

Chapter 7

The Impact of Secularization on Proselytism in Europe: A Minority Religion Perspective

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WE LIVE IN a world that is an odd mixture of the worlds of Sherem (see Jacob 7) and Korihor (see Alma 30). For me, one of the remarkable things about the Book of Mormon is that it was abridged and edited by prophetic figures writing after the collapse of one civilization and very late in the course of their own who could speak to our time as if we were present (see Mormon 8:35), knowing that their words would reach our generation. They did not know exactly which types of anti-Christ we would meet or which would be most persuasive to us, but they knew we would encounter them. Accordingly, the Book of Mormon is filled with accounts and images that warn us of the varying hazards: Jerusalem and Babylon, the great and spacious building, Sherem and Korihor. Sherem is the figure who criticizes prophets and revelations concerning Christ on the basis of orthodox religious texts. At the other pole stands Korihor, the secular anti-Christ, who prefigures in his thought the great masters of suspicion of the nineteenth and twentieth centuries—Darwin, Marx, Nietzsche, and Freud. We live in a world populated with figures from both sides.

The secularization thesis, which has been the basis of much sociological theory for the past century, is basically the claim that

in the struggles between Sherems and Korihors that have shaped modernity, Korihor is on the prevailing side. Stated in more secular terms, that thesis is that in the aftermath of the industrial revolution and the increasing importance it has attached to material goods and the division of labor, societies would become ever more secular, and religious institutions would wither away.

Over the past decade, this key premise of sociological theory has come under increasing attack.¹ The secularization thesis is flawed. The “opiate of the people” is not withering away. The secularization thesis is being subjected to increasing doubt because it cannot explain the residual and growing religious influence that is being felt in the United States and throughout the world.² In fact, at least in the United States, high levels of religious activity continue, and if anything, over the past two decades, there has been a strengthening of religious activity and particularly more conservative religious groups have shown increased vitality.³ In the former communist bloc, forty to seventy years of the most intense and brutal secularization efforts imaginable did not suffice to extirpate religiosity. The communist era certainly had a marked effect. The spirituality of a generation of Russians and central Europeans has been repressed and, for many, extinguished. And yet the core religious values still come back.

1. See, for example, José Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994); Jeffrey K. Hadden and Anson Shupe, eds., *Secularization and Fundamentalism Reconsidered* (New York: Aragon House, 1989); David Martin, *A General Theory of Secularization* (New York: Harper and Row, 1978).
2. For indications of the vitality and resurgence of religion throughout the world, whether in more extreme forms, or more commonly in the strength and fruitfulness of the variety of religious traditions around the world, we need only to leaf through studies such as the recent world report on freedom of religion and belief (see Kevin Boyle and Juliet Sheen, eds., *Freedom of Religion and Belief: A World Report* [London and New York: Routledge, 1997]).
3. See Robert Wuthnow, *The Restructuring of American Religion: Society and Faith since World War II* (Princeton, NJ: Princeton University Press, 1989).

In what follows, I will address some of the ways the pattern of secularization has an adverse impact on missionary work and some of the steps that can be taken to address these problems.

Secularization and Europe

In Europe, much more than in America, the classical picture of secularization remains more accurate. Particularly in Western Europe, the phenomenon of the *Vergreisung der Kirchen*—the aging of the churches—tells the tale. Churches are for the most part empty, with continuing activity coming substantially from the elderly population. Material success of the second half of the twentieth century has diverted people’s attention from religious involvement. New forms of “secularized religiosity” in such forms as the commitment to human rights and environmental values, coupled with internalized spirituality, have largely supplanted older patterns of religious involvement.

There are, of course, variations from this pattern. One of the most moving experiences I had was in the spring of 1990, going to a church in Kraków, Poland, and for the first time in my life seeing a European church filled to overflowing. Unfortunately, in the decade since the euphoric early days after the fall of communism, religious attendance in places like Poland is declining. In part, this is because church participation in Poland was a form of social protest against communism, and the more secular elements in the protest movement have dropped out. However, some of the decline reflects alienation against excessive pressure from the Catholic Church to press its agenda in Polish society. In general, Europe is a very secularized place, and the situation is not getting any better.

