

## THE NEW RELIGIONS AND THEIR HUMAN RIGHT TO RELIGIOUS FREEDOM

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### ABSTRACT

There is evidence that the right to religious freedom is threatened in the present times. Despite the achievements of democratic societies and the championing of liberties, this right is still infringed upon. While there are many discourses on infringement on the right to religious freedoms, little attention is paid to the impact on the new religions. Through critical hermeneutic and analytic methods, the paper argues that the new religions have the right to religious freedom like the major world religions. Infringement on the freedom of religion violates human dignity and autonomy and negatively impacts people's psycho-spiritual good. The paper finds that there is an infringement on the right to religious freedom of the new religions in a disproportionate manner. It concludes that there is a need to safeguard the right to religious freedom of adherents of the new religions. A more harmonious society will be created when this is done.

**Keywords:** New religions, new religious movements, human rights, religious freedoms, and religion.

### INTRODUCTION

A grave challenge that is plaguing the world is the threat to religious freedom by governments. There is also the issue of discrimination against new religions by other earlier religions. World religions like Christianity, Islam, Buddhism, Hinduism, etc at times have been intolerant of new religions. Religious intolerance, fanaticism, and extremism have precipitated violence and wars in the past and continue to do. There are still some regions in the world in which conflicts and warfare are fought along religious lines. The attitude of religious intolerance is an ancient one and continues today. It is this same attitude that has been expressed by the major world religions and some religious adherents against the new religions. Without going into detail statistics, it will suffice here to note that:

Over the decade from 2007 to 2017, government restrictions on religion — laws, policies and actions by state officials that restrict religious beliefs and practices — increased markedly around the world. And social hostilities involving religion — including violence and harassment by private individuals, organizations or groups — also have risen since 2007. (Pew Research Center, 2019, p. 5)

Further data shows that fifty-two states inclusive of Indonesia, Russia, and China have imposed very high restrictions on religion (The Pew Research Center, 2019, p. 5). The Center notes that this is an increase in the number of states from forty in 2007. Concerning very high levels of social hostilities against religion, the number of states has increased from thirty-nine to fifty-six, as revealed by the Center.

Though the concern here in this paper is with the new religions, the fact is that when religion is suppressed in any society it also negatively affects the new religions. Down the line here instances of infringement on the right to religious freedoms of the new religions will be presented. This paper aims to critically analyze and hermeneutically examine the need to respect and safeguard the human right to religious freedom of the new religions. Arising from the fundamental human right to religious freedom there is a need to respect the new religions and the freedom of their adherents. Carrying out the task of this paper, the paper will clarify the key concepts, present the challenges to the exercise of the right to religious freedom of the new religions, and discuss the ethical grounds or rationale for safeguarding this right. There are many dimensions and issues regarding the right to religious freedom and the new religions. It is practically difficult to examine all these dimensions here. The paper will only focus on the above and leave other issues to future research. The aim and focus of the paper are to provide a philosophical grounding for the exercise of the new religions in the paradigm of religious freedom.

### Analysis of Concepts

The concepts or terms that ground this paper are human rights, religious freedom, and new religions. The first concept to be defined here is human rights. What is a human right? The language of human rights is used to describe entitlements that inhere in human persons because they are members of the human species and they are carried by all individual human beings irrespective of race, sex, nationality, or economic status (Ishay, 2008, p. 3). After noting that human rights are differentially understood as claims, entitlements, liberties or freedoms, and interests; Kusumalayam writes that “human rights are protective shields against those things that could hinder one’s attempts to progress towards fulfillment of oneself as a human person” (2008, p. 44). The idea of human rights as entitlement is corroborated by the definition that avers that the talk

about right deals with human needs and desires necessary for a person to fulfill himself/herself and so others or societies are obligated to allow one to have these needs fulfilled (Amesbury & Newlands, 200, p. 25). The United Nations Universal Declaration on Human Rights and other human rights documents have shown that human rights are inalienable, meaning that they inhere in human persons. They are not given by society; rather society recognizes them and safeguards them. Human rights that have been recognized include the rights to freedom of conscience, freedom of speech, religious freedom, life, association, movement, etc.

