility of proving religious "truths",

The eagerness of certain believers and intolerance bring difficulties or even allegations¹². It does not follow that every belief is an example of misplaced fervour and certainty. Open conviction is more open to dialogue than certainty. We cannot ignore the complexity, therefore it must be explained.

Doctrine : religion and the religions

On 8 April 2008, the Council of Europe organised, on an experimental basis, an exchange on the religious dimension of intercultural dialogue on the theme "Teaching religious and convictional facts. A tool for acquiring knowledge about religions and beliefs in education; a contribution to education for democratic citizenship, human rights and intercultural dialogue."¹³

Religions can be mutually exclusive, however. The uniqueness of Christianity is the doctrine of the Incarnation. It is absolutely fundamental with its affirmation that Jesus was the incarnate Son of God. On the other hand, for Muslims the Incarnation would be impossible, it would be unacceptable to the Jews and irrelevant for the Buddhists. At the origin of the debate is the view that the perfection of God is incompatible with the creation of an imperfect cosmos and of human beings whose flesh and its desires are imperfect. On the other hand Christianity engages internal coherence and even an objectivity consequential on the rigour and logic of the Christian system.

Nevertheless, religious logic is contradictory. A religion of which the doctrines were not coherent would not be taken seriously. On the other hand an internal logic that did not engage with experience would be an *a priori* argument, which means that it would be divorced from reality. Religious authenticity depends on its relation with experience, of which the authenticity relates to the realities of human life with its intrinsic incoherence, despite religious coherence. It is not only religious people or believers who endeavour to develop a coherent explanation of the human condition.

Religion, life, reality

There are two fundamental methods that offer a connection between religion and human life, they are the inductive and deductive ones. The first depends on reflection on lived and necessarily incoherent experience. The faithful note the injustice which is all too apparent in the cosmos created by God who is good. Those who suffer do not deserve suffering and those who succeed do not always deserve their success. Sometimes those who care for the suffering discover faith, while for other people the sharing of suffering suggests that God does not exist, because they believe that a good God would never allow such injustice. Buddhism does not believe in God, in the Judeo-Christian sense, while affirming that their non theistic religion is about overcoming human failure. For the most part religions address human mortality despite their differences.

The deductive method involves the application of the received tradition to human life. An example would be the literal interpretation of a text (Leviticus 18.22) - on homosexuality (see above p. 11). Other contradictions follow from the literal and deductive interpretation of biblical texts. For example the first book of Kings, chapter xviii is about Elijah's dispute with the prophets of Baal. The "foreign" god, Baal, was rejected because he was not the real God of Israel. As a result the two parties agreed on a sacrifice which would be set on fire by Baal or Yahweh, the God of Israel. The prophets of Baal, the god who was not God, danced and prayed for the whole day to no effect. Finally Elijah called on God. It was not just

¹⁰ See *The Church, Charism and Power* Leonardo Boff, London SCM Press 1985, pp. 89 ff.

¹¹ "You shall not lie with a male as one lies with a female; it is an abomination." Leviticus xviii :22

¹² For example in the United Kingdom there is talk of Christianophobia. Islamophobia is not unknown in France, but engagement and practice do not supply the knowledge that enables meeting and respect for personal convictions.

¹³ White Paper on Intercultural Dialogue p. 23 Strasbourg Council of Europe 2008

that the sacrifice prepared by Elijah was burnt, which "proved" that Yahweh was the true God. As a result of his "victory" Elijah massacred the Prophets of Baal because their religion was false. We deplore the intolerance, which would not conform to Council of Europe standards. On the other hand massacres were accepted at the time in a culture which had no knowledge of current definitions of human rights. If we were to apply the virtues of Elijah, vaunted in the Old Testament, which is also the Jewish Bible, intolerance would be all too evident.

Despite the shared tradition, culture is not passed on unchanged from age to age, and literal religion does not offer any range of solutions to the human condition. In addition the mystery of faith resolves neither the question of the origin of the cosmos, nor the ethical problems. Religion continues to search after truth and ultimate truth is unknowable or mysterious. We live our religion within the history of our culture and of our period. In the Christian tradition people are convinced that faith is "the substance of things hoped for, the evidence of things unseen. It was for faith that our ancestors were commended."¹⁴ *Mutatis mutandis* the fact of faith - but not the doctrine - is shared. However, the learning of religious facts can make no reference to the fact of faith. Religious facts are not the faith of which they define the system.

The experience of religion and religious experience: a relevant and accessible question.

In the modern world the fact that religious believers belong to a religious community does not exclude active participation in the life of the non religious community, that is to say life in civil society.

The debate must relate to belonging to the religious community in a number of senses :

- The religious community
- Practice
- The interconnection of the religious community and civil society,

The links between the religious community and culture are complicated in view of the nature of culture as well as of the history of religion in Europe.

Cuius regio eius religio

In the past, to be considered a patriot, one had to belong to the sovereign's religion - which was also that of the majority. The most interesting exception over the centuries was Judaism. The Jews have been in Europe for a very long time¹⁵. All too often they were badly treated,¹⁶ persecuted indeed, but their influence is fundamental - examples are the banking and commercial systems of the modern world. Nevertheless Jewish patriotism is complicated. Jews fought for both sides in the First World War - that is to say for their countries of residence or nationality - like the Catholics indeed. On the other hand, in terms of religion the Jews belong to a people (rather than a race). The Jewish people exist beyond nationality, while the state of Israel, sometimes described as "the Jewish State" is legally a more or less secular state with a legal system that keeps the influence of common law - that of the British Mandate.¹⁷

In the past the citizenship of Jews was not always recognised - now Jews are citizens who are as integrated as their fellow-citizens whatever their convictions. But, one can be Jewish, with a Jewish identity, without being a believer.

Conclusion : religion is not just religion and belonging to a religion is not just conviction, practice and belief. It is not surprising that Christians and Jews can work together on their texts, that is to say on their shared scriptures, despite their different interpretations. Study of the sources of the Pentateuch for example is shared, like the study of the Dead Sea Scrolls which was undertaken by Dominican scholars (but with significant Jewish collaboration - see for example Yigael Yadin).

To be Christian, however, involves belonging to the Christian faith, sharing convictions and the Creed (the Apostles' and Nicene Creeds for example), rather than belonging to a people in the Jewish sense. The formularies of any religion define the beliefs that are necessary so as to belong but they do not reveal faith.

Religious experience - a spirituality

Believers and people who practice religion in whatever tradition claim a "spiritual awareness." This awareness is outside the competences of a political and non confessional organisation like the Council of Europe, although the European Convention on Human Rights guarantees freedom of belief and conscience (Article 9 see above). On the other hand the motivation of the faithful is sometimes a consequence of this claimed spiritual awareness. An examination of the religious dimension should not set aside the possibility of this special knowledge even if a party to the discussion thinks that it is illusory.

Rudolph Otto conducted a more or less objective examination of this area of experience in 1917 with a work of which the English translation is called *The Idea of the Holy*. There is a description of the interconnection between faith and moral views in a chapter on "Evolution" in Christian language but *mutatis mutandis* the description applies to other traditions:

The deepening of the Christian idea of God need be neither a change nor a diminution. In fact without rational elements and particularly without the clear moral aspects which protestantism above all sets out in the idea of God, the holy would not be the holy in the Christian

¹⁴ Epistle to the Hebrews xi:1

¹⁵ At Corinth Paul met Aquila et Priscilla. "Claudius had ordered all the Jews to leave Rome" (Ac 18:2). Suetonius says (Life of Claudius, XXV) that "Claudius expelled the Jews who rioted unceasingly at the instigation of one Chrestus». (49 après J-C.) cf. p1

¹⁶ See Shakespeare *The Merchant of Venice*.

¹⁷ The Israeli system also involves aspects of the *code civil*. The mixed system is a result of the history of the region.

sense. The word "holy..." No longer refers to the holy as numinous¹⁸ in general ... But as it is, completely penetrated and "saturated" by rational aspects of theology that are both personal and moral ... to gain a clear understanding of historical evolution it is still a good thing to be clear about the following issues :

Primitive religious feelings grip us in the form of "diabolical terror." What develops later raises itself and becomes more noble. It is not at the origin of it not yet it is something that is rational or moral, but rather something specific and non rational, that to which the soul responds... By distinct sentimental reactions ... diabolical terror, which itself exists in different ways, raises itself to the level of fearing God and of the fear of gods...

Feelings of dependence in respect of the *Numen* and of happiness based in communion, progress from being relative to being absolute. The *numen* becomes god and divinity and, under that form, it takes on fundamental aspects of *quadoch*, of *sanctus*, of *hagios*, of *sacré*... That evolution which realises itself, first in the pure world of the non rational, is a determining moment and the first of the facts that one has to study, the history of religions and of religious psychology...

It becomes clear to us that "moralisation of the idea of God" which is often presented to us as a capital problem and a fundamental aspect of the history of religions, in no way represents the elimination of the numinous that something else will come to replace. In that case what would arise would not be a god but would take the place of God. On the contrary it is the numinous that takes on a different form (content), in other words this evolution is realised *in* the numinous.¹⁹

Note the definition of the numinous : "to be supernatural without a more exact meaning."

The Opportunity and the Challenge

The leaders of religious communities are aware of pastoral questions or those of vocation. It is important to take account of spiritual knowledge but a process of discernment is also required. The person set over believers should recognise rigid certainty which is not supple "conviction" (see above). We are worried about religious certainty, as one can be worried about fundamentalism and "integrism," but conviction which develops in the life of the believer is seen to be enriching. To be called to the ministry of the Christian Church is not a personal vocation, but rather the call of the church to serve the believers of the community (see above).

Mutatis mutandis the question arises in all religions. In addition spirituality is an element in all religions, but the form taken by spirituality is rooted in culture as well as in religion. In India there are Christian Ashrams of which the spiritual tradition is close to that of Hinduism.

Finally a quotation from Meister Eckhart,

God is nameless, for no man can either say or understand aught about Him. If I say, God is good, it is not true; nay more; I am good, God is not good. I may even say, I am better than God; for whatever is good, may become better, and whatever may become better, may become best. Now God is not good, for He cannot become better. And if He cannot become better, He cannot become best, for these three things, good, better, and best, are far from God, since He is above all. If I also say, God is wise, it is not true; I am wiser than He. If I also say, God is a Being, it is not true; He is transcendent Being and super-essential Nothingness. Concerning this St Augustine says: the best thing that man can say about God is to be able to be silent about Him, from the wisdom of his inner judgement. Therefore be silent and prate not about God, for whenever thou dost prate about God, thou liest, and committest sin. If thou wilt be without sin, prate not about God. Thou canst understand nought about God, for He is above all understanding. A master saith: If I had a God whom I could understand, I would never hold Him to be God.

The Religious Dimension of Intercultural Dialogue

It is self-evident that the primary interest of the Council of Europe is intercultural dialogue, while the connections of religion with culture are well known. At the beginning the Council of Europe was cautious in respect of the dialogue with religions, but for some years the annual encounters with the religions have gone well with INGO involvement. Nevertheless, there are few religious INGOs. The Conference of European Churches is an INGO with participative status. In the past the European Ecumenical Commission on Church and Society was also a member of the INGO Conference until it was integrated with the CEC. The other confessional INGO is the EBU (European Buddhist Union) while there are religiously inspired INGOs. The complexity is well presented by Maryam Mouzzouri.

There is a paradox because Council of Europe policy emphasises a dialogue between all cultures, while, in the nature of the case, religions understand themselves as guardians of a revealed truth or as being in search of the truth, though doctrine may embrace interpretations that are sometimes contradictory. This document written in the context of the INGO Conference and the White Paper concerns religion or religions as aspects of intercultural dialogue. We can expect a debate set in an interconvictional context. To explore differences so as to know the other and value his or her experience does not exclude doctrinal authority but in this case to play the game is to work in a political context and not a religious one. At the same time encounters with the religions as well as PACE reports, for example, are consequential on accepting the importance of the religions that take part in the wider dialogue and of which the potential contribution to the process of living together is accepted.

This chapter is an outline of common aspects in philosophy and doctrine, some of the chapters that follow give a number of confessional perceptions. Better understanding of the religions provides better understanding of the religious dimension.

http://www.ellopos.net/theology/eckhart_above-understanding.html

¹⁸ The proposer definition of « numinous » : « supernatural being without further specificity ».

¹⁹ *The Idea of the Holy* English Translation of *Das Heilige* (Rudolf Otto 1917) Oxford University Press 1982, pp. ff.

International Conference: "Dialogue of Cultures and Inter-Faith Cooperation"

(Volga Forum)

Nizhniy Novgorod, Russia

7-9 September 2006

"The religious dimension of inter-cultural dialogue"

By Thomas Hammarberg, The Council of Europe Commissioner for Human Rights

Freedom of religion is one of the most sacred human rights. Everyone should be free to have and practice a religion. When this freedom is not respected there will be tensions in society; those discriminated will naturally tend to react.

Respect for the religion of *others* is not only a question of constitutional law or how government institutions behave. It is also a matter of how such respect can be promoted and secured between individuals in a society. Xenophobia is a problem in Russia as well as in many other countries within the Council of Europe.

Every religion is both a faith and at the same time a community which may offer a sense of belonging. On the fringes of all religions, there have been attempts by extremists to misinterpret the message and to manipulate the community to actions which in reality are contrary to the faith itself. In the name of God, false messages of intolerance or even hatred have been spread. The most important counter-moves against such tendencies come from the religious communities themselves, and their leaders.

The human rights movement has many active members from religious communities. These representatives have significantly contributed to raising the profile of religious communities in safeguarding human rights all over the world. My predecessor, Alvaro Gil-Robles, initiated a series of meetings in order to listen to the advice from religious leaders on the most important human rights matters – and what could be done to address them.

Our latest meeting was in Kazan, Russia, where I also had the opportunity to take part. There the importance of dialogue, of continued dialogue, was stressed. Dialogue between religious communities themselves as well as between religions and European and international human rights organisations, like the Council of Europe.

One point was emphasised in particular: the need to secure that our children have the opportunity to learn about ethical values and about religion in school, including about the religion of others. Such education will lead to a more peaceful world.

All major religions carry the potential to make a profound contribution to this dialogue. There is an ethical depth in their messages and they have established structures to reach out to the community – both these aspects are absolutely crucial...

This moral code is, in large part, reflected in human rights principles.

Religious communities are locally based and from this position they are able to shape the everyday life of the European citizen... In their spiritual role through their moral voice and social engagement are thus very well placed to actively participate in the promotion of democratic values, cultural dialogue and the respect for fundamental freedoms...

We need to support a model of democratic culture by promoting political, intercultural and inter-religious dialogue. A true dialogue can only occur when there is a genuine respect for, and an understanding of other cultures, societies and religions. The freedom of expression is a prerequisite for a true dialogue, as is respect for others beliefs and values. Without such dialogue, we can never reach a more profound understanding, and are exposed to our own limited conclusions.

I believe it would be of great importance for the Council of Europe to find further ways of strengthening cooperation with religious organisations, and to design concrete ways to address our common challenge of fighting for human rights on the wider European continent.

I trust that this conference will give us the opportunity to discuss all these issues, and I hope that the afternoon sessions will allow many questions and observations to reach the fore. I do hope that we will achieve conclusions which allow us all to leave more enlightened, and to set concrete plans for concrete plans of action and modes of cooperation for the future.

The meeting in Nizhniy Novgorod took place seven months after the Kazan colloquy. Generally speaking religions and those who work at the Council of Europe get on well, therefore the support and contribution of religions are expected. Religions are concerned with fundamental questions (like) the nature and origin of human dignity which, form a foundation for human rights. The Council of Europe hopes that there will be interreligious dialogue and that those who represent religions will wish to know one another better. The different of religions present in contemporary society are not just involved in religious convictions. Religious and convictional dimensions are in a position to contribute, but the competence of public institutions does not to favour any legitimate conviction over another in view of the fundamental values of human rights, democracy and the rule of law.

Religion : Pedagogy, Democracy and Involvement.

Sometimes we note that there is a mismatch between a scientific or rational analysis of religion and knowledge which strengthens spiritual conviction. However, a mismatch is not a contradiction. A political organisation must know whether God exists because its function is to be neutral, whereas legally every human being with his or her convictions and practice is equal with every other human being.

Because the Council of Europe, as well as other political institutions does not know whether God exists, its interest in the religious question targets living together and cultural coexistence in view of the plurality of Europe today. However we notice the presence of plurality and cultural and religious difference. In the great European countries, Russia for example, the three Abrahamic religions exist side by side. In addition the Orthodox tradition is the majority confession among Christians, but at Kazan, for example, the Lutheran and German speaking Parish is still there despite all that went on in the twentieth century. In September 2006, an international conference on "The Dialogue of Cultures and Interreligious cooperation took place in Nizhny Novgorod. There were many Orthodox among the people invited, Rabbis, Imams, Protestant Pastors also participated. The emphasis was on Russia as a Commonwealth of independent states of which the populations represent their ancestral traditions.

In 2006 Mr Hammarberg had just been elected Commissioner of Human Rights. He took part in the colloquy at Kazan and he spoke at Nizhny Novgorod. At the same time, in considering religion and education for religion, the Council of Europe was careful not to take a religious position while still enabling meeting and mutual knowledge among religions without expressing the value of one tradition or the deficiency of another. Legally all religions are equal for they accept the diversity, tolerance and human rights that are at the heart of the Council of Europe's ideals.

Jean-Paul Willaime

Director of Studies: *Ecole Pratique des Hautes Etudes* (Sorbonne, Paris)

Director of the *Institut Européen en Sciences des Religions* (Paris)

European conference, San Marino, 23-24 April 2007

The religious dimension of intercultural dialogue: the Council of Europe, religious communities and civil society

Examples of good practice in dialogue between religious communities and public authorities at all levels

Introduction

A. Dialogue between religious communities and public authorities: summary of the problem

B. European experience of relations between religious communities and local, regional, national and international authorities

C. Good practices, from the standpoint of a democratic society and its requirements

Conclusion

Introduction

1) Cultural and religious diversity are precious assets and resources for those who strive to coexist in democratic societies, as we will now try to show. Culture and religion can both serve to humanise, but also dehumanise, men and women. Atrocities have been and are committed in the name of cultural and religious identity. As Hélé Béji of the International College in Tunis has said, while the modern democratic conscience has argued for the equivalence of cultures, cultural demands do not necessarily lead to a democratic conscience¹. So no cultural irenics: from the standpoint of human rights, democracy and the rule of law, it is difficult to argue for the automatic equivalence of cultures and forms of religious expression. The religious dimension of intercultural dialogue can only be approached from the standpoint of the shared values of democratic humanism, and without denying that there may be tensions and divergences between these shared values and certain other religious and non-religious conceptions and between different conceptions of human kind and the world, be they religious or atheistic, (such as the manner in which sexual differences are conceived).

A. Dialogue between religious communities and public authorities: summary of the problem

- Confessional conflicts, religious wars and anti-Semitism have had a profound influence on Europe's history. If Europe's past is characterised by violence associated with religion, it is also, and above all, the story of the pacification of this violence and the emergence of democratic societies that respect freedom of conscience and thought. Europe signifies the historic construction of civil peace and tolerance, enabling its countries to establish themselves as political communities that acknowledge the multiple religious and philosophical choices of its peoples. This process, the result of the separation of politics and law from religion, is at the heart of Europe's identity, and forms the basis of the Council of Europe's activities.

- the growing religious diversity of a Europe traditionally characterised by a particular geographical distribution of the religious affiliations and dimensions of numerous national and regional identities;
- the inability of arrangements derived from traditional church-state relations to cope with the expansion of new religious groups, such as evangelical and pentecostalist communities;
- the religious illiteracy of younger generations, who generally no longer receive any religious education and have no knowledge of their own country's religious heritage. Consideration is once more being given to religious teaching in schools;
- a resurgence of anti-Semitism;
- a range of questions connected with Islam: the impact of current international issues such as the Middle East and terrorism, bomb attacks carried out in European cities like Madrid and London by persons calling themselves Muslims and the organisation and integration of Islam in various European countries where Muslims represent a significant minority;
- abuses relating to sects, with fears that certain forms of religious commitment are a threat to fundamental freedoms and human rights;
- how to manage religious diversity in schools and hospitals and the effects of dress codes and diets, particularly Muslim ones;
- ways of dealing with differences between the sexes and attitudes to homosexuality, gay marriage and same sex parenting;
- debates, controversy and violence surrounding caricatures of Mohammed and the trade-off between freedom of expression and religious freedom;
- a revival in certain countries of anti-clericalism and criticisms of religion as an alienating and retrograde force;

¹ Hélé Béji, "Le pluralisme culturel fonde-t-il un nouvel humanisme ?", in *Le pluralisme des valeurs entre particulier et universel* (edited by Anne-Marie Dillens), Brussels, Publications des Facultés universitaires Saint-Louis, 2003, p. 16.

- the references to Europe's religious heritage in the preambles to the EU's Charter of Fundamental Rights and draft Constitutional Treaty, and to the religious dimension in the debates on Turkish membership of the EU;
- controversies about the funding of certain religious events;
- renewed media interest in religious matters, problems and charismatic personalities, including the success of novels such as the Da Vinci Code.

Religion cannot be reduced to its private and personal aspects.

In France, the Stasi report on the principle of secularism in the republic² show why, even in a country that emphasises strongly the separation of church and state, religion is far from being, as is often thought, a purely private matter.

According to the secular principle, it explains, spiritual and religious choices are a matter of individual freedom. However, this certainly does not mean that these issues are confined to the individual conscience and that they have no social dimension and cannot be the subject of public debate. Secularism draws a distinction between spiritual or religious expression in the public sphere, which is a legitimate and essential element of democratic debate, and its dominance over that sphere, which is illegitimate. The representatives of the different spiritual options are quite justified as such in taking part in public debate, like any other component of society.

It would be a sociological and political mistake to treat religious communities as private clubs and place them on the same plane as anglers' or bird watchers' associations (respectable as these activities may be). Most countries have established certain distinctive legal arrangements for religious communities. As sociological structures and realities, religions have a number of specific features. They have broad-ranging networks at their lowest levels while their local organisations are linked to regional, national and international structures, which means that they constitute horizontal and vertical networks offering considerable potential. Religions are resources based on conviction, identity and ethnicity. Religious communities articulate both local and global interests, the particular and the general. They are concerned with the common good. In this sense, they contribute to their members' socialisation and moral education, and also help to form their individual, collective, social and geographical identities. They are deeply rooted in their localities and at the same time open their adherents' eyes to the national and international dimensions and help to establish new forms of solidarity. They are concerned with general issues, values and education, and the religious sector constitutes a vast reservoir of voluntary and community action. There is no reason therefore why government or the state should deny themselves the contribution of religious communities to education and the promotion of the founding values of pluralist democracy. Moreover, their participation in the public domain and their contribution to the public good will offer religions themselves greater protection against the temptation to withdraw into their own communities and sectarian tendencies. They will be invited to practice the virtues of civic and civil dialogue among themselves, and while interfaith dialogue is part of their purview, government and the authorities have a natural interest in civic and humanist dialogue between persons of different faiths.

In a number of contributions³, we have developed the notion that, far from being something distinctively French, secularism is based on a number of key principles that can be applied to a variety of forms of church-state relations. There are three such principles:

1. Freedom of conscience, thought and religion, which includes the freedom to have or not to have a religion, to change one's religion and to practise it, subject only to respect for the law, democracy and human rights;
2. Equal rights and duties of all citizens, irrespective of their religious or philosophical beliefs, which means that government and the state must not discriminate against persons because of their religious or philosophical positions;
3. The respective autonomy of the state and religions, which signifies that they each enjoy freedom and independence with regard to the other, subject to respect for the law and democracy.

The fundamental principles of secularism are established throughout Europe, though with variations according to the particular church-state relationship applicable in member countries. In varying forms and to varying degrees this European secularism applies in every country of the continent, though some apply it more strictly than others. However, the existence of an operational form of European secularism does not mean that everything is perfect in the best of all worlds.