Secularism and Proselytism

Secular outlooks increasingly shape popular responses to proselyting. Three aspects of the contemporary European response to religion underscore what I have in mind. The first factor has to do with relativism and scientism (or more accurately, pseudoscientism).

In the secularized setting, intense religiosity that becomes a central focus of life tends to be thought of as something dated or fanatical. A pervasive sense of relativism leads members of European society at large to assume that religion is essentially a matter of taste, that there are many paths to heaven, and that the concept of a true church is outmoded. The phenomenon of conversion is often regarded as an anomaly, to be explained by brainwashing. The assumption is that something as irrational as conversion, especially to a small, unknown religious group, could only be explained by some psychic distortion.

A second factor is the rise of privacy. In many ways, the European concern for privacy is even more intense than our own. Privacy legislation has substantially more clout in European societies, perhaps because European population densities are much higher than those in the United States, and people are more acutely conscious of the need for private space. One practical implication of this is the proliferation of electronic security systems in apartment complexes, making old door-to-door contacting systems much more difficult. At a deeper level, efforts to share religious beliefs are increasingly seen as an encroachment on privacy. If people on their own initiative want to search for a new religion, that is fine. But efforts to share religious beliefs are increasingly being viewed as aggressive, impolite, and wrongfully intruding on privacy. As societal norms shift in this area, even the fairly gentle “come and see” invitation associated with knocking on doors or standing at a street board comes to be sensed as an encroachment—as a kind of insensitivity. Over time, this will become a greater and greater problem.

Still a third factor is a peculiar blend of state paternalism and consumer protection. Over the past two or three years, anticult efforts in Europe have been accelerating to an extraordinary degree. Throughout Europe, there is a sense that states should protect consumers from dangerous religious groups in the same way that consumers are protected from other forms of consumer fraud. This is a very strange idea in countries committed to religious freedom and nonintervention in matters of religious belief, but its strength

is growing. Formal inquiry commissions have been established in France, Belgium, Germany, Austria, and Switzerland. Reports issued by these commissions have been filled with biased, unscientific, and often rabid statements that tend to stereotype and demonize sects and cults. Austria has passed a law consigning many religious groups to second-class status for at least ten years. (Fortunately, we are not impacted by this law because we are a recognized church in Austria.) Unbelievably, the French government has adopted official policies that have literally declared war on the sects. At the Council of Europe, a resolution was passed in June 1999 calling, among other things, for the creation of information centers about sects throughout Europe. A recent U.S. State Department group that went to France to investigate what is happening met with some members of The Church of Jesus Christ of Latter-day Saints (as part of meetings with many groups) and determined that while Latter-day Saints are not formally on the French "sect list," they have already begun to be adversely affected by these initiatives. Note that these difficulties are not located in former socialist bloc countries that lack experience with new religious movements. Sect observatories or investigations have been established or carried out in France, Belgium, Germany, Austria, and Switzerland. These are the core nations of Western Europe. Some of the positions being taken are really unbelievable. There appear to be some in France who think that it is not clear whether a sect counts as a religion for purposes of religious freedom protections. For those of us accustomed to thinking of Western Europe as a bastion of human rights, these developments have been extremely unnerving.

There are some brighter signs: the ultimate German report concluded that worries about the dangers of sects were exaggerated, and a Swedish report in 1998 was quite critical of earlier sect commission reports from other countries. The initiative at the level of the Council of Europe was toned down somewhat, and there are efforts afoot to help increase the likelihood that sect observatories will be balanced sources of information and not merely centers of anticult propaganda. Credible Europeans maintain that Americans are sim-

ply getting overly distressed about these matters. Their view is that there is nothing wrong with providing more information about religious groups and that nothing malign is intended. The difficulty is the danger that such observatories tend to be captured by rabidly anti-cult personnel, which generally means rabidly anti-Latter-day Saint and anti-Jehovah's Witness as well. Moreover, even if those placed in charge of such observatories are objective and well intentioned, they can do significant damage by implicitly giving their stamp of approval to information that is in fact biased or misleading. In any event, militant anticult efforts continue, and the Church is generally a major target, because The Church of Jesus Christ of Latter-day Saints is larger and more effective than many other churches.