With that said, it is important to define the term, “religious freedom.” Religious freedom or liberty refers to the free exercise of religion, religious beliefs, and conscientious ideas based on religion that individuals hold. As far as you are not infringing on social/public morality and the legitimate rights of other human beings the exercise of your religious beliefs should not be suppressed or infringed upon. As a human right, it is all human beings are entitled to this right. Realize that, “Religious freedom is, therefore, the right of all persons to believe, speak, and act – individually and in community with others, in private and in public – in accord with their understanding of ultimate truth” (Farr, 2019). The human right to religious freedom is stated in many declarations such as the United Nations Universal Declaration on Human Rights which states: “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 teaching, practice, worship and observance” (United Nations, 1948, art 18). This right is stated elsewhere as follows:

1. Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.
2. No one shall be subject to coercion that would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the

religious and moral education of their children in conformity with their own convictions. (International Covenant on Civil and Political Rights. (United Nations, 1976, art 18)

Before the above section ends, it is important to state a distinction between religious freedom and freedom against religious discrimination. Khaitan and Norton devote their time to stating the technical distinctions between the right to freedom of religion and the right against religious discrimination. They show that religious freedom is protecting people's interests in religious adherence or non-adherence, while on the other hand, the right against discrimination is protecting non-committal interests in membership of religious groups to ensure the reduction of advantage gaps between religious groups (2020). To state it in another manner, "Religious freedom is concerned with protecting an interest in our ability to (not) adhere to our religious commitments. The right against religious discrimination is concerned with a separate interest in ensuring that our religious group does not suffer relative sociocultural, political, or material disabilities in comparison with other religious groups" (Khaitan & Norton 2020, p. 1145).

Like many other terms or concepts, the term, "religion" has different definitions. The word, "religion" is derived from the Latin word, *religio* which means "to bind." In ancient times and even in some societies today, religion was interwoven with the rest of life and the entire life cycle such as birth, death, play, work, etc were religious events or activities. Religious rites of passage were laced through life events. Today it is generally restricted to adherents of religious traditions. Religion is binding with a higher reality or power and performing certain obligations to that higher power (Clemmons, 2008, p. 9). For Joseph Kenny, "religion is the attitude of active relation and the actions growing out of that attitude or relationship towards whatever or whomever an individual or a group of persons takes to be of greatest value and reality" (Obaje, 2018, p. 31). One embracing understanding of religion is the one that defines it as:

A general term used in most modern European languages to designate all concepts concerning the belief in GOD(s) and GODDESS(ES) as well as other spiritual beings or transcendental ultimate concerns. It is also the common denominator for the institutions/bodies representative of these concepts and/ or concerned with their propaganda, including typical ways of human behaviour as an experience or consequence of this belief. (Antes & Thomas, 1995, p. 414)

Another broad definition of religion sees it as, "...a body of teachings and prescribed practices about an ultimate, sacred reality or state of being that calls for reverence or awe that guides its practitioners into what it describes as a saving, illuminating, or emancipator relationship through a personal transformative life of prayer and ritualized

meditations, and/ or moral practices like repentance and moral and personal regeneration” (Taliaferro & Marty, 2010, p. 196-197). It should be realized that religion does not only refer to a system of beliefs or worship of transcendent deities but in some cases, it includes the right to non-religious beliefs such as agnosticism or atheism (University of Minnesota Human Rights Center, 2016).

The new religions also called new religious movements or alternative spiritualities have been pejoratively called cults. Some of them arose several centuries ago. They are countercultural and offer innovative/ creative responses to situations in the modern world though they are grounded in ancient religious traditions (Rubinstein, 2019). On the new religions or new religious movements, the following should be kept in mind,

The expression “new religious movement” (NRM) is a term of convenience designed to circumvent the negative connotations that, sometimes correctly but perhaps more often erroneously, have accrued in the public mind to such sociological constructs as the “cult” and “sect”. More accurate terminology might be “marginal religious movement” or “alternative religious movements”. These terms avoid the question of when ought a group no longer be classified as new, but “NRM” has emerged in the academic lingua franca as the currently accepted and pragmatic designation. (York, 2008, p. 1197).