B. Secondly, there is a growing acceptance, albeit to varying degrees, of Europe's religious and philosophical plurality. This has been reflected in a number of initiatives either to organise the teaching of Islam where religious education already exists in schools or to take more account of it in school curricula. This philosophical plurality is also reflected, in countries where confessional religious teaching exists, in a willingness to offer pupils with no religion alternative courses in secular morality or humanism. Nevertheless, the fact that it is becoming increasingly difficult not to study religion at school, in its multiple forms, creates a growing need for a socially and historically objective approach to the subject and is tending to lead to cultural and historical teaching of religions that is aimed at all pupils and also takes account of non-religious conceptions of man and the world. Multi-faith religious education in Great Britain and the secular and mul-

² Report published with the title *Laïcité et République*, Paris, La Documentation Française, 2004, p.31.

³ Particularly in *Europe et religions. Les enjeux du XXIe siècle*, Paris, Fayard, 2004 et dans « Cultures, religions, laïcités. Divergences et convergences des modèles nationaux » in « à faire » des Européens ? *L'Europe dans l'enseignement de l'histoire, de la géographie et de l'éducation civique* (Alain Bergounioux, Pascal Cauchy, Jean-François Sirinelli, Laurent Wirth dir.), Paris, Delagrave, 2006, p.69-82.

tidisciplinary teaching of religion in France offer clear evidence of these trends. By subjecting them to the historical approach and free and critical examination, the secular approach to religions in school is undoubtedly helping to secure the place of religions and secular philosophies within the scope of human rights and democratic citizenship.

*The third issue concerns the place to be given to non-religious visions of man and the world, or secular forms of humanism. We need to bear in mind that a certain form of secular humanism is the common heritage of believers and non-believers alike, and that agnostic and atheistic beliefs can and must also be taken into account if they are the subject of some form of social organisation. This may be via secular organisations, as in Belgium, or the right, as in Germany, of non-religious *Weltanschauungsgemeinschaften* to be recognised as public law corporations, on a par with religions. The alternatives appear to be either to encourage the organisation of different forms of secular humanism, recognise them and integrate them alongside religions, or to take the view that religions and non-religious concepts of man and the world have no right to any special relationship with the state. In the latter case, the risk is that secular humanism will be considered to be the overarching philosophy for the whole of society, with religious forms of humanism merely specific viewpoints, whereas it might be argued that secular humanism is itself a particular point of view and that Europe's shared and universal humanism draws equally on its religious and secular heritage. This reveals two radically different concepts of secularism, one in which it can be shared by believers and non-believers and another that sees it as an alternative to religions. While both can exist and each has its legitimacy, I personally believe that European secularism has to encompass and incorporate all the sources of humanism, non-religious and religious. From this standpoint, European humanism could be said to be neither religious nor non-religious, because it incorporates forms of humanism from both sources.*

It is always necessary that there should be dialogue among and between the religions. Religion is not just culture. It exists in its own right. Jean-Paul Willaime mentions religious illiteracy. It is self-evident that meeting that underpins dialogue, or conversation among religions, requires a knowledge of religious dialogue in general and of one's own religion in particular so as to provide a basis for the conversation as well as its content. Conversations express the mutual interest of those involved.

The Rabbi Krygier's lecture contains interesting proposals on the meeting of religions as well as on dialogue. We must be open to the other, but to be open requires personal interest and interest in ideas, beliefs or indeed the faith of the other. It is essential to take other people seriously. That does not necessarily mean agreement, but no one has the whole truth.

Address by the Rabbi Rivon Krygier in Notre Dame de Paris (21 March 2010)

(note that the "Lefévristes" had organised a charivari, which made it necessary for the Rabbi to depart for a moment)

Archbishop André Vingt-Trois, ladies and gentlemen, I speak with great emotion in this high place of Christian Culture and faith. First I must thank His Eminence, as well as well those who have placed confidence in me. Over and above the honour of being here, I am well aware of the importance of this event. It was not an obvious thing that you should invite a Rabbi to come to this Cathedral to give a Lenten talk and it was no more obvious - mark you - for a Rabbi to come here. If I am not mistaken, it is a first time event which says much for the friendship and even more for the fraternity that have been developed between Jews and Christians since the declaration *Nostra Aetate* of the second Vatican Council.

Nostra Aetate will constitute my theme. That is not to go over the history again or to deliver a panegyric, but rather to consider posterity. There are many here today, I am sure, who are fully aware of the important advance that has taken place. To that we should add the symbolic acts undertaken towards the Jewish people by John-Paul II. They have a place in our hearts for ever. Certainly we should not rest on our laurels while being unaware of the difficulties of "reception" which are still felt in the *rapprochement* of Jews and Christians, and that from both sides. Nor are we unaware that (still recent) decisions by the Catholic Church, have reopened deep wounds.

But to tell the truth, I do not intent do dwell on this disquiet, because I want to take advantage of your generous invitation to offer our reflection on a theological question (and an ethical one as well) which is of concern whatever our standpoint. That is because these incidents on our journey raise a fundamental question : just how far can our recognition of a sister spirituality go ? Where do we place our own faith which we perceive as "truth" in regard to that of the other ? The sum of the question - and it is the title of our talk - is how much room for manoeuvre is there for our respective positions to move towards openness without an element of denial ?

From the Christian side the question has come up in the wake of Vatican II precisely because of the movement towards openness. Cardinal Ratzinger, the future Benedict XVI, felt able to say to the Council that it had provoked an enormous clearing of debris but that it remained to transform that into positive reality...¹ "Clearing of debris" is a term that begins by calling to mind trouble. To open oneself to the other is to abandon one's self-sufficiency and therefore to weaken oneself, to run a risk. But is not this inevitable in engaging in brotherhood? There is no love without taking account of the other, and therefore without being prepared to adapt one's "personal programme" for the other, and even more to abandon oneself to a kind of confidence. That is why love is not only openness, it is also courage.

The irony is that the openness of one religious tradition to another, "a competitive tradition", should be seen by some people as an affirmation of weakness, a denial of self. To engage in fraternal dialogue is to recognise the dignity and value of the other. That means humbly to take a position if not at the same level at least on the same ladder.² However, if ultimate truth can exist outside one's own tradition, even partially, why confine oneself, why should one continue to be Jewish or Christian, why should one see oneself as having a single identity? The figure that comes to life, like a naughty little demon, is what Pope Gregory XVI after 1832, and then more evidently in our days Jean-Paul II and Benedict XVI have termed "indifferentism," then "relativism." We understand that as meaning the possibility that one can fulfil the divine will and gain salvation by straight dealing and honest conduct regardless of one's metaphysical conviction, to put it bluntly outside the acceptance of the dogmas and standards of the Catholic Church.³

It is true that in a multicultural society, which lacks ideology and is very secularised, consumerist opportunism means that everyone takes his pick of the spiritual as if it were spirituous liqueur. We take our pick - I was going to say that "we pick at things" in one direction or another without any meaningful commitment to one thing or another. We understand the unease that exists in view of this syncretistic way of being religious in our postmodern times which "flirts and surfs" without commitment.

But openness to a sister religion raises quite another question. We share fundamental values and we share a canon of scripture. However, it is only yesterday that Jews and Christians still saw each other as china dogs. The unpleasantness of the brotherhood of Jacob and Esau was the recognition that they were brothers, while taking account of the fact that it is obviously the other the other who takes on the role of Esau, who is rough and deposed... Can we now see ourselves as convergent routes to salvation. Can we accept that we share aspects of revealed truth which can grant legitimacy to each of us? That is more than ever the great question.

¹ Joseph Ratzinger et Paolo Flores d'Arcais, Est-ce que Dieu existe, Dialogue sur la vérité, la foi et l'athéisme, Payot, p. 129

² Hans Küng criticised Karl Barth's view that « Christianity was not a religion because the Gospel points to the end of all religion » (Une théologie pour le 3^e millénaire, Seuil, 1987, p. 323). Such ideas that aim to relieve one's own religion of all categorisation are as evident in Jewish milieux as Muslim ones.

³ Encyclical of Grégoire XVI, 1832, Mirari Vos arbitrarum, Denzinger § 2730. Cf. the analysis by Bernard Sesboüé, *Hors de l'Église, pas de salut*, Desclée de Brouwer, p. 158.

Pope Benedict XVI came to the Synagogue in Rome to put his seal on the "the irrevocability" or the dialogue between Jews and Christians. We need to understand that as a challenge rather than something already realised. As I see it, the greatest hope offered by Vatican II is that it began a process of liberation from the predominant logic of most religions which holds that, outside one's own parish, there is no real salvation. If there is a "clearing of debris worthy of transformation into positive reality," that is it! We do not need to engage in a process of self denial but rather the expression of what Christianity sees as most interior and most to be admired. In resolutely holding out its hand to the other monotheist religions, going so far as to overturn old and unmovable condemnations by the councils, the Catholic Church put the virtues of theologians before any dogmatic. Vatican II gave us a fundamental principle for any religion worthy of the name, but so far we are hardly aware of the importance: it is to call in question that a number of certainties from the past can be the sting of truth and not its blade; that truth is a permanent conquest and not a locked tradition: that the body of doctrine bequeathed by our respective traditions is not vain, far from it, but it is certainly not an end in itself. It is rather the base on which we depend to raise ourselves nearer to the truth in future, towards God. Any going back in this matter would leave the bitter taste of an abandoned dream, of a false messianism...

Let us therefore seek to establish exactly where we are today. In the declaration *Nostra Aetate* we can read that "the Catholic Church rejects nothing of what is true and holy in these religions (Jewish and Muslim) and that they often reflect the ray of truth that enlightens all people;"⁴ Then in *Lumen Gentium* it is already stated that those of the pious "who have not yet received the Gospel are nevertheless counted as being of the people of God in some sense." Then, we should go on to add that "if this ignorance is not their fault" they "even they can also obtain eternal salvation."⁵ I note with interest that by "ignorance of the Gospel" we do not understand ignorance of its content but the non adhesion of the conscience, what Pius IX used to call, even then "unconquerable ignorance"⁶ I also note that with *Gaudium et Spes* (also a document of Vatican II), we consider that "Grace works invisibly in the hearts of all people of goodwill," with the implication that the Holy Spirit offers to all men, in a manner known to God, the possibility of engagement with the paschal mystery."⁷ All these statements mean that we can have no doubt about the sincere commitment of the church to recognise spiritual and moral value outside its boundaries⁸.

However, it seems that there is one more step to take. Described as "rays" of truth and of "what is ordained" to the people of God, the other religions are relegated to the "limbo" of the single Christian truth. There remains a quasi-Hegelian process in which the history of the Spirit is a series of approximations which, like scaffolding, end up bending so as better to let ultimate Christian truth break in. The person of goodwill according to this view of a proto-Christian, is a catechumen who does not know it, or an "anonymous Christian" to take up the theologian Karl Rahner's expression. The other recognised aspect is a satellite in one's own shadow.

In referring specifically to Judaism, I read recently in one or other text of the magisterium that the Jews are again "under the dominion of sin" because they do not know the faith of Christ, "believing rather in the keeping of the law"⁹ although it has "never been enough to justify those who were under it, when it had become an instrument of covetousness itself."¹⁰ I note that an authorised theologian wrote "to seek to recognise in these religions (Judaism and Islam) a salvation mediated independently of that of Christ would be a matter of justifying their works," which would be contrary to "the ineffable affirmation of justification by the grace of God alone which mediated faith."¹¹ We are still in the realm of the difficulty that I described earlier.

To speak frankly, we are hardly any further advanced on the Jewish side. Certainly Rabbinic Judaism - which we often charge with being ethnocentric - takes as its starting point a more universal point of view since it admitted generally and early enough that there were roads to salvation that did not require conversion to Judaism, in particular the Talmudic concept of "righteous among the nations," which applies to all people of goodwill who deal rightly, in particular in the Christian or Muslim world.¹² But you know that we, the Jews do not have or no longer have a Great Sanhedrin (the supreme magisterium) and that in many instances one text or master can contradict another. So, for some radical issues of obedience, it is still very difficult to recognise the ways of justice and true faith in other great religions, since we believe

⁴ § 4196, Denzinger, p. 900. As far as I know the Catholic Church continues in her duty to announce that Christ is the way, the truth, etc.»

⁵ § 4140, Denzinger, p. 873.

⁶ Encyclique *Quanto conficiamur moerore* (1863), Denzinger, § 2866. Cf. Sesboüé, op. cit., p. 161.

⁷ § 4322, Denzinger, p. 921.

⁸ What some specialists associate with the typology of inclusivist (constitutive) Christology. Cf. the presentation and analysis of Geneviève Comeau, *Grâce à l'autre*, Paris, éd. de l'Atelier, 2004, p. 57.

⁹ Pontifical Commission, *Le peuple juif et ses saintes écritures dans la Bible chrétienne*, Paris, Cerf, 2001, pp. 196-197.

¹⁰ Catéchisme de l'Église catholique, Mame/Plon, 1992, § 2542, p. 512.

¹¹ Bernard Sesboüé, op. cit., pp. 297-300.

¹² For this whole questions see my article : « Hors de la synagogue, point de salut ? », in *Guerre et paix dans le judaïsme*, Pardès n° 36, Paris, In Press, 1994, pp. 175-193.

that outside the Tora, there is no real salvation or just secondary or peripheral salvation; it is also very difficult for some people to recognise in Christianity a monotheistic religion, because of the doctrine of the Trinity and of Divine Incarnation; finally it is difficult to understand how the adoration of Jesus can become grace and salvation, nor indeed a powerful motive for love and justice, while they only swear, for themselves, by the fulfilment of the commandments of the Tora...

The chief virtue of interreligious dialogue is, without doubt, to take away the vanity of wanting, at any price, to be more correct than the other. We have to smile at the stupidity of our own simple ideas, we must set ourselves free from certain assumptions in our reasoning which, without our being aware of it, lead to unremitting judgement. Then at the same time, we are more aware of the individuality of each person, of the richness of his own tradition and his irreplaceable treasure. But what should one do if one wants so go beyond respect and good manners? Two things.

First, there is already a decree of Vatican II that strictly requires "brotherly imitation."¹³ In Judaism that corresponds to *la mahlokèt le-chèm chamaïm*¹⁴, or controversy "only to the glory of God" disinterested and benign, and whose amazing fruitfulness we praise. To realise this one must abandon binary logic, that of a person excluded. As we learn from the famous talmudic statement "For three years the schools of Chamaï and Hillel were opposed because each said that it had the *halaka* (the rule to be followed), until there came a heavenly voice that said "The statements of the one and the other are the word of the living God!"¹⁵ Now be careful, that does not mean "that all are beautiful, all are kind..." The same talmudic affirmation goes on so say that we actually follow the way of Hillel, because it is humbler, more human, it hears the other better. The preferred route in no wise excludes that of Chamaï. Elsewhere it is the debate with Chamaï that produced the way of Hillel. We do not get out of a real conflict of ideas "unhurt." Rather we are sharper and more precise, nearer to the men of God.

The second thing to do to make progress is to rethink the idea of revealed truth. Our respective traditions have a shared fundamental conviction : it amounts to the view that God caused himself to become "logos."As a consequence, for Christians, this logos became flesh in Jesus and for the Jews the living word of the Tora. For all that, we must admit that religious traditions are declensions of this logos ("of the Holy Spirit offered to all people") but that there is much agreement about its ultimate meaning. Such is the value of the truth of each (tradition), like a vector on a distinct trajectory, directed to a same summit. Not to such an extent that what the religions said and established yesterday or today takes it towards the absolute. Among different contemporary Christian theologians, I have found very subtle expressions by which they have tried to give effect to the connection between the particular and universal routes of religions¹⁶. Alas I cannot present their thoughts here but I do think that their examination is the beginning of a programme of work to which we should subscribe. There we discover the common idea that the universal is found in the particular, the absolute in the relative, the divine in the human spirit. It is indeed a "kenosis," but that of a bud coming into bloom. "Truth grows on the earth" said the Psalmist (85 v.12). The church is still "on a pilgrimage," "an imperfect child" says *Lumen Gentium*¹⁷. The spiritual task henceforth involves making the universal bloom in the particular. So henceforth it is interreligious dialogue alone that can do it and that should do it urgently. Why? Because we cannot realise the universal on our own.

Let me finish this reflection with a mythical representation of what I have outlined, but one from my tradition (which is also yours). We remember that, in the story of the tower of Babel, God has broken the pretension that a humanity drunk with itself could have dominance, by confusing its language; so that henceforth each person understood only the language of his tribe¹⁸. That is where we were for a long time; and we are still there, many of us, in wanting to impose our vocabulary.

¹³ *Unitatis Redintegratio*, 1964, § 4192, Denzinger, p. 899.

¹⁴ Michna, Avot (Maximes des Pères) 5:17[21].

¹⁵ T.B. Erouvin 13b.

¹⁶ Cf. Hans Küng, op. cit., pp. 343-350 ; Jérôme Rousse-Lacordaire, *Ésotérisme et christianisme*, Cerf, 2007, pp. 246-251.

¹⁷ Ch. VII, § 4168, Denzinger, p. 890.

¹⁸ The peoples descended from Noah each had their language (lachon) long before the punishment of the Babel generation (cf. Gn 10,5). In fact humanity could use on single language (safa ahat), until this language was overrun (Gn 11,1 et 11,6-7).

But for fifty years a "kol demama daka", the subtle thread of the divine voice has caused itself to be heard, let us say with the book of Kings¹⁹, a glossolalia²⁰, let us say with the Acts of the Apostles, an inarticulate language which already includes all the languages of the earth. There are only some scattered stones that remain from the tower of Babel. The builders must take up the language again²¹. It is on that condition that they will be able to build no longer a tower but a temple of which the keystone that was formerly thrown away will be put in place at last by all nations and religions together²².

"A house of prayer for all nations²³, this temple will only be built because the unique word of the prophet Zephaniah will be achieved "Yes, I will give the people lips that are clean, so that all may invoke the name of Yahweh." ²⁴

Religions express themselves. In the 'seventies and 'eighties the teaching of religious studies required multi-religious knowledge. There was some concern that certain religious traditions were taught by people who did not belong to the tradition. In particular Islam was too often taught as a religion of the other. One sought Muslim teachers, who would explain their own tradition. At the same time there was a literature on the commitment and convictions of the teacher. Personal convictions on the part of a teacher were seen as a resource or as slanted or as biased. On the other hand the commitment of a teacher could be a resource, on condition that he or she could understand the ideas of people whose convictions he did not share. The important thing was to understand and know well how to express the ideas and convictions of the other in a convincing manner. Therefore it is necessary to know the religions better. The documents that follow were written by committed adherents to present their convictions. *Prima facie* all the documents are compelling and there is clear internal coherence. Nevertheless, the traditions exclude one another. The Jews could never accept the Christian doctrine of the incarnation, Buddhists do not accept the God hypothesis. Within one religion, Catholics do not invite Protestants to receive the sacrament partly because Catholics underline the doctrine of the Church whereas Protestants favour the scriptures. The presentation of religions that exclude one another in as persuasive a manner as possible, implies that religion is worthy of rigorous and profound examination and that it sustains it because different convictions are self-authenticating and express cultural differences. Open-minded practising believers live the religious dimension. It is many faceted. In the context of the Council of Europe with its fundamental values, democracy, human rights and the rule of law, it is to be hoped that religions are committed to human rights. Because they are universal values, it follows that they have no direct link with religion, but French *laïcité* guarantees a space for religious practice. The documents that follow are inspired by confessional involvement, but they were written in a context which facilitates non confessional assessment of convictions and religions. It is not only a matter of assessment. What follows reminds us that religion in general as well as particular traditions are serious convictions. In a democratic society it is just as important to take non religious convictions seriously, while this document is about the religious dimension of intercultural dialogue.

¹⁹ Theophany to the prophet Elie : "and after the earthquake a fire, but the Lord was not in the fire; and after the fire a still small voice." (I Kings 19,12).

²⁰ Cf. "And they were all filled with the Holy Spirit and began to speak with other tongues, as the Spirit was giving them utterance. Now there were Jews living in Jerusalem, devout men from every nation under heaven. And when this sound occurred, the crowd came together, and were bewildered because each one of them was hearing them speak in his own language. » (Acts of the Apostles 2, 4-6). Cf. I Co 1,13. According to Talmudic teaching, this also applies to the revelation of the Tora : R. Yohanan teaches : What does : « The Eternal makes his voice heard, with many messages » (Ps 68,12) mean ? That every word that proceeds from the mouth of the Almighty divides itself into seventy languages (languages of the nations)). At the school of the Rabbi Yichmaël they teach "Is not my word like fire, says the Eternal, and the hammer that makes the rock fly into splinters" (Jeremiah 23:29), in the same way every word that came from the mouth of the Almighty divides itself into seventy languages (another version : "in the same way one single biblical text gives both to multiple interpretations" (Sanhédrin 34a)] (Chabbat 88b).

²¹ Cf. A verse of the Psalms that brings to mind language beyond language in the experience of revelation: « I have heard a language that I did not know » (Psalm 81,6).

²² Cf. "So Jacob rose early in the morning, and took the stone that he had put under his head [at verse 11, before revelation, it was a question of stones in the plural, before put under his head], and he made it into a stele... " (Genesis 28,18) ; " The stone which the builders rejected has become the head of the corner. " (Psalm 118, 22).

²³ Cf. « Even those I will bring to My holy mountain And make them joyful in My house of prayer,... For My house will be called a house of prayer for all the peoples.» (Isaiah 56,7).

²⁴ Out of confused language (safa beloula, cf. Gn 11,9), we must derive pure language (safa beroura, cf. So 3,9).

The Religions : *appraisal by their adherents*

Judaism

Manuèle Amar

In a global perspective, the Jews are a small minority committed to their faith, who have survived "*Pharaohs, Nebuchadnezzar, Constantine, Mohammed, the Inquisition and assimilation*" (by other populations) wrote Edmund Fleg in 1927. Today we must add the Shoah to this sad catalogue.

To be Jewish is first a philosophy: the philosophy of a people who were the first to recognise the oneness of God. Judaism is the first monotheist religion.

The Philosophy of a people who since the dawn of time, have encountered all kinds of barbarity. More or less tolerated - depending on the period of history - in times of crisis people point their finger at Judaism as the guilty party. This feeling that there may be a period of insecurity is the flickering flame buried in every Jewish soul. It is often evident in a kind of self-mockery, Jewish humour, and in the way in which a kind of radar incites people to vigilance. This sensitivity is awakened by any injustice committed anywhere in the world, with the aim of facing up to indifference.

Jews have always taken part actively and faithfully in the life of their country as much at the economic, scientific or cultural level as when it has been necessary to take up arms to defend the nation.¹

"*The law of the land is your law*" says the Talmud.

What is their great fault? "*The Jews are Jews and they want to continue to be Jews, everywhere. Even despite themselves, they continue to be Jews*" (Edmund Fleg).

To be Jewish is to belong to a history, to a geography : the Bible

"*King Saul sought his father's assess on the 'national 443'. Jonah the prophet took flight by the Jaffa Gate only a couple of steps from Margaret Tara's restaurant. It was on one of the terraces of Jerusalem (that belongs to a Russian oligarch) that King David set eyes on Bathsheba.*" (Yaïr Lapid).

For nearly three thousand years Jerusalem has been at the heart of Jewish daily prayer: it is the capital, the hope, the kingdom and the consolation of the Jewish people. No town has so strong a link with a people as Jerusalem with the Jewish people.

And then it is a culture

Religious culture - obviously, but not only and not necessarily just that.

Judaism, in the form of the Ten Commandments, made the first declaration of the rules for life. That ethic is still the reference for the law of democracies.

"*Six days shalt thou labour...but the seventh day...thou shalt do not work, neither thou, nor thy son, nor thy daughter, nor thy manservant, nor thy maidservant, nor thy cattle, nor the stranger that is within thy gate.*" (Ex 20.9-10)

In the days of slavery and of tribal hierarchies, Judaism introduced the weekly rest, the equality of men and women, and respect of the other, whatever their status or origin.