The Eastern Impact of Western Infractions

The problems in Western Europe compound the problems being faced in Eastern Europe. At least three reasons can be cited for this.

First, leading anticult figures in the West, some of whom hold paid government positions, are actively working to foment anticult sentiments throughout the former communist bloc. Anticult efforts appear to be well organized and well financed, making them all the more effective.

Second, the current cultural setting in those areas is conducive to scapegoating smaller religious groups for the more massive economic and social problems being experienced in those countries. This is one of the classic problems associated with anti-Semitism. It is all too easy for politicians to lay blame for various social ills at the door of small and unknown groups who are foreign, strange, and politically powerless. The result can be fairly devastating for all smaller religious groups, who are inevitably branded by association with overbroad stereotypes about "dangerous sects."

Third, the fact that government bodies in the West are holding inquiries and setting up sect observatories and, in some cases, passing

laws to restrict their activities is exploited to legitimize parallel and typically much worse activities farther east. When one speaks as a human rights worker with officials in Eastern Europe about problematic legislation in their countries, one now finds them responding, “We’re just doing what Austria has done,” or, “We’re just implementing a recommendation from the Council of Europe.” These officials are basically saying that these are key democratic institutions, and what they do is legitimate, so we can do it too. Unfortunately, these justifications are used to rationalize encroachments on religious freedom that go much further than anything that would be allowed in the West, where there are traditions and social controls that help prevent the worst abuses.

This compounds a general pattern of backsliding in the former socialist bloc. At the beginning of the 1990s, there was euphoria everywhere, manifested as the rapid embrace of key Western values such as religious freedom. When people in the socialist bloc realized this was not a kind of magic wand that would transform them, Cinderellalike, into rich Westerners, a kind of disenchantment and demoralization began to set in. As a result, there is increasing willingness of governments to consider and pass legislation that puts tighter controls on smaller religious groups. Dominant religions in particular countries can more easily defuse claims that religious human rights require a more open, tolerant, and equalitarian society. Part of this is the result of the ongoing influence of secularization. Part has to do with nationalism (particularly where dominant religious traditions have historic ties with nationalist instincts). Part is a kind of resistance to worries about neocolonialism. Countries are sensitive to the onslaught of American culture in the form of McDonald’s, Burger King, Pizza Hut, television, movies, music, youth culture, and so forth. All these things breed sentiments for tightening borders and resisting the influence of perceived bearers of foreign cultural influence.

Countertrends to Secularization

Having said all this, I would also like to emphasize that I think there are also signs that the secularization thesis will turn out to be as inaccurate for Europe as it is for the United States. One obvious counter to the secularization thesis is the survival of religion in the former communist bloc countries. The fact that religion has survived there and remained vigorous in that particularly hostile environment says much for the staying power of religion and its importance to human existence. A second point, and one I think suggests particular hope, is that there are signs that the younger generation throughout Europe is increasingly open to spiritual values. I have no comprehensive data but have been surprised by the number of younger scholars in the East and the West who are religious. My own sense is that just as we are seeing remarkable talent coming up within the Church, reflecting the fact that many chosen spirits have been preserved to come forth in the last days, so we are beginning to see similar individuals throughout the world who will be receptive to the gospel message. A third noteworthy fact is the proliferation of more intense religious groups. Sophisticated, secular, and world-weary groups in society tend to view such groups (including ours) with disdain, but the growing strength of such groups, albeit often only at the margins of society, is an indication of the hunger for deeper spiritual values.

The Perspective of Minority Religions on Proselyting

With these factors in mind, I would like to focus on ways that minority religious groups (including our own) see the right to engage in proselyting. For smaller groups, outreach is vital not only to growth but also to survival. All religious groups suffer attrition from the forces of secularization, and this is a particular problem for groups that have only small numbers of believers in the first place.