These new religions often move beyond the normative styles of traditional world religions, are pluralistic, eclectic, syncretic, and open to diverse sources in their doctrinal beliefs and practices (Rubinstein, 2019). Rubinstein writes that they are founded and led by charismatic figures that often are authoritarian and credited with supernatural powers. He notes that they arose to answer specific needs that people did not find in traditional religious organizations or secular modernism or science (Rubinstein, 2019). The new religions are incorrectly and pejoratively named cults (Cowan, 2001, p. 380). In the real sense of it as a social phenomenon, the new religions are not new and as far back as the time of the early Christian apologist, Tertullian and Irenaeus they were already in existence. New religions include Heaven’s Gate, Unarius Academy of Science, Scientology, Rastafarianism, the Unification Church, International Society for Krishna Consciousness (ISKCON), the Family, Guru Maharaj Ji’s Divine Light Mission, etc.

Concerning new religions, they have always been part of human-social history and they carry the same hopes and dreams as the ‘main’ religions and have suffered from the same disappointments and failures as the world’s main religions and are prone to abuse and exploitations (Cowan, 200, p. 401). Some of the new religious movements are preoccupied with their relationship with nature (York, 2008). York devotes most of his paper to examining Bryan Wilson’s typologies in which new religions can be

conversationist, Adventist, revolutionist, Gnostic, introversionist, manipulationist, reformist, utopian, or thaumaturgist (York, 2008, pp. 1197-1199). How should the new religions be studied? One viewpoint on how they should be studied criticizes the notion of seeing new religions as reacting to secularization or some other understanding of modernity and argues for a nuanced understanding of them in the light of Anthony Giddens' examination of globalization and modernity, though Giddens' understanding of religion is simplistic (Dawson, 2008).

### **The Reality and Challenges in the Exercise of Religious Freedom of the New Religions**

In light of the clarifications of concepts given above, some of the challenges of exercising the human right to religious freedom on the path of the new religions are now examined. There have been some grave challenges in the exercise of the right to religious freedom of the new religions. All the challenges will not be examined here. Some of the challenges arise from the attitude and behaviour of the state towards the new religions, or bias and discrimination from other social agents. The fact is that many governments often restrict religious freedom. It is true that in certain circumstances the government can restrict external observance of religious beliefs on the following grounds: safeguarding public safety, protecting public health, and social order, protecting fundamental human rights or the freedom of others, and enhancing democratic values (Hackett, 2011, p 854). Hackett uses her article to argue that in Africa through the pursuit of recognition and registration, some African governments have often marginalized the rights of religious groups, especially non-mainstream groups. She equally shows that in Europe there is discriminatory treatment against nonconventional and unpopular religious groups.

That religious freedom is threatened should not be disputed. The facts are there. There is extensive documentation of intolerance and infringement on the right to religious freedom that reveals that intolerance of religion is on the increase in many countries (Pew Research Center, 2019). Bailey & Autry (2013) use their paper to discuss the fact that there is very little research on religious freedom in Asia and they give two reasons for this. Religious freedom is a highly politically sensitive issue and often loaded with ideological issues and because of this government is reluctant in granting access to scholars on doing empirical research on the issue. Toft & Green (2018) assert that there have been increasing threats to and violations of the right to religious freedom and belief globally in the last two decades. They use their paper to reveal how governments in Europe and North America and their parliaments are working to mitigate these violations of freedom of religion and beliefs. In a country like Nigeria, Garba (2020) has shown there is a limitation on the exercise of religious beliefs in northern Nigeria on the

ground of security and protection of the human rights of others.

Even in societies in which religious freedom is encouraged, there is often a bias against new religions. Hackett quotes Carolyn Evans who claims that non-traditional forms of beliefs in practice receive little protection compared to the one enjoyed by the dominant Christian culture even under the European Court of Human Rights and European Commission on Human Rights (Hackett, 2011, p. 854). The human right to religious freedom of new religions has always been infringed upon by various governments at various times. The attitude of the government towards new religions often shifts from time to time. Examples of persecution or suppression of new religions abound. Cowan enumerates the followings: the Church of Scientology being denied 501(c)3 tax-exempt status for 20 years from the 1970s in the United States; the Jehovah's Witnesses in many regions of the world suffering from religious suppression and being banned in Canada during World War II; the Church of Scientology not being recognized as a religion in Canada and Britain; in Germany, Scientology undergoing serious restrictions in the past as it was seen as a threat to national security; the invasion of the Twelve Tribes by Vermont authorities in 1984 on the pretense of children being in danger; the social control imposed upon the Family International; the invasion of the Yearning for Zion ranch (home of a polygamous sect of fundamentalist Latter-Day Saints) and removal of children. It has been noted that most often state actions against new religions are biased and without merit (Cowan, 2009, p. 400).