"*Thou shalt do no murder*" (Ex 20.13)

"*Thou shalt not commit adultery*" (Ex 20.14)

"*Thou shalt not steal*" (Ex 20.15)

"*Thou shalt not covet thy neighbour's house...*" (Ex 20.17)

That was the end of the razzias, of the law that might is right: Judaism brought in an ethic of humanity and respect...

"*Thou shalt not bear false witness against thy neighbour...*" (Ex 20.16)

... of which uprightness and honesty are the pillars.

These human and moral values are the basis of Judaism.

For Judaism the value of Education is a fundamental value.

Do we not say that the Jews are the people of the book ?

The means of transmitting Judaism, Jewish education, begins when the child utters his first words. It knows no frontiers, no social class, no one is excluded, there is no age limit. The beggar in the *shetl* (the ghetto in eastern countries) used to study the Talmud, study groups met late in the night after the working day had finished. Jewish education is not confined to the reading of Hebrew or the learning of prayers, texts and laws.

¹ Cf. p. 12 and the Jews who fought for "their" country in the First World War

Jewish education teaches people to think.

For the Torah (the Pentateuch) has been enriched by writing, reflection, discussion by our sages over the years, which reflect their questions and offer their interpretations. The Talmud and the Responsa, in which these writings are found, comprise a corpus of writing at the same level as the Bible itself. It is the central importance of asking questions which marks the particular nature of the relationship to the Book in Judaism.

Judaism, and this is a particular aspect of it, continues to evolve both in time and in the lands where it is practised. Without questioning the text as such, the rabbis use past disagreement to find fresh interpretations of new situations. The evolutive approach and the continuous study of dialectic open the spirit to ask questions and make way for creativity.

Thought is therefore uninhibited by any taboo or straitjacket and it is eagerly applied to all situations.

In Judaism, a religion revealed by God to Moses on Mount Sinai, there is a direct relationship with God. He delivered his message personally to the Jewish people, who address their prayers directly to him using the familiar form of you - in European and other languages.

All the rules of Judaism are expressed in two lines

"*Thou shalt love the Eternal, thy God*" (Deut 6.5, 11.1)

"*Thou shalt love thy neighbour as thyself*" (Lev 19.18, 19.34)

Morality and humanity.

The foundation of Judaism is the exodus from Egypt : freed from slavery and disaster, the people, full of hope, takes to the path of monotheism.

Free, it also becomes responsible. Judaism therefore requires us to act according to our conscience.

"*One of the great ideas of Judaism is the importance of everything : of each gesture, of each word, of each thought of humanity*" (André Neher).

For Judaism, God creates the world and puts it into the hand of humanity so that he may continue his work. God sees all but does not intervene. Man is free in his choices, free to acquire wisdom and to walk in the right paths, free also to make mistakes. But it is demanded of man that he should make the right choice. "*... I place before you life and death, blessing and curse. Choose life ...*" (Deut. 30.19)

Education is also the transmission of ritual and tradition.

The father who takes home a bunch of flowers every Friday in honour of Shabat makes this a day of celebration that his children will never forget.

The liturgy, which is different not only between the East (Ashkenazy) and the South (Sephardic), is enriched by the place in which it is practised, while the songs sung in Meknes (Northern Morocco) are different from those sung in Marrakesh (Southern Morocco). In the same way the liturgy of Alsace is very different from that of the Comtat Venaissin.

The ceremonial and the songs that were a lullaby in childhood are still there, whether one preserves them in newly adopted lands or whether one looks for them even if they are sung less often.

The culinary traditions of the Jews are as varied as are the lands and the imagination of the person cooking.

The table is a place both of sharing and of spirituality and it has a central place, particularly when there are feasts.

There are rituals for the important stages in Jewish life : the naming of a child, circumcision of boys on the eighth day after birth to commemorate of the covenant between God and Abraham, the age of religious majority (Bar Mitsva at the age of thirteen for boys, Bat Mitsva at the age of twelve for girls), marriage, mourning...

In that respect as well traditions vary from one region to another around a common source which comprises prayers or the reading of the Torah.

Judaism is a religion of ethic and humanity. It has no aim of proselytism. It is a religion of freedom.

Judaism and Human Rights

Gilbert NERSON(ICBB)

(written together with the Chief Rabbi René GUTMAN, Chief Rabbi of the Bas Rhin)

Judaism is above all Humanism to the extent that the term calls to mind the importance of the human being.

"The God of the Covenant is a God who - unlike the "divinities" of classical mythology - is a God of goodwill toward men and the destiny of humanity. The Book of Exodus reveals the face of the God of the oppressed and the suffering: the people of Israel who, since the time of Abraham, have been brought into this indissoluble covenant, have made it the experience of salvation at the time of the Exodus from Egypt.

The Decalogue (ten commandments), received by Moses on Mount Sinai, is as much a social code as a religious one, founded essentially on respect of the other and taking account of the (needs of) the weakest. It is more perfect than the law of Hammurabi of the ancient inhabitants of Mesopotamia" (A.R.Arbez)

In classical Hebrew there is no word for "rights." The Decalogue is not to be read as a declaration of Human Rights but as the Ten Commandments. That is why the Ten Affirmations do not speak of "the right to life" but say, "Thou shalt not kill!"

- They do not speak of the "right to property" either, but they tell us "thou shalt not steal!"
- They do not speak of the "right to dignity" but they say, "do not oppress the widow, the orphan, the foreigner or the oppressed!"
- They do not speak of the "right to a fair wage" but the Torah exhorts us "do not exploit the day labourer whether he be one of your brothers or the foreigner who is in your country!"
- They do not speak of the "right to a fair trial" but it is said, "judge your fellow human being impartially" and again "the same law and the same statute for the "resident" (*indigène*) and the foreigner."

"Thou shalt:" with this imperative the Torah associates human duties with human rights, the duty to do rightly and to do justly, duties towards the Other, the neighbour who has acquired rights over us!

This personal and imperative formulary "thou shalt" presumes that a first person exists: "I am the Eternal, your God who brought you out of Egypt, from the house of bondage" the first of the Ten Commandments.

To take a stand on Human Rights is to take a stand on this imperative which is laid upon us but which is proclaimed, according to what is written (*modalities*) on the walls of our synagogues in these words "neither by force of arms nor with violence, but by the power of my spirit!"

Meanwhile the human conscience is more inclined to fight for its rights than for its duties. Men and women fight for what society owes them rather than for what they owe to society.

Understood in this way, Human Rights do not tell us what one should do or think but above all what one should not do to the other. When we say Human Rights, we are not talking of positive feelings towards our neighbour. We simply promise that there are certain things that we will not do.

To agree to the principle of Human Rights is therefore a minimum; a minimum which is clearly not enough. To tolerate one's neighbour means that one will not muzzle him, that one will not poison him and above all that one will not use violence against him to impose one's will.

All these expressions are still negative ones that deny. Can we say at this point that the whole system of human rights is one of mutual ignorance and even of indifference to the other?

In fact people "tolerate" what they do not understand, we tolerate when we cannot love. At the same time there is no need for tolerance when one loves. We do not ask the lover to love the person whom (s)he loves.

At first sight, therefore, human rights look like a value aimed at a disunited world, a world in which people ignore one another. If we cannot love the other, our brother, at least we should not resort to violence. The move from tolerance to suspicion (*mépris*) is not apparent, we can move too easily from the one to the other.

Support of one's neighbour gives no information of the spirit in which the support is offered nor why it is given.

Would not Human Rights be reduced to their own self-denial if they were taken to the logical conclusion?

If we blindly tolerated the wicked in their resort to violence, right (law) would go against its own principle and become like some "purists" who, in the name of liberty, give every kind of licence and freedom of activity to those who destroy liberty and challenge us to take away that same liberty that they dream of strangling.

If Judaism believes in Human Rights it is because these Rights will allow no modification or concession. At the same time is this not the end of a world that is torn apart, of a world in which people too often disagree but in which they must also coexist?

In Hebrew they say to us in the Torah (chapter XIX of Leviticus):

"*We Ahavta ...*" translated as "thou shalt love thy neighbour as thyself" and what André Néher translated as "**thou shalt love the one far off as thyself.**"

Who is this other? Who is the *Rea*, a Hebrew expression that refers to one's neighbour? The *Rea* is the Other. Some verses later on the Torah asks us to love the stranger "ourselves" (*soi-même*), just as we have a duty to love our Neighbour(s) as ourselves. That implies, to use an expression of Hillel, a reciprocity of perspectives "do not do what you find hateful to another."

But how am I going to meet that Other? I am in the world but I do not yet know it. I have many other cares. Life asserts itself in me, needs press, danger threatens me, work calls me, from all sides things arrive that I must look at and organise. This rather than: I do not know the world, but it is the world that knows itself in me, these are things that are confronted in me.

It is not "self evident" that a person learns who he is, that it to say a man who claims his worthiness as a man, but he learns from the other who returns his image as does a mirror. When the other arises, my own defences collapse, at the same time giving rise to the idea of transcendence and the ethical demand that it includes, in front of this man created in the image of God.

Let us look again at the expression of Vladimir Jankelevitch: **the "I" has no other self but "thee."**

This effort, which is sought, to give up the privilege of the first person and to treat the second person like the first, this effort is the *Tsédek* that is justice. We move on from understanding the other, from tolerance, to the recognition of his right, because to recognise is also to respect, to greet in the other the one who resists me, not with all his force but with all his soul.

"Thou shalt not kill" also suggests that in tolerating this other, we take into ourselves his will and behind it a personal understanding of his liberty. In sum, only the Other has the right to direct recognition of my right.

However strange the stranger may be, whether he be treated as an "under man," like a superman or like an animal, he must always appear to me like a man.

To speak of "one like me" is it not to say too much? For me "Other" signifies that he is unique, an exceptional being; he is the principle for the world, the sense of its universality: that is where I recognise him. The other calls me in question, he is not the one who looks like me but the one who concerns me.

"He will live with you, among you" says the verse: which means with you and in your context, but in living his own life with its strangeness ("thou shalt choose thy life"). I am therefore called in question by the question of the Other: can you recognise me?

Still today there are some who prefer to deny this recognition.

PS: It should be pointed out that in Judaism respect of the Rights of the individual goes a long way.

In that sense "a man coming out of a place where there is a dead man, with a blood stained knife in his hand, cannot be condemned if there is not an ocular witness of the supposed crime" (Talmud of Babylon Makkot-Talmud)...

Today, certainly, modern means of investigation can produce proofs of culpability.

Judaism and Culture

Gilbert NERSON(ICBB)

(Based on a text written by Dr H Ackermann who was master of several generations of young people some of whom are Rabbis today, among them the Chief Rabbi of France and after discussion...)

Individuals no less than collectivities have been immersed in a globalisation that makes them think and act in very different ways that depend on their immediate environment.

Cultures are also intermingled and the way in which their real nature is understood depends very much on where one is.

Religions and convictions cover a range of thought that goes from fundamentalism to the most extreme liberalism. Politics and religions rarely mix. Can the religions and the convictions of everyone live easily with an intrusive multicultural society?

We will set out our understanding of a Judaism that has existed for 4000 years while noting at once that in this case as well there are different perceptions and the differences may be significant.

The (Jewish) BIBLE contains 24 books of which 19 are prophetic in nature. The 5 essential books are assembled in the **Pentateuch** which is also called the TORAH, which means "teaching." The PENTATEUCH, is the written teaching. Every letter, every word, every sentence, every paragraph carries meaning or meanings (in the singular and the plural) and it is the source for an infinite range of commentary.

Starting from from this *Torah Shebikhtav*, this "Written Torah", from this written teaching, there is the oral teaching, the *Torah Shebe'al Pè* or "The oral Torah." This oral Torah should never be written down.

This is to enable everyone on all occasions, in every age and in all societies, in any civilisation to interpret and to find a modern translation that is faithful in its representation.

Unfortunately - or fortunately - persecution and exile led our Sages to write down the oral teaching between the years 300 BCE et 500 CE.

The TALMUD, a thesaurus of incredible richness was born in this way : (the Talmud of Jerusalem and of Babylon). Although it is not as rich as the written Torah, Talmudic interpretation is necessary and relates to the modernity of the individual or the collectivity that studies it and/or that uses it. Knowledge in itself, no less that tradition which arise from the written tradition is not enough unless it enables us to act and above all to understand. It is the famous "We will do and we will hear" (*Naassé ve nichma*) which enables us to say as in the "SHEMA ISRAEL" (do not just hear but understand), that the object of the written Torah and the oral Torah is to give to every individual, to every collectivity, the opportunity not just to understand but to act on the basis of this understanding, therefore to place himself in a position of freedom of action, in which everyone draws on this own condition, his own self-justification, his own awareness. Do not forget (Haguiga) that the teacher has no right to enforce his thought on a pupil any more than the pupil has the right to set a trap for his master with his questions. Masters and parents are there to offer the child the opportunity to be himself, without being like Moses or Abraham or indeed his master.

What is fundamental for the human being, for his own existence is the Other, the other person whoever he may be.

The Talmud in the Sanhedrin reminds us that ADAM was created alone so that no one can say of him that his nature is superior. Each human being is of fundamental importance whatever the colour of his skin or his civilisation. We call that the "tselem" or the image which represents in us the image of the infinite. There is one place in the world where this is not entirely applicable and that is the Temple in Jerusalem. The Temple in Jerusalem does not have quite the same requirement because it is not subjected to the rules of the written or oral Torah but to the Marchavah, the thought. The Kohen is not a priest but a servant at the service of Humanity. He does not place phylacteries on his arm. On the Sabbath he does not light the fire for the sacrifices (which is normally forbidden for the "common fellow") and he does all that is necessary for the ceremony; we are there outside time. The essential thing in the Jerusalem Temple is for everyone to realise the highest level of spirituality. That is how we explain the destruction of the two Temples. The first Temple because the people descended into "avodah zara », (idolatry), and the second because fundamentalism became the rule

The need for a means of communication (the "golden calf") or no longer to perceive unity of thought as a function of the Infinite is to set a person a person on the wrong path: it is the beginning of idolatry. God needs neither rules nor laws; it is man who needs them and we can illustrate that by the passage in the Torah which tells us that when Moses arrived in Heaven with the question: "Why do You, the eternal need a "miqdach", a place, a sanctuary?"; the Eternal answered "It is you who need it." The rule is there for me, the Torah gives me awareness at the level of rules. However, if I take the rule as the *ultima ratio*, as the end of all ends, I fall unto a fundamentalism which perverts the whole problem of thought and leads to hatred of the other. The essential is the individual and one comes to scorn the other. For a practising Jew that justifies the destruction of the second Temple.

This point of view presents a need to be myself, just as I am, just as I can be, just as I wish to be; to go as far as possible (in this). In the Pentateuch God has no name, the word God does not exist in Hebrew. Two expressions are used. "Elohim" which signifies a judge, Almighty-Power, the Strength of a ram, that is to say determinism in its perfect state. Science is part of this "Elohim," but it does not justify the existence of the Why. When I say "Almighty, King of the world, Master of the Universe" that means the "Immeasurable", the "Unknowable", the "Infinite" and if I have this awareness of

the infinite I know perfectly well that it will never arrive. Determinism, rigorous justice, does not belong to my own world, it is a tension, I try to go towards this spirituality and I know well that it is impossible to attain it. What is possible is the Tetragrammaton. It is the consequence of "He was, He will be," the present does not exist in Hebrew. For us the "He is" means nothing because he only exists because of the past and the future.

The Tetragrammaton most certainly does not imply rigour and the impossibility of communication and understanding. On the contrary, of the 613 mitzvot (commandments) which our Sages count in the Torah, the 611th mitzva (véhalakhta bidérakhav, "you will walk according to the ways of the Eternal", Dévarim 28, 9), means to clothe the naked, to visit the sick, to bury the dead, to comfort those who mourn, to do justice, to establish a relationship with the other that is deeply real." What we call divine providence, the "she'hina" come from the word "sha'hen" which means "Neighbour", that has become my neighbour. That is the reason for the Tetragrammaton (Exodus chap. 34, v. 6), the thirteen attributes of God are all human ones; he is compassionate, merciful, slow to anger, or great kindness, just and so on... That is to say that the Tetragrammaton is placed entirely under the sign of humanity in the widest sense. When I pronounce a blessing, when I use the world that is given to me and when I begin by saying: « Blessed be thou... » *Thou art* my Neighbour-Tetragrammaton, the familiar *Thou*. It is only after that, that I can say: "Almighty Elohim.. King of the Universe...."

The essence of Judaism is indeed to connect these two, that is to say the closeness of the individual to the infinite, to give me, to offer me the opportunity to go as far as possible in this perception of the infinite. However the volatility (explosiveness) of the written text and the possibilities for interpretation of the oral text must allow each one of us - whoever (s)he may be - to go as far as possible in the search for himself or his own spirituality so as to attain the spiritual entity. What we have just said is of the order of Unity, the unity sought by all the religions of the world whether theistic or non theistic and which Judaism through the Bible, through Christianity or Islam has given to the world. It is this idea of oneness which enables a Declaration of Human Rights to be made today.

It follows that Judaism is not a religion in the normal meaning of the word. It is a chosen possibility. With this idea of unity, every human being should be able to connect the real, concrete present to this tension towards the Infinite without using the name of God but through transcendence. That is what enables grace inspired by the difference of the other to perceive that this difference is the aim to be realised.

Different forms of culture continue to play their role. The tower of Babel was a single culture, the megalopolis like the world described by George Orwell in "1984", a world so perfect that its realisation is suicide. In this monolithic culture there is no loophole or way of escape, that is why, in this text of GENESIS, it is not Elohim who comes but the Tetragrammaton.

The Tetragrammaton will mix language so that cultures can be born, so that they can distinguish themselves from each other. Culture as such is the knowledge of a certain number of parameters which allow the individual to become intelligent in relation to his surroundings. There is no obligation for culture to be ethical; culture stopped neither the Germans nor the French from cutting each other's throats with millions of dead at Verdun, nor does it favour nazism nor does it lead to the gulag .

In Judaism there is no "Credo" in the usual meaning of the term, nor is there pre-determinism as in Islam. Study, knowledge, culture must bring about reflection and as a consequence action. That is to try the experiment of showing that the human being can progress towards the infinite even in doubt. When he doubts Humankind is already to some extent in the action.

Some readers will not understand the term "tetragrammaton." The word tetragrammaton represents the four letters of the divine name, which is written יהוה. The Hebrew language is consonantal, which means that Hebrew at the time when the Bible was written had no vowels, whereas the symbols for the vowels were added by the Masoretes so that people would continue to know the pronunciation from the seventh century of the common era. So it was possible to preserve both the text and the pronunciation. In Roman letters the tetragrammaton is written YHWH. Because the divine Name is sacred it should not be uttered. God said to Moses "I am who I am" (Exodus iii:14). When the Bible is read in the synagogue the reader says "adonai" אדוני for YHWH, which means "my Lord" like the Lord God. It is interesting that יהי in Hebrew (YHYH) means "he is" in English. So God is - or he was or he will be. He is ineffable, we must not speak his name, but he is at the origin of all ... Note - there are two "h" in Hebrew, whereas y and w are interchangeable in certain languages. The font does not understand the vowels, but the le *shema* begins "hear O Israel, the Lord our God is one Lord. "Lord" ADONAI in Hebrew, and the vowels are added to YHWH in the Hebrew text to signify the pronunciation.

Islam Divine « Unity » and diversity among Muslims

It is paradoxical that Muslims are seen as a single monolithic group whereas they are characterised by their diversity. Differences and divergent views exist and some people want to resolve them, even by violence. Although this is only a minority view and opposed to Islam, it does not fail to be disturbing and it runs the risk of stigmatising a whole religion. It is useful, however, to remind ourselves that in Islam, from a spiritual point of view, human liberty is a pivotal requirement, because no clerical group can interfere in the direct relationship between the human being and God. It follows that in the remarkable diversity of relationships between Muslims and their religion no one can impose his or her vision of Islam on another.

The lived experience of being Muslim is spread across the world, in societies and contexts that are so contrasted that it is absolutely impossible to find uniformity. In their diversity, Muslims caught between the universal spirit (breath) of the transcendent message and the diversity of the contexts in which it is lived out, come together in the absolute oneness of God and in the commandments, the common basis for individuals and peoples who claim to belong to Islam.

A religion of absolute oneness of God

Islam, born in Arabia, in Mecca, is not a religion on its own. It belongs to our religious heritage, to a common system of reference, to the common heritage of monotheist religions that Max Weber called ethical religions. It is concerned with the adoration of a single God, called Allah in Arabic. In the eyes of Muslims, the Quran is not a human book but it is the word of God. It is a sacred book that comes from immeasurable divinity. It conveys the power of the creator and his mystery. God is the one of "many names" in the Quran. He is referred to several thousand times in different terms, he is the one who does not beget and who is unbegotten, *lam yalid wa lam yûlad*. The traditional list of names of God, called beautiful names, *al isma al hûsna*, is made up of ninety-nine names and the hundredth is hidden. In this way God is presented as the Living, the Enduring, the Merciful, the Compassionate, the Knowing, the Powerful, the one who listens and who forgives...

Islam preserves for ever the message of Divine oneness, as is required by the great prophets who preceded Mohammed. We often talk of these "Messengers," who were sent to different peoples and who never stopped instructing them in the mysteries of the faith and the divine involvement. It is the pact in the Quran that existed before all time, the *mithâq*. This is how the Quran expresses the idea of the pact; "And if we have undertaken a covenant with the prophets, it is also established with you, with Noah, with Abraham, with Moses, with Jesus, son of Mary, this covenant that we wanted to be strong and powerful" (Surat 33, verse 7). The biblical prophets, and more widely the great figures of the Bible are mentioned in more than two hundred verses of the Quran. There are Adam, Noah, Abraham, Isaac, Jacob, Joseph, Moses, Aaron, David and Solomon, Job, Jonah, Zechariah, Mary and Jesus as well as John the Baptist ...

In the descriptions of these great personalities of the Old and New Testaments, the Quran adopts certain attributes with general religious significance (the goodness of God towards his servants whom he feeds, cures and whose prayers he answers). At the same times, it underlines the protection that God has always given to those whom he sends, miraculously causing the intrigue of their enemies to founder. Noah was saved from the deluge, Moses from Pharaoh and the Red Sea. The Quran, in calling to mind its memories to contemporaries threatens them with the same consequences if they persist in treating the prophet Mohammed as an impostor. The doctrine of the Quran does not present itself as a novelty; on the contrary many verses assure us that it confirms the messages that have already been revealed. The Quran brings a message of which it is said: "And that is certainly mentioned in the writings of the Elders" (Surat 26 verse 196). It insists on the ideas of creation, of revelation, of the resurrection of the dead and of retribution in the world to come. Human beings will be judged according to their deeds. The wish of the good Muslim is that the weight of good works should prevail over that of bad ones in the scales of judgement. This faith in the world to come is deeply implanted in Muslim thought and it expresses itself differently in different places. In Arab countries or in Turkey we often find this inscription carved or painted on tombs, "All things on earth will perish, but the face of your lord will endure majestic and noble." (Surat 55, verses 26 and 27).

Descriptions of the last day draw on many classic images of the Judaeo-Christian apocalyptic tradition. The Quran insists on the evidence for the almighty cosmic power of God; God is, above all, the creator and master of the universe, a creator who has revealed himself to human beings and to whom they speak with confidence.

We sometimes describe Islam through the idea of divine transcendence, however immanence is also a specific aspect of Islam. In fact, it is said in the Quran that God is nearer to the human being than his own jugular vein. Many are the Muslims who live on the basis of the closeness of God. It is by his own volition that the believer acts in accordance with the will of God, he trusts God in all confidence which is the meaning of the term Islam.

The Multiplicity of creation

God alone is one and unique, all that exists is other than he, that is to say that his creation is expressed in its many facets. But, the divine compassion, "which embraces everything" (Surat 7, verse 156), ensures that there is no break between these two levels. There is an omnipresent dialectic, although it is often an underlying dialectic, between the oneness of the divine and the many facets of creation. In the first Surat God presents himself as the Lord of the worlds '*raab al-âlamîn*' (surat 1, verse 2). There are numberless facets to creation because they come from Him and return to him. Many

are the verses of the Quran that express this return and reincorporation in God of human souls, as well as the causes of differences between them during their sojourn on earth. First, the Quran expresses cosmic pluralism, in which different kingdoms are connected by a community of adoration: "the seven skies, the earth and those who dwell on it proclaim His glory – there is nothing that does not celebrate His praises but you (humans) are not aware of this song" (Surat 17, verse 44).