Representatives of larger religious groups typically do not see the issues from the same vantage point. I remember sitting a few

years ago with a very distinguished set of experts on proselyting issues from several churches. The truly frightening thing for me was looking around and realizing that I was probably the only person there who had ever actually engaged in missionary work and, not surprisingly, was one of the few who had a positive view of proselyting. In general, our brothers and sisters in larger denominations think of missionary work in very negative ways.

On another occasion, I took a group of Russians to the headquarters of the National Council of Churches (NCC). This is, of course, a fairly liberal group, but I was still surprised by the message delivered by one of the top leaders of the organization. After welcoming the Russians to the NCC, she went on at some length to say how embarrassed she felt about the “problem of proselyting.” She admitted that even some of the member churches of the NCC were engaged in proselyting. She apologized again and again for this unbecoming behavior. That is fairly representative of how things are in much of the world. The fact that proselytism is increasingly viewed in a negative light and that understanding for the importance and legitimacy of sharing religious views is fading means that religious liberty protections for sharing religious views are also at risk. In what follows, I hope to address some of the resulting concerns.

Returning to the perspective of smaller groups, it is necessary to stress that I cannot begin to address the full range of views that emerging and minority religions take toward proselyting. One of the things that is most clear about the religions of our planet is that they are extraordinarily diverse, and they have correspondingly diverse views about the ethics of sharing their views with others. What I will attempt to do, however, is identify some of the reasons why proselyting is so important to smaller religious communities, and more broadly why it is so vital that we pay particular attention to their sensitivities with respect to proselytism. In general, the real test of religious freedom is not how larger groups are treated. They generally have much greater access to political power and the powerful background institutions of culture than smaller groups and can accord-

ingly fend for themselves. This is as true with respect to proselytism as it is with other matters. The fact that larger religions conclude that proselytism is not a preferred strategy for community building and maintenance should not necessarily guide the judgments of smaller religious groups, who are generally facing much more difficult problems precisely because they are often swimming against the stream of the dominant culture. Moreover, my sense is that smaller groups have a much more accurate perception of what is really involved as a practical matter in the phenomenon of proselyting. Their experience can give us a clearer picture of where the genuine problems with proselyting lie and can help us avoid broad descriptions of “improper” proselyting that might lead to correspondingly broad restrictions on legitimate religious activities.

Terminology

An example of the cultural power wielded by larger religious groups is evident in the negative charge associated with the term *proselyting* itself. It is only when I began entering into dialogue with individuals from larger religious traditions that I began to sense anything negative about the term. Within our tradition, the term *proselyting* is normally used to refer to legitimate religious persuasion—to the sharing of one’s belief with others under genuinely non-coercive circumstances. It is only from the larger traditions that I have learned that *proselyting* is something suspect, something that might not be eligible for the normal protections of freedom of religion and freedom of expression.

We owe current formulations of the distinction between legitimate witnessing activities and improper proselytism to documents drawn up by larger denominations.⁴ Unstated (perhaps not intended,

4. See, for example, *Common Witness and Proselytism*, reprinted in *Ecumenical Review* 9 (1971), a study document prepared in 1970 by a Joint Theological Commission between the Roman Catholic Church and the World Council of Churches.

but nonetheless felt by smaller groups) is an implicit message of condescension: a religious organization that feels the need to be actively engaged in the process of community building is at best doing something distasteful or uncouth and, more likely, is behaving in an unethical manner. The very terminology we use is molded by wielders of cultural power into a not-so-subtle tool of disparagement. I do not want to make too much of this point because, as will become evident, I believe the larger churches have in fact identified genuine moral issues that need to be faced at the edges of legitimate religious persuasion. But I am saddened that a once legitimate term has now been so freighted with negative associations that the term has become difficult to use. I agree with the definition offered in Tad Stahnke's excellent article on proselytism, which provides that "proselytism" means expressive conduct undertaken with the purpose of trying to change the religious beliefs, affiliation, or identity of another.⁵ But because of the negative charge that increasingly taints even "proper" positivism, I will use the term *religious persuasion* in what follows when I am referring to legitimate proselyting and *improper (or abusive) proselyting* when referring to illegitimate activity.