### **The Ethical Grounds for Safeguarding Religious Freedom of the New Religions**

There are theoretical grounds for arguing for religious freedom for the new religions. From a functionalist viewpoint, religion is an essential value in society and fulfills a purpose. Many religions often speak of life fulfillment here on earth and beyond this earth. While some religions are earthly concerned, many religions speak of redemption or salvation in the life hereafter. Religion makes some persons find comfort and consolation amid the vicissitudes of human existence here on earth. Many persons go to religion to find succor and spiritual nourishment to enable them to meet the challenges of life. When they don't find this in older religions they migrate from a religion with which they have become disillusioned to another one that can help them find hope and comfort. Amid life crises, religion has offered people emotional satisfaction. Through the new religions, many persons who have not found meaning and satisfaction in religions like Christianity, Islam, Buddhism, Hinduism, etc have come to a new sense of meaning and purpose. They have found social support, networked socially, and found real help for their needs. In developing societies where there are broken social infrastructures many people have found financial and material help from new religions. Some persons have

found discipline, control, and new life that are peaceable with social norms through the new religions. This is not in any way to say that new religions are perfect and flawless. Regarding the functionalists' theory of religion, adherents of the new religions see religion as performing a vital function in their lives. Without religion, their lives will be left almost bare and empty.

Another theory that is instrumental in understanding the new religions and why people convert to them is the rational choice theory. This can ground respect for the freedom of religion of the new religions. When people chose a religion they are making a choice. This choice should be respected. This is also grounded in the fact that every human person has a right to freedom of movement and association. This is a fundamental human right that should not be violated unless for legitimate grounds. The rational choice theory asserts that a person chooses which action to take in life informed by their personal preferences (Amadae, 2017). As stated in another manner, "Rational choice theory is based on the premise of individual self-interested utility maximization" (Zey, 2011). Though this theory was particularly applied to the choices of consumers in their making economic decisions, it is applied today to other areas of life. Adherents of new religions chose their new religions based on their personal preferences for their betterment. It is unusual for a human being to choose what will harm him/her. This is not to dispute that there may be other mitigating factors that affect people's choices. But in general, people will choose what will improve their well-being and welfare.

The core argument of this paper is that in the light of the human right to freedom of religion that each human being is entitled to, adherents of new religions should not be persecuted nor have their religious expressions suppressed. It is vital to respect the religious freedom of others if there is to be social cohesion and peace in society. To respect the religious freedom of others it is imperative to understand their religions and their texts. Religion is a matter of conviction of the heart and people have a right to be convinced of what they prefer. Individuals have a right to be called what they want to be called. "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (United Nations, 1948, art 19). Adherents of the new religion have a right not to belong to other religious groups and to define a religious identity for themselves and to equally define the names by which they should be called and recognized. Another the article of the United Nations is appropriate here: "(1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association" (United Nations 1948, art 20). Quarreling over the religious beliefs of others just because they are different from yours is not the right way to approach life. The new religions have a right



to existence. They are an expression of people's religious experiences. One's expression of the numinous or what is beyond the phenomena is expressed by people in different ways. The numinous or what is beyond the physical is so stupendous that there seems to be not only one way of expressing people's experience of it. The reality of experienced human life in the universe is that though reality may be one it is experienced in a plural manner. This is one world, but there are many cultures. There is one human race made up of people from various nationalities. When it comes to religion, the same should be applied.