On a human scale, pluralism becomes ethnic, cultural, linguistic and religious." If your Lord had wished it, he would have made human beings a single community, but they still have their differences, except those to whom your Lord offers compassion, indeed it is for this that he created them (surat 11, verses 118, 119); "You, Human Beings, We created you from one man and one woman. We established you in peoples and tribes so that you should know one another (surat 49, verse 13). "Among His signs, there are the creation of the skies and of the earth, the diversity of your languages and of your colour" surat 30, verse 22).

Religious Otherness

Between Muslim writers who willingly quote verses from the Quran that express openness to other religions and those who take their stand on verses that call for rigour towards non-Muslims, there has been a never-ending debate. Schematically, the view of ancient and modern exegetes is this: scriptural texts in Islam place interreligious diversity at the heart of Revelation; the Quran is the only Scripture of which one could say that, down to its smallest detail, it establishes the universalism of revelation.

In this way the Quran presents religious pluralism as the expression of the divine will: "To each one of you we have given a law and a way. If God had wished it, he would have made you a single community, but he wanted to test you by the gift that he gave you. Try to surpass yourselves in your good works. Your return for all of you will be towards God; then he will enlighten you, to the subject of your differences (Surat 5, verse 48). Verses 44 and 46 of the same Surat describe Law and Gospel as "guidance" and "light."

Divine compassion and salvation are not only for Muslims. "Certainly those who believe, Jews, Christians and Sabaeans, whoever believes in God and who, at the last day also does good, all will have their reward from their Lord, they will know neither fear nor affliction" (Surat 2, verse 62).

So to be Muslim involves the recognition of other revealed religions and does not confine truth and salvation just to Muslims. Is a broader perspective not given to salvation in Surat 2, verses 111-112? In fact, those verses state "The people of the book have said, 'No one will enter paradise save Jews and Christians'," thus expressing their desire. Tell them to give the proof if they are sincere. Verily everyone who submits to God in demonstrating his virtue will find his reward with his Lord and he will know neither fear nor affliction." The expression "submit to God" refers to no particular religious belief. It describes a universal religious attitude as conveyed also by Surat 2, verse 148: "For everyone there is a direction to which he turns. Seek rather to surpass each other in good deeds." This recognition gives partial explanation to the welcome and protection given to non Muslims. It is good to remember that Jews expelled from Spain and Central Europe found refuge in Muslim countries.

Jews as well as Christians (*dhimmi*) found protection and benefited from a particular status that allowed them to worship freely and to perform their liturgy without being subjected to persecution.¹

Freedom of belief: no constraint in the matter of religion

The Quran states "No constraint in the matter of religions" (surat 2, verse 256). Other verses support this point of view: "Say: the truth comes from your Lord; let anyone believe who wishes to do so and that anyone deny who wishes to do so" (surat 18 verse 29) or again "If your Lord had wanted it, all the inhabitants of the earth, without exception, would have believed; do you want to stop people from becoming believers?" (surat 10, verse 99). Mohammed Sharif² pointed out "With such clear divine words, we would have expected the Ulemas to build a fine theory of liberty of conscience. That matters. On the other hand, they have left to us a series of rules which threaten freedom of conscience as much in respect of Muslims as of people of the Book and others." He adds : "It was necessary to wait for Vatican II to see Christians abandon the principle *Outside the Church there is no salvation*." Muslims arrived at that point fourteen centuries earlier, because the holy book requires us to consider that all deists and therefore all those who practice a monotheist religion will have no need to fear."³

In Islam human liberty is essential from a spiritual point of view, because no clerical institutions can interfere in the direct relationship of the Human being with God.

There are no clergy. There is neither mediator nor mediation between God and the Human being. The human being has an interior space in which no one may trespass. Every individual exercises for himself, and in his own way, a magistratum that is to be compared, *mutatis mutandis*, to the one that gives the Pope authority over the Catholics. The absolute is seen in every human being and in every situation, because "He (God) is with you wherever you are" (Surat 57 verse 4).

It follows from this that in the great variety of relationship that Muslims have with their religion, no one can impose his vision of Islam on another. In that sense, some authors were able to say that Islam is profoundly lay because it refuses all

¹ Even if they were sometimes victims of discrimination, above all in respect of taxes, which was a human and not a Quranic principle. It would be a mistake to see it as an integral part of the Muslim religion.

² CHARFI Mohamed, *Islam et liberté*, Paris, Albin Michel, 1998, p.73-74.

³ Ibid, p.74.

priesthood. In the absence of clergy, but nevertheless within a supportive community this individuality of relationship with God opens the way for a range of sources of religious authority. Differences of religious opinion leave freedom for the faithful in the conception and the practice of their religion and according to the prophet Mohammed they are a source of compassion.

That is the origin of the principles of spiritual liberty and equality in Islam. Muslims established in Europe are moving towards a rediscovery of "individual experience" to the detriment of the "existence of the community"⁴.

The "fundamentally pure nature" of the human being and the absence of original sin

According to the Quran the human being is a fundamental aspect of the divine plan. He is the realisation of the greatness and the power of God and he has the role of being "lieutenant" for God on earth *khilâfa*.

The consequence of the "fundamentally pure nature" of the human being, or *fitra*, is the absence of original sin. The human being is born consecrated to God. There is no need of sacraments administered by human hand that give the individual a place in a particular *ecclesia*. There is no baptism.

The Muslim religion is given at birth without any formality or any symbolically charged ceremony like baptism, the Muslim is virtually never lost. Innately consecrated to God, the individual Muslim should not live within himself the divorce between spirit and matter, because matter is as much consecrated as spirit. In traditional cosmology, the private being of the Muslim can be confused with the whole of the world and Creation. The vision of a good man, born to do good and condemn evil bases itself on the system of the absolute engagement of religion and non religious life. Marriage is a contract and death is a natural return to God.

Adam's sin in paradise has not left its mark on the "fundamentally divine nature" of the human being and therefore has no consequence on life on earth. However today we are increasingly aware of an obsession with sin and what is "forbidden" *harâm*, hence the turning of *shame* into *prudishness*⁵.

Diversity among Muslims

Islam and Muslims are often perceived as being a monolithic group. However Muslims are notable for their great diversity.

Differences are ethnic, linguistic, or related to doctrine and religious ceremony; there are multiple orders as well as multiple cultural and national origins. Contrary to a widespread perception, Arabs are only a minority of Muslims. The most distant geographical regions are the ones with Muslim majorities, like Indonesia, India, China, Russia and Africa.

This diversity is found in the different Islamic traditions, especially the *shi'ites*, the *khârijites* and the *sunnis*. In fact, the Muslim community was subject to a very serious crisis (656-660). The question of exercising authority awoke old antagonisms that were at the origin of the split. The *shi'ites* (« partisans » of Ali) claimed to have power for the prophet's descendants through Fatima his daughter and Ali his son-in-law. Another group, the *Khâridjites*, wanted to have the most worthy Muslim as Khalif, even if he was a black slave. The great mass of the *Sunnis* (or the people of the tradition) decided in favour of a Khalif who would be chosen by the tribe of Quraysh, that is the tribe of the prophet Mohammed, and this gave legitimacy to the seizure of power by the Calif Mù'âwiyya and his successors who were in Damascus (660-750). Today the *sunnis* make up at least 80% of the muslims in the world. They follow the *Sunna* which is the path set out by the prophet. For them the *hadith* is an important source of legislation. The *hadith* bear witness to Mohammed's concrete experience, to all his deeds and signs (gestures). The essential aspects of the jurisprudence, that is the *fiqh* codified by Muslim lawyers in the centuries that followed the birth of Islam, is generally inspired by the *hadith*. Because Islam was in the process of becoming more complicated, it was necessary to produce a set of rules so that they could be applied independently of the place and the person involved. The whole Quran, the *hadith* and the *fiqh* give what we call the *shar'ia*, the "common rule" of which the aim is to codify the body of collective conduct as well as the behaviour and attitudes of individuals in society.

That led to a range of legal schools. Among the *sunnis*, the four principles are :

- the hanafi school, essentially found in Turkey, India and China
- the mâlakite school installed in Arabia, North Africa, west Africa, upper Egypt and the Sudan.
- the shâfi'ite school is to be found in lower Egypt, in Syria, in the south of Arabia, in Malaysia, in Indonesia and in west Africa.
- the hanbalite school is in Arabia

Free personal research or *ijihâd*, which is a characteristic of the beginning of Islam, was very soon limited. At present many people are demanding that "the doors of *ijihâd* should be reopened."

This diversity among Muslims is to be observed in Europe as well :

The European Muslim community is distinguished by remarkable diversity: ethnic, linguistic, doctrinal and ritual, by multiple order and national origins. "In the absence of a central authority and of hierarchical structures recognised by all, the prevailing factor is one of rivalry, and its breadth involves new challenges, notably that of recognition that grants legitimacy. But the search after that legitimacy is paradoxical because it raises the problem of representativeness, which - as a condition of granting legitimacy, of access to the policy and the resources necessary for action - is at the heart of the

⁴ ROY Olivier, *Vers un islam européen*, Paris, Esprit, 1999, p.81.

⁵ GEOFFROY Éric, *L'islam sera spirituel ou ne sera plus*. Paris: Éditions du Seuil, 2009, p.18.

European system but it is new in the religious field of Islam.”⁶

So, Muslim life is spread across the world in such a contrast and variety of society and ambience that there is no way to quantify it. Scriptural texts, even when misunderstood or misapplied remain the common basis for all individuals and all people who claim any kind of engagement with Islam⁷.

We often say that Islam is at once a religion and a community. That is what it wants to be and sets out to be. A community of faith and a witness to faith centres on those pillars of Islam which are both acts of worship and at the same time a community of life and a code of life. Prescribed prayer, legal almsgiving, fasting in the month of Ramadan and pilgrimage to Mecca are individual obligations, but they also have a social value. They are like the “emblem of Islam,” constitutive rites of the Muslim community. According to Louis Massignon, they are the important moments in the “desire to live together” which bring people together in family, social and political relations.⁸

The Commandments

Muslims distinguish between duties that apply personally to individual believers and those which apply collectively. There is recognition of a general moral law which corresponds, broadly speaking, to the social part of the decalogue : do not murder, do not steal, do not commit adultery, do not bear false witness of which the commandments are in the Koranic texts.

Beyond that there is also a law that is, in reality, Islamic. Its basic requirements are known as the “five pillars of Islam”: The profession of faith *shahâda*, prayer, almsgiving (legal), fasting in Ramadan and the hajj (pilgrimage to Mecca).

1). The *shahâda*, literally “witness” but also “to testify” consists of pronouncing the formula of belonging to Islam: “I affirm (witness) *achhadû* that there is no God but God and Mohammed is God's messenger.”

The fact that one is Muslim arises directly from individual and private commitment. From the beginning the emphasis has been on the individual and private volition of the believer. When they say “There is no God but God and Mohammed is his prophet” new members immediately belong to the whole Muslim community.

This witness is uttered in the call to prayer, it is picked up by the faithful in a more substantive form and ceaselessly offered in daily life. It is at the root of repeated prayer (invocation) at times of pilgrimage and at the hour of death.

The *shahâda* uses a negative expression (the refusal to admit that there is any other God but God). It separates us from what is not God, but it keeps the question of the mystery of God in himself, a mystery into which it does not go, which the believer cannot touch. The use of simple formulae includes the risk of making us forget that that even monotheism is mysterious and that there is a living, inaccessible mystery in God. This witness to divine oneness offers a positive aspect to his existence and embodies a power, the effectiveness of which depends on its application. This power helps in refusing to submit to authorities who go against the Quran and Islam. During the colonial period it encouraged movements of cultural resistance. The same power also informed the activity of many mystics within Islam, whose principle objective was to proclaim and “live” this truth that there is no divinity alongside the one God and to separate all the “false gods” that the human being can create for himself. From a simple sociological point of view, this witness of the *shahâda* is indispensable for those who wish to become Muslim. It is at this point a characteristic of Islam that to say the words is enough to be perceived as Muslim. When the step has been taken, believers (except in rigorist countries, of which there are more and more) are free to organise their life and time as they will, on condition that they do not shock other people, which means respecting the outward forms and giving service to the community. So there are very different attitudes within the Muslim community.

2). Prayer *salât*, five times a day, at clearly determined times, the Muslim is called to prostrate himself before God while turning towards the Kaaba at Mecca. Before prayer one must wash as much to purify oneself as to separate the two worlds, the sacred and the non sacred.

On Friday men must go to the Mosque for midday prayer. There is an important social aspect. Prayer is presided by the *imâm*. Generally he has done Koranic studies, even if any competent Muslim can lead prayer, because Islam is a religion without priesthood. For the two great feasts of the year, the day of sacrifices⁹ and the end of Ramadan, a huge number of people come to prayer, to such an extent that it is sometimes held in the open street.

3). Legal Almsgiving *Zakât* is a social obligation.

Every Muslim must give back a very small part of his goods in favour of disadvantaged people around him. This share described as purification can go either to the Mosque or to holy and charitable works. The Quran reminds us of the need to give a small part of our wealth to the poor *sadaqa* without which the voice of piety cannot be heard.

⁶ GOKALP Altan, *Islam. Le monde musulman contemporain, Europe occidentale*, in Encyclopédia Universalis, Corpus 13, Paris, 2008, p.66.

⁷ GEOFFROY Éric, *L'islam sera spirituel ou ne sera plus*. Paris: Éditions du Seuil, 2009, p.11.

⁸ GARDET Louis, *Islam, la civilisation islamique-Islam et politique* in Encyclopédia Universalis, Corpus 13, Paris, 2008, p.71, 72.

⁹ Feast of l'*Aid El Idha*, of sacrifice: The Muslim is called to bring to mind the sacrifice of Abraham, who was called to offer his son, who had been hoped for so much, to convince God of his love and submission. The descent of the angel Jibril (Gabriel), who produced a sheep that the loving and obedient father could use as a substitute for the sacrifice of his own son saved him.

4). The fast of Ramadan.

Keeping Ramadan is not just about individual fasting. It is also a social expression that transforms all public life for a lunar month, the ninth month of the year *Ramadan*. It is an obligation for all who have reached the age of puberty, and the fast consists of taking neither food nor drink from the end of the darkness of night until sunset. Tobacco as well as sexual relations are forbidden during the same hours. In the evening the prohibitions come to an end. Ramadan, which is a month that aims to celebrate the revelation of the Quran, is also the month when hunger reminds the rich of what the poor have to endure. It is a month of goodwill, of prayer and of religious instruction. There is an atmosphere of fêtes, above all family ones, of visits, of dinners that continue during the night.

5). Pilgrimage to Mecca *hajj* and to the sacred places crowns the life of the faithful who are then given the title *hajj*. It is an obligation for adults, who have the material resources, once in their lives. This pilgrimage has had a profound effect on the Muslim community. It has been an opportunity for populations to mix, for academics to travel, for the development of commercial activity. In the Quran and in the tradition it is related to the memory of Abraham who built the Kaaba. It consists of an enormous annual assembly (as many as two million people) which causes everyone to take account of the importance of the Muslim Community with its range of customs, its lively cultures and its colours.

If the Muslim religion is founded on these five pillars, according to the Prophet Mohammed "faith is a matter of doing things which neither the hand nor the tongue regret later" and "No one is really Muslim if he does not want for his neighbour what he wants for himself."

The absolute of the Holy

The principle of participation in the life of the world by Muslims is well attested. How does this happen? This question is connected to that of the sacred. What are the sacred fields in which the activity of the Muslim is subjected to higher intangible standards? In what non religious fields are we free to act on our own initiative? Islam, which is profoundly religious regards the sacred as an essential and absolute value. God is, indeed, its only source. As Asan Saab wrote: "In one sense Islam is a passionate protest against ascribing sacredness to anyone other than God."¹⁰ This field of the sacred develops through participation in nature, which, as a work of God, offers a holy face without preventing human beings from acting. Nature is at once non religious and sacred. The life of Human Beings created in the image of God, is sacred. Wealth and happiness are present within certain limits.

The Quran, the word of God, as well as Arabic, the language of revelation, is part of the sacred character of God, which, until now has motivated the refusal to apply to the Quran modern methods of historical criticism and on the other hand, opposition to all that would affect the Arabic language (like the turkicisation of the liturgy in the period 1925-30, or the development of Arabic dialects).

In respect of its worship Islam is still profoundly lay and even if it accepts as a sociological fact that there are people of religion, it rejects any kind of priesthood.

There is a distinction between essentially religious questions, the *ibadât* and those which concern the community, the *muâmalat*, enunciated by the first exegetes and doctors of the law. The *ibadât* concern the world of faith, of dogma, of worship. That is the vertical, individual and religious relationship that connects the believer to the divine. The *muâmalat* are relationships between believers. Meanwhile, one of the more delicate points is that of the sacred character of the Muslim community, to which only believers belong and where political equality has long been subordinated to religious considerations. The problem which Islam must resolve in the next few years will be that of the autonomy of human values in their own right and their coexistence with sacred legislation.

Conclusion

Muslim life is not a simple system, compact, monolithic, unaware of changes of outlook or of the troubles of history. Islam is not fixed. Muslims are not brought together by culture or tradition to be the same. "Islam is like clear water which takes the colour of the lands that it crosses, without losing anything of its original nature."¹¹

¹⁰ JOMIER Jacques, *Islam, la religion musulmane, les fondements* in Encyclopédia Universalis, Corpus 13, Paris, 2008, p.16.

¹¹ Quoted from the sage Hampaté-Bâ.

What comes to mind at first sight whenever we think of Muslim law or the Sharia is the ritual aspect of this law which is translated into acts of devotion or *'ibadat*². However, in spite of their primary importance in Muslim life, these acts only represent one aspect of Islam, that is the spiritual one. Another important aspect of this monotheist religion is its temporal order³.

The relationship of believers with God is made up of the rights of God, *hukuk Allah*. Relationships among believers make up human rights, *hukuk al-'insan/hukuk al-'abd*, which are integrally connected to a particular society in view of all the economic, political and cultural connections that may exist⁴

Muslim law operates in the field of all these relations between believers and their Creator and among believers themselves. This principle does not neglect relationships established between a sovereign and the people of his country and between the Islamic state and other states in conditions of peace and war. However, Muslim law contains a considerable body of rules, of ideas, of sanctions and guarantees. It is about a "complete and independent"⁵ theory of law that engages with individual and collective life.

Our study is set out in two parts: in the first we are concerned with the principal sources and in the second with the complementary sources of Muslim law.

I The Principal Sources

These sources are those on which Muslim teachers⁶ agree about their authenticity and stability, that is:

A. The Koran

The Koran is made up of a hundred and fourteen surats. Eighty-five surats were revealed to Muhammad over a period of twelve years, five months and thirteen days ; that is the time of his sojourn in Mecca. These surats, which are called the *Meccan surats*, define Muslim dogma. Twenty-nine surats revealed at Medina after the emigration (*hegira*)⁷ to his town, called the *surats of Medina*, are about relationships among Muslims. They set out the rules of social life and contain general legal rules (penal, international, etc.) They are, in a nutshell, the law of the Muslim city. It is necessary to add that there are only five hundred verses in the Koran about legal questions.

The surats in the Koran were not revealed on a single occasion, but when there was need, that is when there was a particular event. The revelation was realised with long or short verses. According to Muslim scholars this manner of revealing the Koran reaffirmed the Prophet's heart while also allowing the prophet's companions to learn the verses of the Koran by heart⁸. At the end of his life the prophet dictated verbatim the current version of the Koran following the commandment of God. The present text is the result of a process of editing carried out on the order of the third Calif of Uthmân (576-656).

B. The Sunna or tradition of the Prophet.

The *Sunna* «is made up of all the words and deeds attributed to the Prophet. It is concerned with his customs, with his rules of conduct, with the way in which he did things and did not do them, with his silences on such and such an occasion⁹.

¹ President of the Arab Centre for Education in International Law and Human Rights : Strasbourg, France. www.acihl.org.

We have mentioned the transcription of Arab words to the book by D. Sourdel and J. Sourdel-Thomnie, *Vocabulaire de l'Islam*, Que Sais-Je ? n° 3653, P. U. F., Paris 2002.

² For the translation of Arabic words we have referred to the work of D. Sourdel and J. Sourdel Thomne *Vocabulaire de l'Islam*, Que Sais-Je ? n° 3653, P. U. F., Paris 2002.

³ As GARDET has explained, Islam governs a community "that entails a single and permanent relationship of each believer with God, and relationships among believers at moral, social and political levels." Cf. L. Gardet, *L'Islam. Religion et Communauté*, Descellée de Brouwer, Paris 1967, p. 273. (Ci-après Gardet, *L'Islam*).

⁴ Cf., in respect of the distinction between these two categories of rights and understanding of human rights in Islam, M. A. AL-MIDANI, *Les apports islamiques au développement du droit international des droits de l'homme*, Thèse d'État en Droit Public, Faculté de Droit et des Sciences Politiques, Université de Strasbourg III, octobre 1987, pp. 15 et s.

⁵ Savvas, quoted by A. Rechid, « L'Islam et le droit des gens », *Revue des Cours de l'Académie de Droit International de la Haye*, tome 60, 1937, p. 401.

⁶ In this study we shall use the expression *Muslim teachers* for lawyers, for jurists, for academics, for *oulémas*, and *mujtahids* (qualified Muslim theologian lawyers).

⁷ On Monday 12 (*Rabi' al-'awal*) of the year of the Hegir, that is 31 May 622 of the Christian era, the prophet Muhammad arrived in Médina thus leaving his native place (La Mecca) to emigrate to this town. This was the beginning of the hegira, therefore of Islam.

⁸ « Non believers say : 'If only we had been made to consider the Quran on one single occasion ! "We revealed it in this way so that your heart should be strengthened and we ensure that it is recited with care" (chapter XXV, verse 32). *Le Coran. Introduction, traduction et notes* par D. MASSON, Paris, Gallimard, 1967.

⁹ N. A. Hilmy, « Dimensions des droits de l'homme en Islam », *Bulletin du Centre de Documentation et d'Études Économiques, Juridiques et Sociales*, Le Caire, n° 12, avril 1981, p. 128.

The *Sunna* has played an important role in interpreting the content of the Koran and in the development of the principles and rules decided by God. It has brought solutions to problems in the new Muslim community.¹⁰ Its place is still less important than that of the Koran in the hierarchy of sources of Muslim law.

If the Koran is of authentic and indisputable value: "We have made the Reminder (the Koran) come down: we are its guardians" (chapter XV verse 9). This is not the case for all the *hadith*. Besides this induced certain Muslim scholars to give up their whole life to research, to checking and to bringing together the authentic *hadith* in their works. There are many works written by these academics, but the most famous and the best known among them are: Bukharî (m. 970)¹¹ ; Muslim (m. 875)¹² ; Abu Dawûd (m. 888) ; Tirmidhî (m. 892).

C. General Consensus or *ijmâ*¹³

The third chief source of Muslim law is the *ijmâ*, which has been defined as being "the unanimous consensus of Muslim teachers, after the death of the prophet Muhammad, at a given time with a given effect."¹⁴

According to this definition essential element of the *ijmâ*" are the following :

1. The consensus must be realised by Muslim scholars. From that point of view the consensus of the Muslim masses cannot be regarded as an *ijmâ*'.¹⁵
2. There must be unanimous consensus among Muslim scholars, which means that if there is objection or opposition from other Muslim scholars about a consensus, then the *ijmâ*' is not proved.
3. The scholars must be Muslim scholars.
4. Unanimous consensus among Muslim scholars must follow the death of the Prophet Muhammad.
5. Unanimous consensus among Muslim scholars at a certain time is regarded as an *ijmâ* without the need for proof by other Muslim scholars at a later date.

Several verses of the Koran grant recognition to the value and binding nature of this unanimous consensus among Muslim scholars.¹⁶ The Prophet Muhammad himself also approved of the *ijmâ* when he said "My Community will never agree to error" or again "What Muslims regard as good, God regards as good too"¹⁷.

The *ijmâ* is a "living consensus"¹⁸. It has been practiced at different stages of the evolution of the Muslim community. The companions of the Prophet Muhammad, practised it after his death. The Muslim Caliphs also sought the opinion of Muslim teachers, above all in the first century of the Muslim state¹⁹, which shows the important role played by the *ijmâ* during the classical period of Islam²⁰. In this way specialists can affirm that the *ijmâ* granted flexibility to Islam, the possibility to evaluate and to adapt itself to each period²¹.

D. Deductive reasoning or *qiyâs*²²

The *qiyâs* is the fourth chief source of Muslim law. It is based on a number of verses in the Koran²³. The *qiyâs* has been defined in this way: "It is to take a stand on a rule that exists already so as develop another rule, whatever the particular method of logical reasoning the one used, the deduced rule is then attached to the first rule which is effectively its found-

10 Cf. G. Bellatti Ceccoli, « La Umma, communauté islamique : approche possibles », *I Tre Anelli - Les Trois Anneaux, revue des trois cultures monothéistes*, n° 3, avril 2002, pp. 30 et s.

11 Cf. R. Stehly, *Le Sahîh de Bukharî. Contribution to study of the Hadith*, Université de Lille III, 1994, II tomes.

12 Ce sont les deux importants recueils de *hadith*. Cf. H. Y. HANSON, "The Sunna: The Way of the Prophet Muhammad" in *Voices of Islam*. Volume One: *Voice of Tradition*, V. J. CORNELL (Editor), PRAEGER Publishers, West Port, Connecticut, London, 2007, p. 133.

13 We must mention that l'*ijmâ*' : « is a concept that belongs to Islam", as C. Mansour has explained, *L'autorité dans la pensée musulmane. Le concept de l'jima'*, (Consensus) et la problématique de l'autorité, Philosophical Library J. Vrin, Paris 1975, p. 75.

14 A. R. Al-Sabouni, *Muharrat fi al-Chari'a al-islamiyya*, (Cours du droit musulman), Université de Damas. 1972, p. 82. (In Arabic). (Ci-après, Al-Sabouni, *Cours*).

15 A. M. Turki, « L'ijmâ, ummat al mu'minûn. Entre la doctrine et l'histoire », *Studia Islamica*, tome 59, 1984, p. 63.

16 « As for the one who separates himself from the Prophet after gaining a good knowledge the true Direction and who follows a road different from that of believers: we turn away from him just as he has turned away (from Islam): we will throw him into Gehenna (Hell) what a dreadful end !" (Chapter IV, verse 115).

17 A. W. Khallâf, *Les fondements du droit musulman ('Ilm Ousoul Al-Fiqh)*, translated from Arabic by C. DABBAK, A. GODIN et M. L. MAIZA, preface by A.-M. TURK, Al-Qalam, Paris 1997, p. 70.

18 Gardet, *L'Islam*, p. 185.

19 G. F. Hourani, "The basis of authority of consensus in sunnite Islam," *Studia Islamica*, tome 21, 1964, p. 16.

20 G. F. Hourani, "The basis of authority of consensus in sunnite Islam," *Studia Islamica*, tome 21, 1964, p. 16.

21 That is GOLDZIHHER's view : « Without route it has already been observed that this principle of the *ijmâ*' offers the beginning of the ability of Islam to move freely and to evaluate itself : it offers a timely correction to tyranny, to the dead letter and to personal authority" Quoted by M. Daoualibi, *La Jurisprudence dans le Droit Islamique*, Librairie Orientale et Américaine, G.-P. Maisonneuve, Paris 1941, p. 39.

22 There are different translations of the word *qiyâs*, for example « le raisonnement analogique » by R. Brunschvig in his article : « Valeur et fondement du raisonnement juridique par analogie d'après Al-Gazali », *Studia Islamica*, tome 34, 1972, pp. 57 et s.

Another translation is 'deductive reasoning. We have chosen the latter which was suggested by J. Berque, *Essai sur la méthode juridique maghrébine*, Rabat, 1944, p. 21, and which is supported by E. Tayane, « Méthodologie et sources du droit en Islam », *Studia Islamica*, tome 10, 1959, p. 82.

23 "Oh, you who believe ! Obey God ! Obey the prophet and those among you who hold authority. Bring your differences before God and before the Prophet." (Chapter IV, verse 59).

ation."²⁴ To understand the meaning of this source we should note that, in Islam, every prohibition or legitimacy related to an act is derived from one cause, one precise reason. Thus the role of the *qiyâs* is to compare the cause or reason of an issue that finds no solution in the three principal sources (Koran, Sunna et *ijmâ'*), with the cause of a matter of which we know the solution. When the two causes are the same or similar we apply the solution of an earlier issue to the new one.

II. Complementary sources of Muslim Law

There are four notably:

A. Personal endeavour or opinion, *ijtihâd*.

The *ijtihâd* is the first complementary source of Muslim law. It constitutes the practice of divergent schools of the *fiqh*²⁵ from the beginning of the second century to the first half of the fourth century of the hegira. There are Sunni and *Shi'ite* schools for the *fiqh*.

1. **Sunni schools:** the most important and the most well known of these schools are the following:

- a. *Hanafî*
- b. *Malikite*
- c. *Chafîite*
- d. *Hanbalite*²⁶.

a. **The Hanafite school**²⁷. The Imâm Abu Hanîfa (80-150/699-767) was the founder of this school in Iraq in the second century of the hegira.

The *Hanafite* school takes its stand on personal opinion or *ra'y* to provide answers to different questions. What distinguished the *fiqh* from *Abû Hanîfa* is, among other things, total religious liberty in particular with regard to non-Muslims²⁸.

The Imâm *Abû Hanîfa* left no work on the *fiqh*; we owe important works on the principles and rules of the *hanafite* rite to his disciples and pupils. The best known are:

-*Abu Yusuf* (112-182/780-798). His celebrated work is the *Kitab al-Kharâj*²⁹ which deals with financial organisation in the Muslim state.

-*Al-Shaybani Muhammad b. al-Hassan* (132-189/749-804)³⁰ whose contribution was to set out the *hanafite* rite. The best known works of *Al-Shaybani* are *Kitâb al-Gâmi' al-Kabîr*, *Kitâb al Athâr* and *al-Siyar al-Kâbir*³¹. The last of these is about the rules that apply to treaties and prisoners of war. Thus the *hanafite* school is richly endowed with works that set out the organisation of the Muslim state and the rules for international relations.

B. **The Malakite school.** The Imâm *Mâlik b. Anas* (93-179/711/795) founded this school in Medina. The best known work by the Imâm *Malik* is *Al-Muwatta'*, which is a work of the *fiqh* and the *hadith* at the same time. The *malikite* school distinguished people of Medina by their acceptance of the *ijmâ'* without necessarily implying that these rules are proved by all other Muslim teachers. On the other hand, for other schools it is necessary to have the *ijmâ'* of all Muslim teachers, with regard to the effect at a given time and not only the people of Medina. The Imâm *Malik* took his stand on personal opinion as well. That makes it possible to create extra sources of Muslim law like *al-Maslaha* and *al-Istihsân*.

C. **The Chafîite School.** The Imâm *al-Chafî* was born in Gaza in 150 h. and died in Egypt in 205 h. (767-819). He was the founder of this school.

a. This Imâm does not accept *al-Istihsân* as a source of Muslim law and refuses to accept the *ijmâ'* of the people of Medina as a source of Muslim law insofar as it does not correspond to the *ijmâ'* of other Muslim teachers. The Imâm *al-Chafî* set out his rite in his well known work *Kitâb al-'ulm*.

24 Tayane, op. cit., p. 83.

25 Le *fiqh* created the légal rules deducted by the Muslim teachers of the Coran and the Sunna. Cf. A. Charaf El-Dine, « Droit musulman et doctrine islamique », *Bulletin du Centre de Documentation et d'Études Économiques, Juridiques et Sociales*, Cairo, n° 7, mars 1978, p. 44.

26 There were other schools or rites that were less well known because there were not enough disciples or pupils to apply their principles, to comment on their rules and to transmit them in written form. For example : le rite *awza'i*.

27 We have classified the rites in relation to their historical appearance.

28M. ABOU ZAHRA, *Al-'alakat al-dawallyya fi al-Islâm* (International relations in Islam), Al-Dar al-Kawmiyya Ltiba'h wa al-nashr, Cairo 1964, p. 71. (In Arabic).

29 This work has been translated into French by E. FAGNAN and published with the titles *Le Livre de l'impôt foncier*, Librairie Orientaliste, Paris 1921.

30 Cf. H. Sbat, *Al-Shaybânî, Abû 'Abd Allâh Muhammad b. al-Hassan (748-805), his life and his contribution to the development of islamic jurisprudence*, Doctoral thesis : Université Marc Bloch, mai 2002.

31 Ibid., pp. 108 et s.

The merit of developing the science of the *Usûl al-fiah*³² belongs to the Imâm *al-Chafi'i*. It is the method of juridical reasoning achieved by setting out the rules of this science in his work *al-Risâla*³³

e. **The Hanbalite school.** The Imâm *Ahmad b. Hanbal* (164-227/780-841) founded this school in Iraq. In addition to the four principal sources, the Imâm *Ahmad* takes his stand on what was said by a companion of the prophet in answer to a question to which there is no answer in the chief sources of Muslim law.

He has left several works of which the best known is *al-Masnad* which assembles more than four thousand *Hadith* of the Prophet Muhammad.

2. The Shi'ite schools. There are three branches of *Shi'ite* doctrine.

The Shi'ites are the followers of the fourth Calif Ali Ibn Abi Tâlb, cousin of the Prophet Muhammad and his son in law who reigned from 656-661 of the hegira.

For the *Shi'ites* there are several differences in respect of the sources of Muslim law. Thus the Koran is authentic, in their eyes, as the principal source of Muslim law, and as was the case for the *Sunni* rites, the *Shi'ites* have their own commentaries on verses in the Koran.

On the other hand the *Shi'ites* do not accept all the *hadith* of the Prophet Muhammad as safe and authentic *hadiths*. So they do not accept the *hadiths* brought back and spoken by their *Imams* or by the daughter of the Prophet Fâtima and the members of her family.

Finally the *Shi'ites* do not accept the general consensus *idjma*, as a source of Muslim law and some *Shi'ites* do not accept analogical reasoning *qiyâs* either. On the other hand their *Imams* have generally practised the *idtjihad* over the centuries.

The *ijtihad* as we know it today is the result of thought by disciples of different schools. Their work has enriched, explained and analysed the *ijtihad* of these schools. It follows that the *ijtihad* as an extra source of Muslim law is the work of several Muslim teachers, each of whom was faithful to his school and his Imâm.

At the end of the fourth century and the beginning of the fifth of the hegira, that is at the end of the tenth century and the beginning of the eleventh century of the Christian calendar, the Muslim world witnessed great Muslim teachers, who hesitated to give their opinion *ijtihad* although they were capable and well placed to do so.³⁴ The result is that for Muslims the effect of the *ijtihad* is fixed, because Muslim teachers have ceased to give their personal opinion. From then on another problem arises, that of the *taklîd* that means the adoption of the *ijtihad* of a school and its practical application to life, particularly in answer to different questions. At the same time the *taklîd* also contains a negative aspect; "It is the refusal of an ideology to recognise reality, its supremacy over the reality."³⁵

As for us, we agree with those who say that debate about the effect of the *ijtihad* is not closed and has never been closed because the *ijtihad* has played and will continue to play a big role in the life of the Muslim community. The Prophet Muhammad has promised a double reward to those who give their personal opinions and come to a just solution, and a single reward to those whose opinions have not led to a just solution³⁶.

If some Muslim teachers have hesitated to give their personal opinion, they were free to do so but insofar as there are or will be Muslim teachers, who are able, qualified and in agreement with the conditions, their *ijtihad* can play their part in finding solutions to new problems in our century and in the centuries to come. That is without questioning the *ijtihad* of different schools or rejecting the whole of it. In fact, the *ijtihad* has played its part and contributed to the finding of solutions, and it can further contribute to giving answers, but we cannot limit ourselves to this (former) *ijtihad*, above all when we are confronted with questions and problems that arise in our generation and which need precise and rapid solutions.

32 Cf. Khallâf, *Les fondements du droit musulman* ('*Ilm Ousoul Al-Fiqh*), op. cit.

33 G. El-Makdisi, "The juridical Theology of shafi'i – Origins and signification of Usul al Fiqh", *Studia Islamica*, tome 59, 1984, pp. 5 et s.

34 Al-Sabouni, *Cours*, pp. 260-264.

35 Mansour, op. cit. p. 96.

36 L. Gardet, *La Cité Musulmane. Vie sociale et politique*, Librairie Philosophique J. Vrin, Paris 1954, p. 131.

B - To discover the good, *al-Istihsân*

Al-Istihsân is an extra source approved by the *hanafite*, *malikite* and *hanbalite* schools. On the other hand the Imâm *al-Chafi* did not accept this source and he said, "Yes the practice of *istihsân* is like being a lawmaker"³⁷.

The three earliest Sunni schools suggested different definitions of *al-istihsân*, which can be defined as "Refusal of the judgement provided by deductive reasoning *qiyas*, because of exaggeration in this judgement, so as to apply another equitable judgement."³⁸

There are different kinds of *al-istihsân* like :

1. *Al-istihsân* that arises from necessity. Its purpose is to allow solutions or rules, thanks to rational interpretation, that are contrary to the binding rules supported by the chief sources³⁹. Thus, in case of necessity a doctor can examine a woman even if a man, according to the rules of Muslim law, should not look at the body of a woman who is not of his family.
2. *Al-istihsân* attributed to custom. In this case custom served to justify or forgive what is considered by other sources to be a fault or a sin. So, if someone has sworn: "I will never eat meat," and eats fish, the question that arises is whether sin has been committed. The Koran regards fish as meat⁴⁰, but according to custom the word "meat" is not applied to fish. So because of this *istihsân* this person has not sinned.

C. General Interest, *masalha*.

This source is "a judgement about a case, which has no solution in the principle sources, because it considers general interest."⁴¹ According to Muslim teachers it is the common good or the common interest that provides protection:

1. Interest about religion. This is about freedom of belief because "There is no constraint in religion! The distinction between the truth and error is evident" (chapter II, verse 256).
2. Interest about the soul, that is the human being. This is about forbidding all that may threaten the soul, such as murder.
3. Interest about reason. That is about the prohibition of what incapacitates reason or paralyses it, like alcoholic drinks.
4. Family interest. This leads to the prohibition of adultery.
5. Property interest. Money should be used legally.

D. Custom

We come back to custom to find the desired solution. Custom as an extra source is the practice of a given society at a given time. But custom need not contradict the other principal or supplementary sources or indeed act against a contract.

There are other less important extra sources, like the presumption of the continuation of *al-istishâb*, the laws of monotheist peoples *char'man qablanâ* or the opinion of the companion *madhab as-sahâbi*⁴².

We have looked at the different sources of Muslim law according to the Sunni and Shi'ite doctrines. The Koran and the Sunni remain the two really fundamental sources of this law, and the other sources - which are derived sources⁴³ for some authors, though that is not quite fair or precise⁴⁴ - are founded on them in all circumstances.

The sources of Muslim law are continually changing (developing) to meet the needs of every age and the challenges of different centuries. The *ijtihâd* can play an important role in the life of Muslims today on condition that there are qualified people with an open spirit who are capable of using the richness of this law.

37 Al-Sabouni, *Cours*, p. 109.

38 Al-Sabouni, *Cours*, p. 109.

39 Tayan, *op. cit.* p. 85.

40 "It is he who put the sea to your service so that you can options fresh meat and the jewels with which you adorn yourselves," *The Quran* (chapter XVI, verse 14).

41 Al-Sabouni, *Cours*, p. 110.

42 Khallâf, *op. cit.*, pp. 131 et s.

43 Cf. F. P. Blanc, *Le droit musulman*, collection « Connaissance du droit », Dalloz, Paris 1995, pp. 14 et s.

44 In that respect we have distinguished between the principal sources and the extra ones, which can be regarded as "derived" sources.

Is Buddhism a Religion?

Michel Aguilar

"I can enter other systems of expression
By understanding them first as variants of my own
Then in letting them dwell within me

To the point where I think that mine is a variant of other ones." Merleau Ponty

A number of westerners who practice Buddhism have followed this course : brought up in Judaeo-Christian culture, they have turned to the non theist philosophy of Buddhism.

.....

Is Buddhism a religion? People have worked at this and then reworked it again and again. The question returns in many debates. There is nothing surprising about this, because after twenty centuries of the Abrahamic tradition, we need time, in Western Countries, to conceive that a non theist spirituality can have the status of a religion.

The fact that spiritualities live together in a European space should, however, lead actors in the field of interculturality to grasp the atypical and substantial contribution of Buddhism to the debate.

Why would we want to know whether Buddhism is or is not a religion? To preserve clearly defined, reassuring categories? But are these categories as clearly defined as we think? Cyril Javary, in "*The three Chinese Wisdoms*" (Albin Michel June 2010), writes in respect of Chinese civilisation on page 13: "No *ideogram* in Classical Chinese corresponds to the western idea of religion." This holds true for a good number of Asiatic languages. The Western concept of religion is not therefore universally significant. The Judaeo-Christian west seeks to limit the concept of religion to the service of a Creator and redeemer and to one faith in one revealed text.

In Buddhism there is neither God, nor redeemer, nor dogma, nor revealed text. On the other hand, in the case of Buddhism the dialogue with science remains open; so certain principles taught two thousand five hundred years ago by the Historic Buddha (among others on the working of the spirit and the perception of reality) are confirmed today by scientific research.

Gabriel Nissim, for his part, set out the fragility of the definition of religions during a colloquy on 'social cohesion in a multicultural Europe' in October 2001. In fact, what model do we inherit? Do we think of Protestantism as a religion before and/or after the Edict of Nantes?

Buddhism, as a non dualist doctrine, is not particularly interested in the question of knowing whether it is or is not a religion, a philosophy, a way of living or a science of the spirit. The guidance of the Buddha is there above all to correct suffering and the causes of suffering. Meanwhile, in taking account of the western sociological context, it is reasonable to set out the criteria that enable us to attach the label of 'religion'

- Buddhism offers transcendence in respect of periodic and existential suffering and in this sense offers a way of salvation.
- In some situations Buddhism is characterised by a faith, by rites and by services.
- These Buddhist practices and rituals are codified.
- Buddhism cures violence that is too often seen as inherent in human nature.
- Buddhism provides a deep moral sense to life, based on altruistic vision.
- After what will soon be two thousand six hundred years of uninterrupted transmission from master to disciple, the way of the Buddha has shown its spiritual power and the universality of its approach in the course of its history, which has brought it to many countries of the continent of Asia, and now recently to Europe and the United States,.
- Buddhism, like any other open and non violent convictional movement, is a serious factor in social cohesion. The agreements realised by the public authorities with National Buddhist Unions in most European countries, are a sign of this recognition.
- Like any other religion, Buddhism has set up *associations cultuelles* in France protected by the law of 1905.

The following criteria distinguish Buddhism from historic western religions:

- The Buddha is not a (son of) God, but a guide
- Buddhist philosophy is not dogmatic
- In Buddhism there is neither God, nor redeemer nor creation
- There is no sacrifice either. The question of good and evil is raised in a non prescriptive manner.

In conclusion

There are no historical traps or fashionable requirements. Buddhist doctrine bases the salvation of human beings on putting universal values into effect; such as non-violence, compassion, honesty, a critical spirit and humanism. The criteria of transcendence, of salvation or of tolerance signify what is rightly termed the coherence of a spiritual journey, among other terms, 'a religion' as long as other expressions are lacking, no less in Asia than the west.

A working group made up of ONG representatives has a particular expertise. The INGOs represent knowledge and expertise rooted in civil society. Their activities are closely connected to Council of Europe activities and their participative status is valued. It follows that the expertise of INGO representatives is not essentially theological. In addition there are only two "religious INGOs": they are the Conference of European Churches (CEC) and the European Buddhist Union (EBU) *see above*. The CEC brings together more than 120 Protestant, Anglican and Orthodox churches of Europe, while the EBU represents Buddhists traditions present in Europe. The Roman Catholic Church is represented by a permanent observer but it is not represented at the INGO Conference.

In view of these exceptions and of the argument that the churches with their parochial systems are well placed to understand the demands of civil society, the contribution of the INGOs is neither strictly religious nor should it be religious. It is sometimes said that certain INGOs are of "Christian inspiration," but their role is more nearly humanitarian than religious. In that sense work for the well being of society is a shared interest with the Council of Europe with which cooperation is very good. Nevertheless, it is not expected that our group should produce a theological masterpiece, while we have already seen that the definition of the religious dimensions of intercultural dialogue is open to debate. At the same time most contributions, which are of a high level, were offered by members of the group who joined it because of personal interest. We also invited a number of specialists who know the Council of Europe to contribute so as to explain the theology of a religious system.

At the same time this report should not become an outline of the doctrines or the practices of certain religions, among them Christianity, Buddhism, Islam and Judaism, because a quadri-confessional report would not be in accord with the religious neutrality of the Council of Europe, nor, indeed with the plurality of convictions in current society. The recent history of relations between the Council of Europe and religions is interesting. The report includes certain documents that describe meetings related to religious questions, in particular meetings that have been held since 2000. These documents explain the context of interest in the religious dimension and the evolution of the debate, for example the observation that religion should be only a private affair (Nizhniy Novgorod 2003). The preliminary conclusion is that the religious dimension is not necessarily conflictual, that we should be interested in the other but that certain religions are mutually exclusive.

Would that it were so simple!

A fundamental aspect of the problem is identified by Michael Aguilar who mentions truth and reality. His use of the term "truth" may be ironic, but the irony sheds light on fundamental aspects of Buddhism in relation to Abrahamic religions. The problem, clearly understood by Michel Aguilar, is already well known in another context and with another vocabulary. In the 'seventies we were keen about the difficulties of an awareness of Christianity in England. In 1944 the minister of Education, R. A. Butler, had introduced an education act in the house of Commons. It was clear that the war would be won and idealists were preparing "a better world" for the years after the war. Religious Instruction (sic) was compulsory (naturally with a parental right of withdrawal). The system was complicated by the need for confessional provision which does not concern us, but the expectation was that there would be inter-confessional courses on Christianity (a shared or agreed syllabus), confessional courses (in particular for Catholics and Anglicans in schools of which the building were owned by the church) and arrangements for the Jews, particularly because of the presence of Jews in England over the centuries and the suffering of Jews under the barbarity of the Nazis.

This religious instruction, also called "Scripture," was neither interesting nor serious. Thirty years after the war people became aware of the evolution of society, of the presence of Islam, Hinduism etc. ... but, at the same time of some knowledge of the importance of religion to our fellow citizens. In a multicultural society instruction was no longer appropriate but knowledge of religious traditions, as well as of their historical and cultural influence on young people would be a good thing. In preparing a symposium entitled *Theology at 16+* we noted that adolescents, who were becoming adult, asked questions about divine justice (in view of the possibility of the existence of God). Suffering, evil or illness were not easy to relate to the love of God that we asserted, that is to say the truth implicitly defined by Michael Aguilar.

We used to think that the starting point for serious study of religion should not be learning a religious system but rather lived experience with the possibility of adding spiritual experience? How could we solve the mismatch between the love of God and the suffering of his creation? Could we always believe in an absent but capricious God who would not judge the merits of humans and so on? To begin with reality does not affirm transmitted truth. On the other hand we have already mentioned arguments for the existence of God whose non existence is not provable. In the context of European plurality, no religion monopolises truth, whereas we should also offer a place at the table to people whose convictions were not religious. On the other hand we discovered that the uncertainty of revealed realities gave to young people to an interest in religion of which the truths were unconvincing.