The issue of religious freedom is a question of justice. When the right to religious freedom is suppressed or denied it amounts to social injustice. During the 8<sup>th</sup> Colloquium on "Catholic and Muslim Cooperation in Promoting Justice in the Contemporary World," held jointly by The Pontifical Council for Interreligious Dialogue, Vatican City, the Center for Interreligious Dialogue, the Islamic Culture and Relations Organization, Tehran, Iran; the president of the ICRO noted that, "justice is not only a basic norm for the world management and international relations but also is the causal reason for achieving freedom" (Omonokhua, 2014, p. 207). He states further that people's right to choose and determine for themselves their destinies are form of social justice. Adherents of the new religions need to be accorded their right to practice the religion that pleases them, if not it is encroaching into their social justice life.

Adherents of the new religions have a right to religious freedom which should be safeguarded by the states and other social agents. Adherents of the new religions are human beings like every other human being. They are not less human because they differ in religious beliefs from those of the culturally dominant religions of Christianity, Islam, Buddhism, Hinduism, etc. They are equal to every other human being and should be treated as such. The human impulse to religion is universal and can be expressed in various ways in adherence to different forms of beliefs or non-beliefs. The state should not strive to homogenize the religious beliefs of its people. In democratic societies, there is a separation between the state and religion. In light of the secularism of the state, it should not adopt an official religion or privilege one religion over others. That being the case it should allow new religions to exist and exercise their freedoms.

It would not be out of place here to note that there could be legitimate grounds for the state or other social actors to interfere or restrict the religious freedom of adherents of new religions. It ought to be noted that every human or group's right is a limited right. Human or social rights are not absolute. In the exercise of the right to religious freedoms, new religions should not offend against the rights of children, women, social ethics, or the communal values of society. Some new religions have exhibited violence towards

their members and society. This should not be accepted as violence demeans and dehumanizes persons and brings destruction to society. The Jim Jones Peoples Temple of Guyana, Solar Temple in Canada and Switzerland, and engaged in violence against their members; while the Aum Shin Rikyo in Japan has directed violence against others (York, 2008, p. 1197). Adherents of a new religion or group can have their human rights to freedom of religion restricted if they were to engage in crimes against humanity, slavery, torture, etc. On this basis, the right of adherents of the new religion can be limited. An adherent who commits a crime and is found guilty can be sent to jail. While there is space for religious expression in prison within certain regulations, the adherents cannot practice their religion in an open society. Some of his freedoms are restricted. The fact is that rights can be restricted on legitimate grounds (Clapham, 2007, p. 96).

From the perspective of rights being essential to fulfill one's destiny and human purpose on earth, it becomes unjust for the government or any social agent to deprive a person of the right to religious freedom. Gasiokwu citing M Cranston notes that a human right is, "something of which no one may be deprived without great affront to justice" (2003, p. 10). To be deprived of one's human rights is a question of justice. Many adherents of the new religions find purpose and joy in their group. To deprive them of the exercise of their religion can affect their physical and psychological health. The right to religious freedom is a human right that belongs to individuals and their groups and to violate it is to violate the United Nations provisions. Its violation offends humanity and the welfare of the individual.

Freedom of religion is valuable because it protects our decisional autonomy in matters of religious adherence. Many other foundational values are also plausible, including the value of social goods such as religious tolerance, religious pluralism, and social harmony, and the value of respecting an individual's conscience or integrity. We do not deny that these values may also be good reasons to support some version of religious freedom. However, the only value that can fully support the capacious and realistic version of our interest in religious (non)adherence (as understood in Section 2) is the need to respect our decisional autonomy in matters pertaining to religious adherence. (Khaitan & Norton, 2020, p. 1137)

## CONCLUSION

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This paper has examined the new religions in light of the human right to religious freedom. To understand the issues before the paper, I made some conceptual clarifications. The reality and challenges in the practice of religious freedom by the new religions were also presented. Then, some of the moral grounds for respecting or safeguarding religious freedom were examined. By and large, the paper argued that

there is a need to respect the freedom of religion of the new religions. They fulfill an important function in life and people can rationally choose to belong to them. They should not be persecuted for their choice. It was not noted that new religions are not perfect and for legitimate grounds, their rights can be restricted proportionally without suppressing this right. Respect for the right to religious freedom of the new religion will create a more harmonious society.

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