The White Paper encourages intercultural dialogue. There is no dialogue unless there are serious participants who are interested in religion and related questions, in this instance questions related to culture. To know about religion in general, with the choice of belonging or not belonging to whatever religious tradition, is an unavoidable aspect of the religious dimension. To ignore or not to take seriously the convictions of the other is to avoid meeting and dialogue in a neutral space in a free society, which respects other people's convictions. In principle French *laïcité* guarantees this neutral space. The religions organise themselves as they think right. In addition theologians of the Abrahamic religions talk about biblical reasoning. Revelation is not to be rejected. However, the teaching of revealed facts is difficult. For example, in the Christian tradition, catechesis teaches the conclusions but explanation of the stages in the development of doctrines is far from universal.

From a philosophical perspective we describe the inductive and deductive methods. The first takes its stand on the relevance and application of a tradition, in this case a tradition in whatever religion. Revealed truths, for example in the scriptures, but also certain aspects of the tradition, are applicable to daily life interpreted within religion. For example, in the English courts, witnesses have to swear an oath while holding the Bible in their right hand. Non believers can make a non religious affirmation without a Bible and the legal implications are identical. Sometimes Christians, among them priests of the Anglican Church, choose the non religious form with application to Matthew 5: 33-37

33 "Again, you have heard that the ancients were told, 'you shall not make false vows, but you shall fulfil your vows to the Lord' 34 But I say to you, make no oath at all, either by heaven, for it is the throne of God, 35 or by the earth, for it is the footstool of His feet, or by Jerusalem, for it is the city of the Great King. 36 Nor shall you make an oath by your head, for you cannot make one hair white or black. 37 But let your statement be, 'Yes, yes' or 'No, no'; anything beyond these is of evil. "

The issue relates to recommendations in Parliamentary Assembly reports as well as to that of the White Paper. It is proposed that teaching of religious facts should be provided in school courses. In French there is a semantic problem related to the "fact" and the "facts." Regis Debray suggests that there should be teaching of the "religious fact," because young people should be familiar with cultural and historical aspects of religion so that they can understand culture (in this case French culture). In French the "fact" is not exactly the singular of the "facts." The facts could be "the truth" that is scriptural revelation and the content received and transmitted by any religious tradition. Teaching religious facts could help in understanding one's own religion as well as those of others; but to understand need entail neither that a tradition is taken seriously nor that there is belief. The fact, however, relates to all aspects of religion (with its diversity and breadth of application) or at least to all aspects of the religion being studied, including the belonging or experience already mentioned.

In view of the plurality of European society today the starting point for deductive thought should be an inter-convictional society, the content of which involves a diversity of religious and non-religious convictions. In relation to this diversity, the safeguard for the expression of "reality" should be "universal values", in particular human rights. We have seen, for example, in a Jewish contribution, that religious traditions and human rights are close. Moreover, the annual encounters on the religious dimension include an implicit assumption that the religions involved support human rights. For example respect for the individual necessarily includes the freedom of conscience expressed by the Christian Philosopher Thomas Aquinas. In an inter-convictional context this freedom is as fundamental as human rights. Conviction is not imposed because the starting point in reality and religious convictions are not universal, although many values are shared by religious and non religious people.

It is to be presumed that no religion contains the whole truth (nor indeed a system of conviction). However, we might consider that the truths of one system or another were nearer to reality, that is to how things are, and that we could be happy (perhaps culturally at home) if we belonged to a religious or non religious community (although this report is about the religious dimension). The result would be tolerance and interest in the other, but that includes accepting the complexity and the provisional nature of a position that develops throughout the life of every human being.

THE RELIGIOUS DIMENSION OF INTERCULTURAL DIALOGUE

MICHEL AGUILAR

Contribution on behalf of the European Buddhist Union

A Buddhist viewpoint on the religious dimension of intercultural dialogue.

Outline :

Why do we need to ask the question?

Starting-point for our reflection.

Wisdom, a more suitable path to intercultural dialogue ?

Conclusion.

Why do we need to ask the question?

As locally based society was disappearing (a movement from village life with the limiting factors of living together to a society of which the size produces uncertainty and fractured networks)¹, whereas the Second World War was coming to an end, cohorts of immigrant workers were invited to contribute to European efforts at reconstruction. For a number of crucial years there was increasing movement of populations that had originated in the South. There was ambiguity between the hopes of immigrants that they could remain in Europe and the implicit governmental view that they would return to the places whence they had come². This soon led to a claim to definitive residence, followed by liberty of conscience followed by an insistent demand that Islam should in future be regarded as a well established religion in Judaeo-Christian Europe. Mistakes by public authorities, by Muslims, by other religions, by the media and public opinion created a supposed competition among religions. It weakened *laïcité*.

Although, in general, their roots are in the events of the last century, it would be unsatisfactory, simplistic even, to suggest that all current tensions between communities are simply the result of tensions connected to the immediate post-war years and to de-colonisation. Far reaching problems always include complex elements. During the last thirty years European society has witnessed a continually developing ethnic mix. That is a fact. Some bury their heads in the sand to the extent of developing xenophobic ideas and behaviour, others see the situation as a source of mutual enrichment. As time goes by, the first migrants who came to live in Europe and their descendants sometimes develop the same xenophobia toward those who have arrived more recently. In sum the cultures of the world live together in Europe and sometimes they mix, on other occasions they confront one another.

The mass media have a tendency to dwell on the dismay of disinherited people from the ghettos and on religious behaviour, which seems to shock our societies, the customs of which of which are refined by nearly twenty centuries of Christianity. Media coverage leads us to believe on the one hand that only one simple step is needed to establish a direct link between violence and non-Christian religions and, on the other hand, that religions are a chosen marker to bear witness to cultural differences, presumed to be irreconcilable.

Elucidated in this way, through its keenness of vision, contemporary religion draws on *laïcité*, and presents itself as a central element of intercultural dialogue. On the one hand those who engage in intercultural dialogue highlight common values and develop interreligious dialogue to reinforce the meeting of convictions; non violence, respect for one's neighbour, altruism in general etc., while those who hold to what is traditional in religion develop theses of mutual exclusion among religions, thus providing fuel for multiculturalism implicit in separatist multicultural tendencies as much as in the call for a process of assimilation.

For better or worse we must accept that, in a society that is becoming globalised, which is our home for a few decades, it is not possible to enable intercultural dialogue to evolve without giving an important place to its religious dimension. Beyond purely intellectual interest, a result of social peace is to grasp this religious dimension.

In conclusion, the enormous influx of Islam, in the course of a few years in an unstable socioeconomic climate, together with erratic distribution of believers who belonged to historic religions led to a link with the religious dimension at the heart of intercultural dialogue.

The chief determining factors for an emerging culture are

- the geography and the climate by which the "founding members" (or ethnic group) are confronted,
- the size of the human group in question and shared understanding of the universe.

It is this last that we should consider.

¹ *Crime et sécurité, l'état des savoirs* : edited by Laurent Mucchielli and Philippe Robert. Editions La Découverte 2002.

² *Violences et insécurité*. Laurent Mucchielli. Ed La Découverte 2002.

The starting point of the reflection

In seeking to understand the religious dimension of intercultural dialogue we need to find an initial starting point for our thought so as to avoid conflict. Let us use the evolution of *homo erectus* to *homo sapiens* as the starting point for our reflection.

Homo Erectus, who lived in the savanna, the steps or the forests, organised his daily life and the survival of the species with real intelligence: the mastery of fire and an understanding of the processes of reproduction bear witness to that. Let us say that, once *Homo Erectus* came into the world, he did his best to take care of himself with the available resources. Everything leads us to think that the arrival of *homo sapiens* led to a radical transformation with which we are still involved today. He who knows and in addition knows that he knows, asked himself first where he was and secondly what he was doing there. As no kind of answer was immediately available this radical questioning developed from the level of enigma to that of mystery. This mystery that continues over the millennia continues to be a real issue because it is painful, tragic indeed to live in permanent doubt about these absolutely fundamental questions. Where are we? Why are we there? The power of mystery is distressingly mysterious to the extent that "complaints about suffering are at the origin of language", wrote Raymond Queneau.

Homo Sapiens suffers from a persistent lack of understanding which occupies his thought without relief: How does one understand the infinite? How do we understand the burden of the infinite with the finite? How can we explain liberty without considering dependence and vice versa? How can we imagine that the world which is so well created, to the extent that we can flourish therein, was not thought out for us? Therefore, who did think it out? All these questions involve perpetual suffering because the world and human presence are beyond our understanding and nothing is sure. The fact that we are eternally reduced to doubt is ingested as a sort of regression which implicitly bears witness to a superior being endowed with omniscience and omnipotence. This emerging incommensurability leads to fear because the inadequate fears the omniscient ; it brings comfort because we cannot attribute harmful intentions to the omniscient who thought out a world tailored for human life. Awareness of the absence of commensurability with a superior entity produces, then cultivates the feeling of substantive imperfection. That complaint demonstrates an irremediable lack of satisfaction in the condition of the one who expresses it.

Educated people in any field knew how to show that at all times and in all places, human groups, continually confronted with the dissatisfaction of life on earth and the strangeness of the apparent perfection of the world which receives us, take immediate refuge in a remarkable plan to which a generic term, "religion," was applied much later. All cultures have developed their religions around their divinities and/or gods. There are many special religions, for example there is Jainism, a particularly ancient religion, which is neither monotheist nor polytheist but transtheist.

If *Homo Erectus* had taken on board the idea of the world to come, *homo sapiens* developed theories and systematised the idea of transcendence to moderate the double difficulty of doubt and the imperfection of human nature. At this point apparent movements of the stars came to be regarded as divinely inspired and the seasonal aspects of rainfall acquired a level of divinity. Elsewhere the spirits of the elders organised the working of human groups. The unpredictability of these events continued to worry those who were unsatisfied by their apparent imperfection and incapable of developing a comprehensive explanation of the world. The constant presence of mystery involves awaiting the revelation of a general answer that explains all. Some centuries later, God expressed himself, if we dare to say so, in revealing the Truth.

Clearly the Truth revealed by God himself, were this through the intermediary of a person, is much more persuasive than deductions based on observation, however careful it may be. That is how revealed religions seem to gain considerable ground over animisms and polytheisms that were already present.

However, it is soon clear that Truth and reality are different. Truth is expressed by God, reality is the challenge of daily events. The two cannot exist together, and although facts are absolute, the (divine) Truth is not open to dispute.

Because truth is expressed by God, it cannot be contradicted, which implies that what is real, otherwise called "the difficulties of everyday life" must or should be aligned with truth. The fact that it is not like that opens two lines of thought: on the one hand what is real is kept at a distance from the Truth, because of the creeping work of evil which does damage to all that it contacts. On the other hand, to drive oneself to perfection should reduce the gap between the real and Truth.

To compensate for these ambiguities, two solutions come to the fore. First the space that separates Truth and reality becomes the dwelling-place of evil. If reality cannot exist together with Truth, it is because a fundamental evil prevents the meeting of the two, because each religion has its own ideas about this evil that is an inherent element of life on earth. The second solution: the dogmas, which do not release us from thinking about the real, free us from an urgency to do so. It therefore seems that dogma makes doubt acceptable, that is comfortable, while bodies of doctrines mean that doubt is conceivable.

At this point in the argument we notice that dogma, which deconstructs the initial mystery, substitutes for it the mystery of grace thus translating the incomprehensible (universalising explanation of creation) by the ineffable (relation of the individual to God).

One point continues to be difficult, however: the practice of perfection as a method for narrowing the gap between what is real and what is true. To strive after perfection to the point of reconciling reality and truth would remove the mystery. Would religion survive unless the creation of Humanity were sufficiently well thought out for ontological perfection to guarantee the impossibility of this fatal coincidence?

When there was an almost symmetrical (consistent) universalism, cultural systems came into existence³ :

Group systems of survival develop from cultural systems: semi-sedentary animal husbandry, the beginning of agriculture, of craft skills, more developed funeral practice. These cultural models meet necessities and the rites that accompany them, they interpret preoccupations related to mystery. These rights become cultural. Commercial tribal life contributes to the evolution of ways of approaching mystery as well.

The evolution of cultural systems towards what is magical and religious and then to the development of religions in the way in which we define this word in contemporary language is clearly a process of progression that cannot be precisely dated.

All the prehistorical evidence shows that hunting and fertility have a central place in what preoccupies us. With the forces of nature, they deserve devotion and sacrifice insofar as they are seen as speculative and uncontrollable. The world of the gods organises itself as well as the specification of what is real.

The bondage of native populations as a result of migration, or, on the other hand, the driving back of barbarians and linguistic evolution (Sanskrit, Persian, Celtic, Greek, Latin, all of which are descended from the same source that no longer exists, cf. William Jones, 2 February 1786) (Hinduism page 29) contribute to the organisation of representation of the worthy people whose religious activity and devotion are relevant.

Comparative study of the mythologies of different cultures of Indo-European origin (Dumezil - Hinduism p. 30) enables us to be aware of the underlying structure of multiple cultural differences, systematised under the terms of an Indo-European "tripartite structure" for which the evidence is found among the Indo-Iranians and the Italo-Celts.

- *Magico-religious sovereignty and law,*
- *War and royalty,*
- *Economy and abundance,*

Religious archaeological documents demonstrate the more or less generalised presence of this type of thought which determines the form for human relations and of relationship to the gods, the foreigner, space etc.

We should point out that this structure is found among the moralists of the fifteenth century.

In this tripartite system we find specialists in sacred matters, warriors and people who are artisans and farmers, later called the third estate.

In this framework of intercultural dialogue, everyone knows from experience that the reading of dogmas and of bodies of doctrine is at the heart of making intercultural dialogue difficult or of enabling it to happen. On that principle, reading will be literal or interpretative, and more or less open to exchange and communication. The dogma of dogmas consists in not interpreting the word of God in such a way that our ontological imperfection does not allow us to develop a sufficiently deep understanding to interpret it. It is a position that excludes other religions and all currents of thought, a general exclusion that finishes by closing a group of believers on itself to the point where there is no other way out, so as to create society without betraying its absolute respect for dogma, but to convert unbelievers by agreement or by force.

The Wisdom(s), a more propitious route towards intercultural dialogue?

The dogmatic question is formidably difficult. In fact every religion says that its dogma is the closest to what is fundamental because it bears witness to the truth. Does that mean that the dogmas exclude one another? At least they are different and they are distinguishable?

Because every dogma proclaims a truth and related morality we can say that every dogma determines its own culture. Is it also possible to say that the dogmas were determined by the cultures in which they were adopted? That is, without doubt, partly true.

The difficulty is due to the fact that dogmas fix morality and in doing so they tend to universalise moral values. That is a good thing in itself, but there is a limit to this phenomenon: universalised moral values bring about systematic moral behaviour with the result that in certain circumstances it is not possible to take account of people with their particular concerns when there is a dilemma.

From the point of view of intercultural dialogue, there are two aspects to this: on the one hand it is relevant to social cohesion that the same rule applies to every individual in a group, on the other hand it is not satisfactory that in particular situations people and their own concerns are not taken into account.

Non dogmatic wisdom is distinct because it marks out particular aspects or circumstances and people who are involved, with the result that it proposes a particular ethic for each situation rather than a universal morality. This obviously does not deny moral values but, on the contrary, it strengthens them so that they are concretely applied according to the requirements of each situation. This approach is interconnected with legal systems that regulate life in society. Taking

³ Extracts from *L'Hindouisme, des origines védiques aux courants contemporains*. Ysé Tardan-Masquelier. Bayard Editions 1999.

account of the individuality of everyone in particular circumstances where dilemmas arise, provides suppleness, relates to interpersonal relations and goes on to intercultural ones. There is no reciprocal exclusion, no hierarchy or precedence, but humanist values shared in a climate of mutual recognition of the cultures that one or another of us has developed.

This ethic of particular situations with a strictly humanist aim has common elements with the conversion of Christians. In fact, ethic is a process of free consent which always applies. That is true for conversion as well. No one can be compelled truly to convert, that is to conversion of the heart. Unlike dogma which is fixed, conversion is permanent and adaptable like personal, group and cultural relations which, through the simple fact of existing together, of their rubbing along, are clearly able to adapt.

At this point it appears that spiritual orientation rather than religious dogmas favour sensitive relationships founded in mutual recognition of one another's individuality, the fundamental values that ensure understanding from within verbal language.

Another aspect of wisdom offers lively interest in this reflection: perfection. Made aware by spiritual exercises, is it a factor in the improvement of intercultural relations? The popular dictum warns that perfection is not for this world, which means that it is not a matter of thinking about perfection as such, but rather of considering ways of progressing towards perfection. To strive after wisdom, spiritual asceticism, is a matter of controlling behaviour, speech, thought towards a horizon of perfection. But it is not just a horizon because wisdom is not built on perfection, which, we should remind ourselves, signifies what is "completely achieved." The interesting point, in the context of this dialogue between individuals and cultures is rather a matter of mutual striving to develop the fundamental factors of wisdom: weighing one's thoughts, patience, discernment, attention to what the other is saying and being careful to maintain stability of spirit. The aim of wisdom is to free oneself from suffering and to help other people to free themselves as well. It is not a matter of becoming perfect which, in itself, is not very interesting.

Conclusion.

We have seen that religion and culture are mutually intertwined, with the result that the religious dimension of intercultural dialogue makes a considerable contribution to dialogue between cultures. Interreligious, intrareligious, interconvictional dialogue is critically important. In fact, since the dawn of time until the days of the internet society, beliefs, convictions, spiritual orientation, religious adherence are anchor-points for coherent understanding of the world that offer routes for global understanding. Although religions and movements of thought are sometimes manipulated with hostile aims, spiritual movements and convictions with a humanist orientation are clearly factors for psychological and social stability that are completely interrelated with their respective cultures.

From the point of view of a non dogmatic religion, ethic is much more important than morality. Taking care about thought, about what is said and about behaviour is a key element for intercultural relations because it is an attitude of welcome, or unconditional recognition of the other, or others with their particularities of culture.

Culture and religion go together as associated owners of traditions to which they have given birth and which they have seen as they come into existence. They each excel in their role when they express the recommendation of Sir Thomas More: "Tradition does not consist in preserving the ash but in passing on the flame."

Michel Aguilar

<http://buddhism.about.com/od/basicbuddhistteachings/a/philosophy.htm>

Ethical principles for an interreligious dialogue.

Richard Fischer

The Conference of European Churches (CEC) brings together just about all the Anglican, Protestant or Orthodox churches of the European continent. It works closely with the Roman Catholic Church and develops cooperation with Judaism and Islam as well as with non religious humanists.

The KEK has a general secretariat in Geneva and two offices in Brussels and Strasbourg. As head of the office in Strasbourg I am responsible for relations with the Council of Europe and the European Parliament. From a thematic point of view, I coordinate the work of the CEC in two fields:

- Bioethics and biotechnology
- Education

My contribution is in two parts:

- To clarify the objective of the dialogue
- Concrete conditions for the dialogue to succeed.

1. Clarifying the aim of the dialogue

- to create a great syncretist religion? A kind of mixture of different religions?
- to seek to convince the other of the superiority of my religion, or to convert, that is to say to cause him/her to join my own religion?
- to answer a request from the public authorities, to conciliate and to gain their approval?
- to seek to alleviate the situation and to contribute to the resolution of tensions or conflicts with a religious element, whether this element is real or just perceived?
- to endeavour to negotiate a fair application of the right to religious liberty for all minority and majority religious groups of long standing or recent origin?
- to contribute to civil peace and to better integration of religious individuals and groups in society?
- to know the other better, to broaden my own outlook and to deepen my own convictions, to enrich myself through dialogue and the sharing of experience with the other?

In my view we should reject the first two objectives, the other are legitimate and important.

2. The substantive conditions for a dialogue to succeed : I perceive three essential conditions. In my view they should be fulfilled in the following order

2.1. Each religious group should have a minimum level of support and considerable autonomy in its operation, including financial freedom: decent and suitable places of worship are needed, equality of rights - access to public space in accordance with the practice of each State, without discrimination, with the condition that legal provisions will be respected, in particular the provisions of international conventions and charters (UN, ECHR article 9, the Charter of Fundamental Rights of the European Union...)

2.2. Each religious group should undertake a minimum level of engagement with a view to respecting other groups so as to attempt to reduce to a minimum the process of withdrawal on oneself or hostility towards other groups. In particular, leaders of religious groups are bound by their teaching and conduct to take care that this is the case. In fact there is a risk that any religion may lead to the growth of fanaticism and exclusivism because each of them can be, and in fact is understood by individual groups that belong to it as of absolute value. The chief aspect of this risk is proportionally related to the tendency for a religion to seek to organise a relationship with a divine absolute or to behave as if it is doing so. This ambition or simulation can lead to the idea that thinkers and administrators of this relationship to a divine absolute, themselves share an aspect of this absolute. The next stage is that what they think or proclaim could or should be regarded as absolute truth.

For example this is what Shafique Keshavjee wrote:

"God is a dangerous word."

When I think of the thousands, the hundreds of thousands, the millions of children, of women of men who have been despised, hated, tortured, killed in the name of God," (the "true God" to be sure); what am I to say when I think of a single person humiliated "in the name of God" ... doubt comes upon me. How is this possible? Why does faith in God give rise to so much violence and so many wars? The worst atrocities have certainly been committed in his name. If a mad and violent person is persuaded that God is with him, nothing can stop him, because nothing is entitled to stop God. He will go the full course of his madness and his violence (...) "In the name of God almighty..." to remind us that God does not limit human violence and that we cannot engage in political debate in his name" (Shafique Keshavjee, *God as manipulated by my sons - Dieu à l'usage de mes fils* - (Seuil p. 149).

The conclusions of the first two seminars organised by Mr Alvaro Gil Robles, the first commissioner for human rights in the Council of Europe, are enormously valuable in respect of the first two substantive conditions above for successful dialogue.

The first related to "the role of monotheist religions confronted with armed conflict" the second "on relations between churches and states in respect of the exercise of the right to religious freedom."

2.3. The third condition presupposes a minimal implementation of the first two. It relates to communication. If the object is to develop more peaceful relationships in society through the contributions, among others, of activities that will ensure peace between religions, I am convinced that peace stems from justice and that justice stems from reason. That means that communication - dialogue between religions - should be based on a certain number of reasonable rules.

Those rules must make provisions for a reasoned exchange of views based on rational aspects of every religion as much as in doctrine as practice. Besides, these are the same rules as should regulate all communication; not only at the religious level.

Indeed, the content of religions is not confined to purely rational aspects of ideas, doctrines and religious practice. All religions seem to include a core that cannot be reduced to the process of reason. Besides, it is like that for all human experience. This core should be respected and not judged negatively, in so far as it does not presume to reject the non rational core of other religious experiences.

But interreligious dialogue should bear on rational aspects of religions and their effect on life in society.

What are these rules of communication that one can also call models? I draw inspiration at this point from Paul Ricœur who suggests three :

- the model of translation
- the model of exchange of memories
- the model of forgiveness

2.3.1. The Model of translation

This manner of speaking exists nowhere else but in single languages that are differentiated systems. A manner of speaking as such, detached from the differentiated systems of single languages is accessible to no one. However, these systems are not closed. They do not exclude communication between speakers of different languages (thanks to learning or translations).

In the same sense religions also relate to experience of the ultimate, or of the absolute. This absolute cannot be the object of knowledge in itself. "It is impossible to express God and even more impossible to conceive of him" wrote Gregory of Nazianzus a great Christian theologian of the fourth century.

However, all religions express a particular approach which translates their own experience of the divine. For me, God is in some sense to ways of speaking what religions are to languages.

It is a matter of striving to enter the religion of the other in the same way as one learns a foreign language, to try to become bilingual or trilingual etc, by striving to raise the excellence of one's own language to the level of the language of the other. It is a matter to living with the other so as to bring him to one's own home as a guest. One of the great challenges of Europe is to educate the greatest possible number of people so that they are at ease in one or several other European language(s) beside their own. It involves a considerable effort that requires a lot of determination.

It is the same for interreligious dialogue. Learning to know the religion of the other so as to understand him- or herself better as a person and as a member of a group. Discovering that beyond outward appearance there is a universe of experience, there is cultural and human richness beyond the utilitarian aspect of a language.

Today in European circles, particularly that of the Council of Europe, we speak of learning intercultural competences, and of the "formation" of people who are capable of enabling others to learn to dialogue, to be enriched with and between people of different cultures.

Interreligious dialogue should aim at the same thing for what arises from religions, because there is a religious dimension to intercultural dialogue.

2.3.2. The model of exchange of memories

It is the other great challenge for the future of European society, (and probably that of the world), built on conflict, on inflicting mutual wrong and resentment. To go beyond those things, it is necessary to look again at our traditions and our stories, whether they be personal, family, ethnic, national or related to states. How? In listening to one another to discover that it is possible to give several historical versions of the same event. In sum, we must learn to take account of history, of the historical version, of other people. It is a matter of being prepared to undertake a differentiated reading of the founding events of one another's culture. It needs mutual support in providing aspects of life and renewal which are captives of fixed traditions that are both embalmed, dead. Tradition means transmission, including religious convictions.

However, transmission only lives if it is coupled to innovation. The tradition is a reminder that no one starts from nothing. But it only continues to live if it continues to be engaged in the uninterrupted process of reinterpretation.

Innovation arises from the discernment of past promises not fulfilled. Perhaps the unaccomplished future is the richest aspect of a tradition, including a religious one. To be freed from this future unfulfilled in the past is the chief advantage that one can expect in the meeting of memories and the exchange of stories.

Interreligious dialogue then becomes a gesture of mutual help by men and women who seek to set free the burden of hope born by their tradition and betrayed by the course of history.

2.3.3. The model of forgiveness

The history of Europe waters itself at the founding events by which a historic community glorifies itself, that is "wounds" inflicted by what Mircea Eliad used to call the "terror of history." In the model of forgiveness it is necessary to move on from the suffering of others, from imagining the suffering of others before bringing up one's own suffering. The exchange of memories become the exchange of the memory of sufferings inflicted and endured. This exchange requires yet more than the imagination and sympathy required in the first two models. This exchange requires even more than the imagination and the sympathy that needed in the first two models. The extra aspect is related to the forgiveness that involves "breaking the debt." Forgiveness belongs to the order of charity, which exceeds that of justice. We can require justice but not charity. It can only be received and accepted. The power of forgiveness entails breaking the law of the non reversibility of time, in changing, if not the past, at least its significance for people in the present. It realises this by taking away the burden of culpability that leads to paralysis. It does not abolish the debt, insofar as we are and remain the inheritors of the past, but it takes away the penalty of the debt.

The three monotheistic religions, Judaism, Christianity and Islam according to their order of "birth" were kneaded out of conflicts that set them against one another in their struggle to get hold of their common origin and to exclude the others from it even down to our own day.

The ultimate stage of interreligious dialogue is, therefore, the peaceful acceptance of a shared origin as children must learn to share the love of their parents, without feeling threatened or diminished by the parents' affection for the other children. Without refusing to be themselves, each person, in his or her individuality. By contrast this process is the condition of a real security, free and living in one's own personality, tradition or religion. The condition for being at once convinced and tolerant, deeply rooted and open, confessing without seeking to convert and pluralist, without being relativist.

Conclusion

It seems to me that the religions that are most able to adopt a confessing and pluralist model are the most suited to the initiation and the encouragement of interreligious dialogue.

From a Christian point of view that could signify what is described by Keshavjee :

"Christians confess that Jesus Christ is Truth (John 14:6). He is the way to life by his gift and forgiveness. His way is true, that is to say dependable, because it comes from Life and leads to Life. This way is one of not seeking to monopolise and of being open to welcome. That said, no one can constrain His Spirit. He blows where he will (John 3:8) and as he wills.

According to this model, truth and salvation are not in religion above all, but in God, the true Humility. Where there are pride, arrogance or self sufficiency the human being withdraws from God. Where there are lowliness, humility and openness to the other, then the human being approaches God who came near to us."

It is in taking religious dialogue beyond the sphere of religions, to meet *laïque* humanists who are open to dialogue (inter-convictional dialogue), that religions can give more service not only to their own cause but also to the whole of Society.

Richard Fischer

May 2013

Bibliography

Shafique Keshavjee, *Dieu à l'usage de mes fils*. Seuil 2000

Paul Ricoeur, *La critique et la conviction*

Paul Ricoeur, *Quel ethos nouveau pour l'Europe*, in *Imaginer l'Europe*

Charta Œcuménica

Gregory de Nazianzus (cf. Luthéro-Orthodoxe ecumenical dialogue)

The Basis of interreligious dialogue

by Denis Gira

Danielle Obadia presents DENIS GIRA, Christian Theologian and specialist in Buddhism and the dialogue between Christians and Buddhists, Director of the Institute of Science and the Theology of Religions (ISTR) of the Institut Catholique de Paris.

Denis Gira looks at the chief aspects of dialogue

1. The word RESPECT

This is fundamental. Tolerance implies a model of relationship founded on the idea of domination. There is neither respect, nor equality. The word is unacceptable. Dialogue is the foundation of equality. The requirement of dialogue is to establish respect with this other "who has something to say to me."

2. The word BELONGING

The participants must have religious commitment in a tradition : Christian or Buddhist.
Non believers cannot engage in interreligious dialogue

3. Knowledge of one's own religion and a desire to know the other

One must know the basis of one's own faith and give the time to study it.

4. The different kinds of dialogue

- **The dialogue of life**

Good will is the first requirement together with the will to work together to have an effect on society.

- **Working dialogue**

Collaboration for peace for example. A person needs education and words to express things

- **Specialists on interreligious issues**

To seek the most suitable words for these dialogue experiments, that is essential. To go further in the work, that is a vocation.

- **Spiritual dialogue**

Cultural exchanges between religions must take place with each person while taking account of his or her competences, everyone according to his/her availability. One must prepare for that

The most important dialogue is that of life.

5. The Rules of dialogue

- In dialogue we should not seek in the other what is important for us. In Buddhism there is no reference to God. The idea of God does not arise in the spirit of a Buddhist. As for the Dalai Lama, he only represents 3% of Buddhists in the world.
- Is Buddhism a religion or not, a way of life or a philosophy? Christianity is a road. **Buddhism is a road (journey) which requires the commitment of the whole person.** It is a civilising tradition with many conflicts which has taken root in Asia, and in the far East.
- Great humility is needed as well as recognition of a considerable difference between the religious experience of the other and what we can understand expressed in our own words. It is a work for specialists.

Denis GIRA studies two Buddhist terms

- **SAMSARA** : a cycle of birth and death by which all living beings are imprisoned. It is not reincarnation. We must depart from SAMSARA like the Buddha, the awakened one, who expresses four noble truths:
 - All is suffering (dukha)
 - Desire is founded on ignorance
 - NIRVANA is the extinction of all desire
 - Mental discipline, ethic, meditation and wisdom.
- **KARMA** is egocentric activity and its consequences

DEBATE :

- Shintoism is not a problem : Buddhism includes all the divinities, popular Buddhism is present in every country
- The place of women in Buddhism: in theory there is equality between men and women, in practice Buddhism is still behind Christianity.
- Buddhism in the West: it is not widely represented but its place is intellectually important. People may feel that they are close to Buddhism.
- The rapprochement between east and west: real dialogue arises from difference. Things can be radically different without being in opposition to one another.
- Buddhism is the capacity to live together: compassion is practised in daily life. All beings share the nature of the Buddha.

"Why I am Christian (and Catholic)

As a Catholic Christian how can one live with the other, that to which I belong and to which I am firmly committed?"

Throughout time humanity has been engaged on a spiritual journey, at the search after the divine. The long Jewish tradition has enabled us to discover the unique God who comes to meet humanity in the Old Testament, and still bears witness to it today. The Bible teaches us clearly that a perfect society depends on the activity of God and not on that of humanity. "Faith" is a loving relationship before it becomes what we know, it is given; it is a free and personal response to God who invites us to enter his covenant. As a Christian, I believe in Jesus, who died and rose again, the Saviour of all mankind, and I await his coming in glory when he will present himself as a merciful judge.

God, Trinity, that is to say "Love" is beyond us and wishes us well; he has given us his only Son Jesus Christ, made man, but he has not given us a "recipe" though he has given us his Word that we are called to put into practice according to our conscience. Each one of us has a unique relationship with God. Men and women are called to work to identify justice and peace, but their completion is expected as an act of God. There is no human or social progress without freedom and responsibility.

Faith and reason are called to engage in the search after truth and each person contributes according to his or her gifts. This is realised not only by freedom of expression and of religion but also through a contribution to life in society. Because each person is created in the image of God, faith includes respect for the person as a creature of God; that means the equal dignity of men and women. The universality of human rights means that we are particularly concerned with justice. That is the basis of mutual respect and living together.

Henceforth that gives my activity a feeling of reality as I commit myself to offer a "just" human life to the greatest possible number of people and to arrive at what is "Good" and to bear witness to the "Truth."

Finally, because we are creatures of the same creator God, we must accept ourselves as we are: atheists, protestants, Jews, Muslims, Catholics and Buddhists. *Laïcité* has inherited its motto from the Gospel : "Liberty, Equality, Fraternity" and the proper distinction between the spiritual and the temporal.

Brigitte Legouis : European Centre of the International Council of Women.

The religious Dimension

It is easier to define intercultural dialogue than the religious dimension. The White Paper proposes the following definition:

Intercultural dialogue is understood as an open and respectful exchange of views between individuals, groups with different ethnic, cultural, religious and linguistic backgrounds and heritage on the basis of mutual understanding and respect (see section 3). It operates at all levels – within societies, between the societies of Europe and between Europe and the wider world¹.

While the EU proposes :

Intercultural dialogue is a process that comprises an open and respectful exchange or interaction between individuals, groups and organisations with different cultural backgrounds or world views. Among its aims are: to develop a deeper understanding of diverse perspectives and practices; to increase participation and the freedom and ability to make choices; to foster equality; and to enhance creative processes.

The European Institute for comparative cultural Research.

<http://www.interculturaldialogue.eu/web/intercultural-dialogue.php>

It is difficult to define the religious dimension, however. It is well known that religion and culture are intertwined. Nevertheless, it is not only a matter of culture because religions exist in their own right. In addition denominations express cultural differences and not only doctrinal ones within a religion. In the Christian tradition western and eastern churches are conditioned by cultural and religious traditions. Too often the traditions get on badly while it is difficult to define the function of the "religious organisations" in a plural society. In the twentieth century the role of religions was reduced in the French Republic and elsewhere in Europe. In general, the involvement of religion in political affairs is not expected although expertise and knowledge of daily life are available to religious organisations, among them the Christian churches of Europe.

Some aspects of past practice can still be perceived. In England, the Anglican Church is "established" but it receives no financial support from the state. In Scandinavia, for example, there are national churches. In France the principle of *laïcité* prevails², but the state which does not give financial support to any religion, guarantees religious freedom in a neutral space. In addition buildings of the Protestant and Catholic churches constructed before 1905 are maintained by the local authorities. As for dialogue among the religions - therefore the religious dimension of dialogue : that is not a matter for the state.

In reality the religious dimension of intercultural dialogue includes certain concerns. The religions need to know one another because differences of religious origin exist. For politicians, therefore for the Parliamentary Assembly of the Council of Europe, religion has no authority but it is regarded with the same respect as other civil society organisations. Religious organisations must conform to legal requirements, but religious liberty is strengthened by appropriate laws, for example the refusal to allow hate speech, some provisions in the school programme and so on. However, the Brasseur Report looks at religion in a democracy³.

1. The Parliamentary Assembly notes the growing interest raised by the questions relating to intercultural dialogue in a European and global context, where efforts to establish closer ties and collaboration between communities within our societies and between peoples, to build together for the common good, are constantly imperilled by lack of understanding, high tension and even barbarous acts of hatred and violence.

Paradoxically

In the Assembly's view, the challenge today is to reach the agreement and the balance necessary in order that teaching on religions provides an opportunity for encounter and for receptiveness on both sides. (§15)

We note that levels of religious practice are different in European Countries. It is interesting that belief and practice, in particular private religion, are particularly widespread in Turkey.

At the same time we must help the religions to make themselves heard :

§45 Religions whose institutions have been shaped by non-European cultures generally find it difficult to fit into the framework laid down by European states. Muslim communities are at the centre of the debate: Islam is gradually claiming its place in European states' legislation on religion, but this religion has come up against particular problems.

§46. One major difficulty is linked to the relative inability of Muslim communities independently to find a type of representation that meets the requirements laid down by public authorities (guarantee of permanence, believers' recognition of representatives' legitimacy, adherence to commonly accepted values). Thus, public authorities are faced with a multiplicity of Muslim associations, federations and groupings, whereas, historically, representation of Christian and Jewish religious communities has grown out of a very centralised model.

§5 The committee heard statements from: Mgr Nestor (Sirotenko), Bishop, Diocese of Chersonèse, responsible for the administration of the Moscow Patriarchate in France, Switzerland, Spain and Portugal (also representing the Assembly of Orthodox Bishops in France); Mgr Aldo Giordano, Permanent Observer for the Holy See to the Council of Europe; Rabbi Alain Goldmann, Chief Rabbi of the Israelite Consistoire of

¹ The White Paper on Intercultural Dialogue p. 12

² It is said that the legal principle of *laïcité* is very good but that there is also a "hard" *laïcité*, sometimes seen as a *laïcité* related to identity.

³ Doc. 12553 25 mars 2011 *The religious Dimension of intercultural Dialogue* Report Committee on Culture, Science and Education Rapporteur: Mme Anne BRASSEUR, Luxembourg,

Paris (Chief Rabbi of Paris from 1980 to 1994); Pastor Claude Baty, President of the French Protestant Federation; Mr Haydar Demiryurek, Vice-President of the French Council of the Muslim Faith.

§6 The committee invited them to provide elements of reply to the following questions:

- How does each community contribute to the safeguarding of fundamental human rights and what are the major challenges and obstacles to overcome for the action of different communities to produce further results?
- Which are the most fruitful areas of co-operation between the different religious communities and of harmony between them and individuals and groups of non-believers?
- How can religious communities get the message over effectively that a believer should never condone violence and hatred in the name of religion?
- What do the religious communities expect from international organs dealing with fundamental rights, and in particular from the Council of Europe?

Confronted with certain problems that arise from the mixing of populations

§19. Instead of emphasising what separates us, and running the risk of creating more and more parallel societies, we should build on what unites us. Our common aim must be an open and tolerant society based on an ethic of respect for others and thus able to accommodate anyone sharing this ethic – a society in which every individual will not only be entitled but also be actually able to practice his or her faith and live according to his or her beliefs whilst respecting the rule of law and respecting people who take another approach, whether religious or secular.

§20. In this respect, I firmly believe that the fundamental values of the Council of Europe can and must be the cement that binds us together. The right to freedom of thought, conscience and religion is one of these values, and we must safeguard it effectively. At the same time, the freedom of religion of some believers cannot be held up against the freedom of religion of others or against the freedom of thought and conscience of adherents of a non-religious view of the world. Nor can it be used as a pretext to justify interference with other fundamental values. These are messages that have been conveyed by the Assembly on many occasions.

It goes without saying that INGO representatives will be in agreement with the principles enunciated in the Brasseur report and that they support the activities of the Council of Europe. However, our report offers an analysis of the religious dimension that goes beyond the areas covered by documents of the PACE, or indeed the committee of ministers.⁴ Our interconvictional group brings together adherents of religious traditions present in Europe as well as people whose convictions are not religious. The documents of the report present certain principles from the Buddhist, Jewish and Islamic traditions. Furthermore the document contains a non confessional outline of certain philosophical and historical aspects with the aim of assuring that, whatever the religion or conviction, it will be taken seriously.

The freedom to have a religion as well as that of not having a religion is an absolute necessity. In the plurality of current society a liberty that guarantees the right to have a religion that may be perceived as illusory or fictitious without guaranteeing the right to conviction, whether religious or not, would deny fundamental aspects of freedom well founded in respect for the conscience and belief of the other. In the past quite a number of people thought that religion was in the process of disappearing. Events in recent decades show that religion and religious convictions are still present in our society. Doctrines and beliefs are not a matter for the Council of Europe, nor indeed involvement in religious dialogue whether as participant or as mediator (umpire). Our plea is that everybody should respect the convictions of his or her fellow citizens. We also hope that the school system can provide the skill to distinguish ideas (one might say beliefs) which enrich us on the one hand from influences or harmful actions perpetrated on the other in the name of religion.

⁴ For a study of the content of the religious dimension see :

Recommendations :

Proposals

Introduction

- i. The white paper on Intercultural Dialogue mentions the religious dimension of intercultural dialogue seven times.¹
- ii. The white paper does not offer a definition of the religious dimension but there are a number of clues.² The document mentions works of art, culture and relations with "the other."
- iii. A working party made up of INGOs with participative status at the Council of Europe set out to produce a report on the religious dimension of intercultural dialogue.
- iv. We worked as a sub group of the Commission on *Education and Culture* which brings together INGO representatives with a range of confessional and non-confessional convictions.
- v. The group was interested in perceptions of religion and in religious perceptions as well as at the implications for related questions for civil society. The group considered common aspects of religion while accepting the differences and the exclusivity mentioned in the report.
- vi. The recommendations favour the recognition of religious diversity, mutual interest in the convictions of the other and a more or less legal definition of religion in view of the existence of recognised communities.³

The Problem:

We "represented" the range of perceptions mentioned in the white paper, with the participation of experts in the field of religion and of connected disciplines, for example psychology, education or the involvement of "confessionally inspired" organisations in humanitarian activity within civil society.

We are not offering a universal definition of the religious dimension because the idea of religion is complicated by reason and by its diversity of approach as well as by its cultural, historical and confessional links. At the same time we are in agreement in respect of certain principles put forward by the white paper :

Part of Europe's rich cultural heritage is a range of religious, as well as secular, conceptions of the purpose of life. Christianity, Judaism and Islam, with their inner range of interpretations, have deeply influenced our continent. Yet conflicts where faith has provided a communal marker have been a feature of Europe's old and recent past. ⁴

Our diversity was "in accordance with" the objectives of the dialogue which are better defined in the white paper than is the religious dimension as such:

Apart from the dialogue between public authorities and religious communities, which should be encouraged, there is also a need for dialogue between religious communities themselves (interreligious dialogue). The Council of Europe has frequently recognised interreligious dialogue, which is not directly within its remit, as a part of intercultural dialogue and encouraged religious communities to engage actively in promoting human rights, democracy and the rule of law in a multicultural Europe. Interreligious dialogue can also contribute to a stronger consensus within society regarding the solutions to social problems. Furthermore, the Council of Europe sees the need for a dialogue within religious communities and philosophical convictions (intrareligious and intra-convictional dialogue), not least in order to allow public authorities to communicate with authorised representatives of religions and beliefs seeking recognition under national law. ⁵

While the diversity of contribution demonstrates some difficulties for dialogue and meeting between the religions, our discussion was enriched by the diversity of points of view. Some participants criticised religion in general or particular aspects of religious practice. There was insistence on the equality of men and women, freedom of thought and conviction, the rejection of certain pseudo-religious practices, for example female genital mutilation or even indoctrination, though the term is not easy to define. In respect of religious convictions, the meeting and dialogue of adherents or of religious leaders are constrained by :

- The demands of theological vocabulary
- The values of the Council of Europe, democracy, human rights and the rule of law
- Political neutrality and convictional plurality
- Certain inevitable dichotomies, exemplified by the Trinity in the Christian tradition in relation to other perceptions of the oneness of God or the nature of a non theist religion.

Apart from non confessional convictions, the relation of religion to civil society is affected by belief and it is influenced by religious practice, as well as by what society expects of the religions, by the diversity of human conviction and by the evolution of society.

Furthermore interreligious and intrareligious dialogue recommended by the white paper applies to interreligious meeting as well as to ethical questions which relate to the responsibilities and competences of the religious organisations.

¹ The White Paper on Intercultural Dialogue, Strasbourg, Council of Europe, June 2008

² See the white paper on intercultural dialogue p.8 for the reference to the Faro declaration and §§ 1-2 of the déclaration.

³ The intrareligious theological debate is not part of our terms of reference. See for example §5 p. 3

⁴ White Paper p. 25 §3.5 The Religious Dimension.

⁵ *Op cit* p. 27

At the official level, those who take part in interreligious dialogue follow the beliefs of their own religions, whereas untrammelled discussion could look at certain questions that are fundamental to the existence of the cosmos and for the spiritual awareness of humanity.

For example, private discussion about faith with the Buddhists took as its starting point a sentence in a book by Richard Holloway, the former Primus of the Scottish Episcopal Church. The Bishop wrote that the opposite of faith is certainty⁶. The conversation went on to look at quantum physics, at Gödel's theorem, therefore at the fundamental uncertainty which must be the starting point for deep reflection in a post secular age. This shared discussion made us aware of our common interests without any kind of avoidance of our fundamental differences. We can live together, with mutual recognition, with the safeguard of human rights, mutual respect and common questions but we should not run away from unofficial or informal meeting.

In respect of practice, ethical questions as well as those relating to the role of religion in present day society, the blessing of homosexual marriages is a good example of intra religious debate. We are aware of theological differences :

For the Protestants who do not see marriage as a sacrament, the issue of homosexual marriage relates to marriage as a pillar of society controlled by the state, while blessing would be a time of prayer with the couple and their families. It is therefore permissible to pray with any couple. On the other hand, for Catholics, marriage is a sacrament, therefore marriage takes place in the church and the role of the church is fundamental without reference to the legal situation.

We need to endeavour to make a recommendation about the resolution of such a difference , but an appropriate explanation would be a contribution to living together as well as to respect for the other, on condition that both groups are prepared to listen to one another.

As a point of departure, understanding of theological vocabulary or of religious philosophy does not imply a refusal to understand. The juridical principal is a safeguard of the authority of the state, but religious groups have a right to express themselves. The identification of the views of one or of several religions with a political party is not to be recommended.

Article 9 guarantees freedom of thought, conscience and religion but some definitions are difficult. For example :

In France the view of the European Court of Human Rights was that the Jehovah's Witnesses⁷ have been victims of a violation of their right freely to exercise their religion. This unanimous decision by the judges is subject to appeal. It was the great hope of this Christian movement of American origin which was classed as a sect in a French parliamentary report in 1995. The Jehovah's witnesses, which claim to number 250,000 faithful in France, rejected French refusal to grant tax concessions on gifts and legacies which are granted to « religious charities and congregations. » [...] ⁸

Recommendation 1:

1. We must recognise common and contradictory aspects of religion while supporting (and encouraging) meeting, mutual knowledge and living together.
2. An introduction to the ideas and the vocabulary of religion is to be encouraged but school syllabuses should not make any judgement or assumption about the beliefs of pupils.
3. Freedom of conscience, thought and religion is absolutely fundamental. Freedom includes the right to be informed so as to understand one's own convictions well.

Public debate - the status of religions

Despite the diversity of relations between church and state, generally speaking religions and the public authorities have regular contact in Europe, but there are certain difficulties in the public debate - outward signs of religion (and *laïcité*), some judgements of the European Court of Human Rights, the status of religions.

At the national level member states of the Council of Europe, therefore of the European Union, maintain religious liberty without reference to the presence of a national or indeed an established denomination.

Some states give financial support to "recognised" religions with a contribution or with a tax for the confession practised or favoured by the individual tax-payer, while in France separation of Church and State is maintained by the law of 1905 and *laïcité*.

In respect of Article 17 of the Treaty of Lisbon :

1. The Union respects and does not prejudge the status granted to the churches, charities or religious communities because of national law in member states.
2. The union grants equal respect to the status granted to philosophical and non confessional organisations in virtue of national law.
3. In recognising their identity and their specific contribution, the Union maintains an open transparent and regular dialogue with these churches and organisations.

⁶ See above p. 11.

⁷ *Les témoins de Jéhovah, une religion pour la Cour de Strasbourg* (Gilbert Reilhac) Le Point - 30 juin 2011

⁸ http://atheisme.free.fr/Revue_presse/Temoins_jehovah.htm
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-105386> Requête n° 8916/05 http://www.lepoint.fr/fil-info-reuters/les-temoins-de-jehovah-une-religion-pour-la-cour-de-strasbourg-30-06-2011-1347751_240.php

Some groups question the words "and does not prejudice" found only in paragraph 1. In any event dialogue with communities of faith and conviction at any level should interest us in view of European plurality. It engages:

- the responsibility of religions
- legal and political responsibility by the state
- teaching in school
- catechesis or confessional teaching.

It is essential to maintain the space for meeting, mutual knowledge and shared interest. How should the religions be involved so as to share their expertise and to reinforce the principles of religious liberty and human rights? In any event religions exist in their own right. Beyond tolerance and mutual knowledge, the work of the group is an aspect of the debate with political organisations which must take place at several levels.

Recommendation 2:

1. Support for universal values at several levels.
2. The religions should consider their understanding of human dignity which is the basis of human rights.
3. Definition of the responsibilities of the institutions and the organisations involved.

Knowing the other : education for religion and the teaching of religious facts :

The white paper suggests that the religious facts⁹ (*see below*) should be included in the school syllabus. In that respect there are differences of practice in Europe.

Most countries offer an education for religion. A book written under the patronage on the Intereuropean Commission on Church and School with the title *Religious Education in Europe*,¹⁰ includes an overview of European practice, on the other hand catechesis or compulsory confessional teaching of religious doctrines would not be in conformity with the jurisprudence of the European Court of Human Rights.¹¹ See also *Lautsi v. Italy* (application n°. [30814/06](#)).¹² Dispensation from religious practice must be allowed and no assumption about the beliefs of pupils is acceptable in the school curriculum. The principle of neutrality is already accepted in educational practice.

At the same time and without contradiction, Council of Europe policy favours the inclusion of an education for religion or an awareness of religion (*sensibilisation*). It is also necessary to enable pupils to gain a non confessional awareness of religions that they do not know with the aim of knowing about a number of religious traditions and meeting their members (*see below*).

Reminder : in 2002 Jack Lang, the Minister of Education noticed that French young people had very little knowledge of the cultural history of France. They did not understand music, architecture; works of art, literature. He invited the philosopher, Régis Debray to write a report.¹¹

Régis Debray suggested that there should be "Calm and methodical investigation of the existence of religion (*le fait religieux*) together with the rejection of confessional involvement."¹³ The public educational system could enable young people to become aware of non confessional aspects of religion. Debray writes that young people do not understand certain works of art because the vocabulary of religion is no longer known. Knowledge of the cultural dimension of religion is necessary. In addition this non confessional knowledge of religious culture would be a way of increasing knowledge of history and culture in the countries of Europe. This aspect of the religious dimension of intercultural dialogue needs to be defined.

Definition of an awareness of the existence of religion would be difficult, especially for those who do not speak French. At the same time the white paper propose the teaching of religious facts that apply to convictions.

Sharing knowledge and facts as well as other religious concepts is to be desired.

The religious fact (in the singular) is less specific. The "fact" (*le fait*) includes aspects of religion that engage the emotions, that is faith, conviction, belonging to the community, hope, involvement. We should not ignore them but it is necessary for awareness to avoid confessional involvement. Because living together means understanding the other with sensitive knowledge and understanding of his or her religious convictions.

Finally, conscience, in itself, is beyond the facts. In addition the religious fact includes religious awareness.

Teaching the facts would not be difficult. Among the possible examples:

- Christians believe that Jesus dies on the Cross for the salvation of the world
- Abraham was the father of a great nation and his descendants would be more numerous than the grains of sand on the sea shore. etc.
- The five pillars of Islam are: a). witness that no other God can be worshipped and that Mohammad is God's Prophet b). Obligatory prayer c). fast during the month of Ramadan d). almsgiving, e). the Hajj.
- We can debate the content but the principle is obvious.

⁹ The teaching of religious facts which looks at internal coherence applies to all religions. See White paper p. 35. A project on education for conviction would be a good thing. See The White Paper p.35. Internal Coherence applies to all religions.

¹⁰ *Religious Education in Europe* Oslo, IKO publishing house 2007.

¹¹ Application no. 15472/02 by Ingebjørg FOLGERØ and Others against Norway <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-81356>

¹² http://lawreview.byu.edu/articles/1363790486_07_puppink_corrected.pdf

¹³ Rapport Debray p. 22

Recommendation 3:

1. To carry out a non religious investigation of the scope of religion, involvement with religion and religious awareness.
2. To know the language of religions : communications, learning and objective, accessible study of religion.
3. Religion and culture : cultural and historic connections in Europe.
4. Methods : as objective a reading as possible of texts and other knowledge - for example music, architecture, the arts.

Religion, the community and those at the base of society : from fanaticism to a balanced approach: religion at the local level:

It is unlikely that groups and individuals who take part in serious discussion, such as organised debates at the Council of Europe, have arguments with one another or engage in conflict of which the origin is religious. On the other hand certain risks arise from fanaticism or from the religious identity of areas (of cities) that are described as "difficult." Communes and local authorities have the responsibility (shared with religious organisations at the local level) to enable people to live together and to facilitate the "community space."

The Congress of Local and Regional Authorities is a constitutive element of the Council of Europe. The Congress, which meets in Strasbourg, produced a document called "Gods in the City" which was published at the end of 2007. The book deals with the presence of religions and plurality at the local level. We need to understand religion, related questions and solutions at the local level.

At the same time, religion at the grass roots is not as open to logical and objective analysis as what takes place in the political institutions, because of the necessity of political neutrality, or among specialists and academics because of their objective study.

In reality religions encourage confessional conviction among their adherents. Conviction includes personal commitment. In the report we have already mentioned Rudolph Otto's work *Das Heilige* and objective examination of prayer, but there is also religious ecstasy. Local authorities are in a position to enable people to exercise their right to religion and to ensure that religious practice takes place in the best possible conditions. The book quotes an example of French practice in regard to Islam. Places need to be found for meeting and worship. Some French municipalities make this possible. In principle transparent religion, practised in the best conditions can develop peacefully. Connections with the congress are to be desired.

Municipalities may grant a religious association a long lease that gives it long-term use of a municipal site on which a religious building can be constructed (with the implicit understanding that the lease will be extended under identical conditions when it expires). However this practice, introduced by Leon Blum, President of the Council, and Cardinal Verdier, Archbishop of Paris, complies with the law only if the rent is set at the market rate, otherwise the lease has to be considered a disguised subsidy;

the local authority may also let a building to a religious association by agreement at the market rate in order to avoid any indirect subsidy;

Section 11 of the Amending Finance Act of 29th of July 1961 enables public authorities to guarantee loans contracted by religious associations and other groupings for the construction of religious buildings;

while the authorities may not fund either religious associations governed by the 1905 Act or associations with combined (cultural and religious) purposes, they may subsidise associations with purely cultural purposes: cultural centres, libraries, meeting rooms, etc. This possibility has been used during the construction of several religious buildings, such as the Mosque and Cathedral in Evry, when two associations with distinct purposes were established. However, this implies watertight financial and operational separation between religious and cultural activities;

local authorities may **subsidise the upkeep of buildings used for public worship that are managed by an association covered by the 1905 Act (Section 19 of the 1905 Act).**

The flexibility of the law, which does not avoid the development of illegal practices, does not, as we have seen, provide a really satisfactory response to the situation created by the 1905 Act, characterised by the freezing of public religious property as it existed at the beginning of the 20th century and the impossibility of public funding to compensate Moslems for the inequality in terms of buildings thus created.¹⁴

In Belgium communes have transferred a building to a religious association for the token sum of one euro (this is an important requirement for Muslims) - for example the Mosque in Andenne. The non confessional philosophical community has received much assistance from local authorities and provinces, in particular with regard to the availability of buildings.¹⁵

Beyond religious dialogue as such, the fact of plurality, that is to say the presence of different convictional groups should be supported and encouraged. Moreover support of religious liberty and conviction facilitates the process of meeting and local knowledge. It should be noted that French *laïcité* does not involve the state in dialogue and that the role of the state is the creation of a neutral space, always respectful of personal convictions. This proposal concerns not just human rights because a religion that was not practised would be incomplete and unsatisfactory for its adherents. Therefore a religion should

¹⁴ Islam dans la République pp. 38 sqq. Haute Conseil à l'Intégration novembre 2000

¹⁵ Gods in the City p. 60

justify itself by its seriousness, its expression of human aspirations and its inherent capacity to inform human lived experience. *Ipsa facto* such an engagement would contribute to the resolution of everyday disagreements.

Recommendation 4:

1. Assure the best condition for the practice of religion at the local level (N.B. difficult areas in cities).
2. Form connections with the congress of local and regional authorities.
3. Support practice as a guarantee of religious liberty.

Accessible Religion and objective Catechesis

In the past the lives of believers included rites of passage to mark birth, adolescence, marriage and death. The rite that marks adolescence is called "Confirmation" in the Christian tradition and for some liberal Jews, while the term *Bar Mitzvah* is better known.

Adolescents have a role in the development of religion connected with certain questions related to the views of the preceding generation. Moreover they can understand the great questions raised by religious belief and belonging and intellectual curiosity so as to interpret the received tradition. Young people (of a certain level of maturity) are interested in justice, in the human lot, in suffering, in the difficulty of undeserved success, in love in joy etc., or even in old age. For ministers (of religion) that is Rabbis, Priests or Imams, the rite of adolescence should be a key moment for discussion of the religious tradition. In the Catholic tradition the term is "Catechesis" but in English the term is "Confirmation classes" rather than "catechesis" although the word exists.

When knowledge of the vocabulary of the majority religion was widespread practice involved the transmission of a tradition and its content. Candidates or pupils learned fundamental doctrines, which they memorised by heart. People were given the conclusion without any serious examination of the tradition, the arguments and the philosophical basis of doctrines. Young people had no knowledge of other convictional and religious traditions. This lack of knowledge gave rise to certain prejudices while taking account of the transmission of "revealed" truth in several religious traditions. There are always people who reject other religions, on which they may pour scorn because they are seen to be "incorrect" in the context of society. The educational method used in school courses today is "different" and better presented. It should apply to religion in general as well as to confessional education.

Religions bring together believers and the faithful. It includes conviction but not certainty. Faith, sustained by the conviction that it supports, should be resilient in turn. Conviction evolves but certainty it is brittle, like cast iron which breaks into pieces. On the other hand the resilience of faith withstands the shock.

No argument proves the existence of God and no one should claim a monopoly of truth. Judging the value of a religion involves its internal coherence.¹⁶ Several traditions have this coherence, of which the consequence should be accessibility and a place at the table with religions of the world which propose an intelligible awareness of their tradition, whatever it may be.

A "qualified" teacher with the competence of an educator would initiate reflection and debate. In some regions the teaching offered is pluri-confessional (a pluri-religious catechesis would be contradictory). A competent theologian or even more competent teachers of the traditions in surrounding society, for the example the Catholic, Protestant, anglican and Orthodox denominations, could enable young people to examine the beliefs of several traditions. Adolescents would be able better to understand their own traditions as well as those of others without being bamboozled by the conflictual history of religion in Europe.

There would be some "risks," for example some changes of denomination, but the right to change is guaranteed by the European Convention. This process of sharing would facilitate inter-denominational cooperation.

The interreligious or just an awareness of the existence of religion are proper activities for school courses.

Finally a more inductive awareness is to be desired which draws on the experience and the knowledge of candidates. Adults come to religion with adult knowledge gained outside the religious community. Rather than teaching conclusions we should explain the origins of a religion.

Recommendation 5:

1. Cohesion would be reinforced by the development of confessional "formation."
2. Courses like the *Abitur* in Germany, which can include religion would improve awareness of religion.
3. Accessibility and a comprehensible and open analysis of religion are to be desired.
4. Good education for religion values the lives experience of students as a precious resource.

Things to be avoided

Religions exist in their own right. We note the danger of ethnic identification of a religion or of religions and the tragedies that follow.

¹⁶ Internal coherence requires logical consistency, but certain religious doctrines make no reference to external reality.

In the report we say that Jews and Catholics used to identify with their countries of residence of which they were citizens, for example during wars in the past, such as the Great War. People are citizens, they may be believers but education for citizenship is also necessary.

As a citizen, a believer in any tradition contributes to the life of his fellow citizens. It is important to ensure conditions that favour citizenship across religious traditions, together with the convictional confidence which unites rather than with fixed or obstinate certainty that divides.

The role of education is absolutely fundamental. There is a task for states, schools and religions.

Human Rights and Religion

In so far as human rights are universal they are not the prerogative of any religion nor are they a political prerogative. Therefore Article 9 of the ECHR on freedom of religion and conscience makes no reference to a specific religion. A connected issue is the work done on education by the Council of Europe. Dialogue is favoured, of which an important objective should be knowledge of the other without imposing a position. Proselytism is not advised although Article 9 includes the right so demonstrate one's religion. The *Charta Ecumenica* expresses the same principle. The signatories commit themselves to dialogue with people of good will (II.2)

In respect of religions, most missionary organisations commit themselves to humanitarian activity, for example in helping people to have access to education and medical care. Although support of this work by confessional organisations has little to do with the quality of the work, their presence is an affirmation of their commitment to human rights (of which the signature of the *Charta Ecumenica* was an important aspect).

The charter contains an agreement among the churches about the aims of social responsibility and on the support of churches in respect of all violations as well as manipulation of religion or the churches for national or ethnic purposes. They are committed to respect towards other religions and to the defense of freedom of religion and conscience among other religions and world views.

There remain certain disagreements, for example the assertion that human dignity comes out of humanity's relationship with God or the criticism expressed by an Orthodox bishop because the Almighty is not mentioned in human rights philosophy. We have some questions about the philosophy, but "religious" commitment or that of religions to human rights and universal values is certain in the context of the European Institutions.

Elsewhere things are different and all must work together.

Recommendations :**Recommendation 1 :**

1. We must recognise common and contradictory aspects of religion while supporting and encouraging meeting, mutual knowledge and living together.
2. An introduction to the ideas and the vocabulary of religion is to be encouraged but school syllabuses should not make any judgement or assumption about the beliefs of pupils.
3. Freedom of conscience, thought and religion is absolutely fundamental. Freedom includes the right to be informed so as to understand one's own convictions well.

Recommendations 2 :

1. Support from the religions for universal values.
2. An examination by the religions of their perceptions of human dignity which is the basis of human rights.
3. Definition of the responsibilities of the institutions and the organisations involved.

Recommendations 3 :

1. To carry out a non religious investigation of the scope of religion, involvement with religion and religious awareness.
2. To know the language of religions : communications, learning together with objective and accessible study of religion.
3. Religion and culture : cultural and historic connections in Europe.
4. Methods: as objective a reading as possible of texts and other knowledge - for example music, architecture, and the arts.

Recommendations 4 :

1. Assure the best condition for the practice of religion at the local level (cf. difficult areas in cities).
2. Form connections with the congress of local and regional authorities.
3. Support practice as a guarantee of religious liberty.

Recommendations 5

1. Cohesion would be reinforced by the development of confessional "formation."
2. Courses (like the *Abitur* in Germany which can include religion) could aim to improve awareness of religion.
3. Accessibility and a comprehensible and open analysis of religion are to be desired.
4. Good teaching for religion that values the lived experience of students as a valuable resource.

The Religious Dimension :

We should not dismiss the experience of (religious) practice, but practice is not exclusively confessional, although some doctrines are mutually exclusive. The religious dimension of religion and the cultural imprint. A dialogue of sharing ?

At the beginning of our work there was a suggestion that the report should include a glossary to explain religious practice. Therefore we produced a list of practices or traditions, for example the Jewish and Christian Bibles, the Quran, alms-giving, worship and so on. The first question, however, must be about the connection of religious practice with human experience. We are aware of the mismatch between what is lived in certain religious traditions and that of current society. On the other hand religions include common practices such as prayer, the reading of holy texts, offices or worship ... The White Paper on intercultural dialogue mentions ... "consensus during the consultation that it was the responsibility of the religious communities themselves, through interreligious dialogue, to contribute to an increased understanding between different cultures." In Armenia¹ we discussed intrareligious dialogue. In bringing common aspects to the fore we emphasised dialogue and accessibility.

Nevertheless freedom of religion and conscience guaranteed by Article 9 of the European Convention should extend to religions. The expectation that there will be absolute agreement with their tradition as received by members respects neither freedom of conscience nor the evolutive nature of religion and theology, both of which reflect the evolution of ambient society. During meetings of our group, the members of which represent religious and non religious convictions, we mentioned, for example, the status of women or even current debate about the LGBT community. Without going into questions that pertain to a "parallel" report, this glossary outlines shared aspects of religious practice. It is to be hoped that religions make a constructive contribution to civil society and to human life. Moreover religious practice - prayers and offices - bring together adherents who are looking for "truths" that relate to the nature or to "morale" and to human aspiration.

We are aware of certain differences between the religions, but there are also intrareligious differences. Christians do not agree on the interpretation and application of the scriptures, on the importance and nature of sacraments or even about church/state relations and that despite the WCC or, in Europe, the CEC. In some cases sectarian groups dispute or engage with politically initiated conflict. On the other hand we note similarities of religious and spiritual practice. Furthermore, although religious doctrines are exclusive we need to be aware of common aspects already outlined, such as offices, ritual, symbols or sacred texts. A comprehensive glossary would not add a lot, although religious practice is interesting and theological terms should be accessible. For example beliefs and practices influence the architecture of religious buildings.

On the other hand, the way in which we approach our differences would influence our life together in society. Muslims and Jews (and Christians) can only serve and praise the one God. If we thought that there is only one God whom we perceive differently because of history, culture or spiritual mystery, understanding across our differences would (perhaps) be more achievable. The problem is that connected philosophical questions are better understood in higher studies than in the difficult areas of cities where adherents of different traditions meet and argue. An accessible glossary beyond buildings, rituals or artefacts should serve to shed light on differences while underpinning the richness of our diversity. It is not just knowing about the religion of the other but also being interested in it.

Instead of a classic glossary we propose a list of concepts and a glossary of religion as it is with its spiritualities, its doctrines which are in some respects close but exclude each other, as well as with commitment to the research after truth of which no one has complete knowledge in this world.

¹ 2013 Council of Europe Exchange on the religious dimension of intercultural dialogue "Freedom of religion in today's world : challenges and guarantees" 2-3 September 2013.

Judaism	Islam	Christianity
<p>Jews who pray three times a day, say prayers that correspond to the prayer of the Patriarchs. Morning prayer (<i>Cha'harite</i>) is dedicated to Abraham. Prayer in the afternoon (<i>Min'ha</i>) to Isaac Evening prayer (<i>Arvite</i>) to Jacob.</p> <p>Prayer was organised after the destruction of the Temple to replace the offering of sacrifices.</p> <p>These prayers also correspond with sacrifice in the temple : -morning sacrifice, -Late afternoon sacrifice -evening sacrifice.</p> <p>That is why one should turn towards the Jerusalem temple at prayer time. The longest and most important prayer is in the morning. The time of prayer is determined by solar time according to the seasons.</p>	<p>Adhan Arab word that denotes the Friday call to prayer and the call to the five times of daily prayer. (I) Fajr (dawn prayer), must take place at a time between dawn and sunrise. It consists of two parts (<i>rakats</i>), in a loud voice. (II) Zuhr (at the beginning of the afternoon), must take place at a time between midday and the middle of the afternoon. There are four rakats, said in silence. (III) 'Asr (prayer at the end of the afternoon), it must be said between the end of the afternoon and sunset. There are four rakats, said silently. (IV) Maghrib (evening prayer), at a moment between sunset and last light. There are three rakats, of which the first two are said out loud and the third silently. (V) 'Isha (night prayer), must take place during the night. There are four rakats, of which the first two are said out loud and the last two silently.</p>	<p>In the first days of the church Christian prayer was expressed in this way. ..."be filled with the Spirit, addressing one another in psalms and hymns and spiritual songs, singing and making melody to the Lord with your heart, giving thanks always and for everything to God the Father in the name of our Lord Jesus Christ, submitting to one another out of reverence for Christ." (Ephesians 5) The monastic life included prayer eight times a day : The day begins with the great prayer of Vigils. At the summer solstice at the moment of matins the sun which rose at 4 o'clock lights up the choir. Lauds is the great office at the beginning of the day, followed by : Prime (about 6 o'clock), terce (about 9 o'clock), sext (about noon), none (about 3 o'clock) (this relates to the four divisions of the Roman day) The time for Vespers must be fixed so that everything finishes with the end of daylight. Finally they say Compline,</p>
<p>Thous shalt have no other gods but me. (Thous shalt not make to thyself any graven image ...) Jewish religion proposes the following fasts <i>Taanit</i> : Yom Kippur, Tisha Beav (the only fasts mentioned in the Torah the 17 Tammouz The fast of Guedalia Tevel, The fast of the firstborn, The fast of Esther for the most part for mourning. Remember the wall of lamentation.</p>	<p>We know the five pillars of Islam : The prophet of God says : "Islam is based on these five principles : • Witness that no other God may be worshipped and that Mohammed is God's prophet, • Carry out obligatory prayer (conscientiously et perfectly (<i>voir supra</i>), • Fast during the month of Ramadan, • Pay the obligatory Zakatt (almsgiving), • Do the Hajj (pilgrimage to Mecca)."</p>	<p>In the Christian tradition Lent used to be a fast (still is), in Advent, on the vigil of feasts, Fridays ... Contributions from the faithful are expected, the tithe exists in certain traditions. There are pilgrimages, for example St Iago de Compostella ... Or indeed Taizé or Lindisfarne.</p>
<p>The scriptures The scriptures present certain difficulties of interpretation. The Hebrew Canon was more or less the Protestant Old Testament. The Septuagint, translated in Alexandria in about 200 B.C.E was a translation for the Greek speakers. It includes books that were not in the Canon called "Hebrew.</p>	<p>The Coran was dictated to Mohammed by the Angel Gibreel. The Muslim tradition is enriched by the Hadith for example. So the interpretation of texts (a common aspect) requires a certain level of knowledge of a tradition.</p>	<p>For Christians Jerome's Old Testament, the Vulgate, includes books that are not "accepted" by Protestants. The Vulgate is a latin translation by Jerome in the fifth century. Some Christians, of whom there are many, accept the critical method, others reject it.</p>
<p>Sharing the tradition : (Christian) Catechesis, or the teaching of a religious tradition is an expression for teaching the doctrine of a religious tradition. It consists of questions (already formulated) and prescribed answers. The failing is that there is a definition of the human condition followed by a prescribed solution.</p>	<p>In respect of interreligious understanding, confessional catechesis runs the risk of being understood as a justification for intrareligious division. In addition the handing on of conclusions without an explanation of the religious history and thought does not sustain logical examination. Religious organisations have a role as educators.</p>	<p>Knowledge of the tradition of the other is necessary as well as reasoned knowledge of one's own tradition. Any translation of sacred texts involves exegesis, that is religious interpretation. The interpretation of sacred texts involves difficulties of context.</p>

Members of the working group :

Michael Aguilar EBU
Manuèle Amar ECWF
James Barnett ICCS (Président)
François Becker Eglise et Liberté
Karmela Belinki,
Hugo Castelli Eglises et Liberté
Anne-Marie Chavanon Fédération Internationale pour l'Habitation, l'Urbanisme et l'Aménagement des Territoires (FIHUAT)
Lilia Bensedrine Thabet
Monique Bouaziz IAW
Richard Fischer CEC
Gabriela Frey EBU
Fr Goettelmann Rotary International
Beata Hildebrand AIU/ISOCARP
Farnand Jehl Eglise et Liberté
Brigitte Le Gouis ECICW
Danielle Levy
Salomon Levy
Mary Lilling ICJW
Gilbert Meyer ??
Vera John Mikolajewski UWE
Annick de Montgolfier DECERE
Michèle Muhlmann Weill Forum démocratique européen
Gilbert Nerson B'NAI B'RITH (ICCB)
Liviu Olteanu (IADRL)
Marie José Schmitt AEH
Marie Louise van Wijk (Andante)
Anje Wiersinga IAW