Shared Positive Attitudes regarding the Right to Engage in Religious Persuasion

Contrary to what some might think, there is in fact broad agreement among both the larger and the smaller religious groups I know best about the conditions for religious persuasion. Everyone recognizes that at some level religious persuasion and teaching is vital to the flourishing of religious life. While different traditions have different views about how actively beliefs should be shared, everyone recognizes that all religious traditions have depended on fairly active proselyting at least at some stages in their history. Moreover, every

5. Tad Stahnke, "Proselytism and the Freedom to Change Religion in International Human Rights Law," *Brigham Young University Law Review* 1999, no. 1 (1999): 255.

tradition believes that the power of teaching by example should be allowed. (We do not imprison people merely because they have done saintly acts that are admired even by people of other faiths.) It is further understood that, for many religions, active profession of faith is as central to religious practice as participating in sacramental rituals, such as the Eucharist.

Shared Understanding of Limiting Principles

There is also considerable consensus as to the basic governing principles of restrictions. As Monsignor Roland Minnerath formulates the point, legitimate religious persuasion “cannot be imposed from outside by means of psychological or physical constraint. In our present understanding of human rights this freedom is rooted in the very nature of human beings and must be recognized as a civil right protected by law.”⁶ The central point here is that persuasion accompanied by improper coercion is illegitimate. As the European Court of Human Rights recognized in the *Kokkinakis* case, there are several types of conduct that constitute improper proselytism: (1) physical force, (2) deception, (3) undue influence, and (4) inappropriate material incentives.⁷ Each of these types of conduct have the result that a religious choice made under their influence is not genuine or authentic. Freedom in the most sensitive and sacred of all domains—in the realm of conscience—is violated.

Similarly, there is considerable consensus that discussions of religious differences should be respectful, honest, and civil. This does not mean that society, groups, or individuals should be shielded as a matter of law from robust and sometimes overzealous discussion, and it certainly does not mean that one group cannot question the validity or truth of the beliefs of another. But such respect needs

6. Roland Minnerath, *Proselytism: An Ethic[al] Perspective (Catholicism)*, 1, unpublished manuscript in author’s possession.

7. *Kokkinakis v. Greece*, European Court of Human Rights, A 260-A (1993).

to go in two directions. Majority groups are all too prone to disparage smaller groups as sects and to engage in stereotypical thinking about them. My sense is that smaller groups suffer far more from such disparagement than larger groups. Moreover, smaller groups tend to be deterred from challenging such behavior emanating from larger groups because any effort to do so simply attracts intensified reactions and negative repercussions in return.

Proselytism and International Instruments

At this point there is an array of international instruments that address religious freedom issues and can be used as the basis for an expansive right to engage in religious persuasion. It is important that the legitimacy of these arguments not be undermined by the fact that the issue of proselytism is not more explicitly addressed. There is a history to the silence on these issues in the international instruments. The silence reflects compromise rather than principle. That is, the key international instruments were adopted in Cold War settings in which it was not possible to secure commitment to a full measure of religious freedom by socialist and Muslim countries. I suppose they could counter by arguing that they conceded too much to religious liberty claims. But we need to remember that we are dealing with human rights. That is, it is important to remember that human beings are entitled to religious freedom (including the right to engage in religious persuasion) simply because they are human. We do not hold these rights at the discretion of any state or any collection of states. We have achieved remarkable success in our time in articulating and codifying principles of religious freedom, but the fact that all states have not yet agreed on the full range of legitimate religious freedom does not mean that the right does not exist or that every effort should not be made to better achieve it.

Dealing with Sources of Admittedly Counterproductive Coercive Behavior

If anything, smaller religious groups tend to be more concerned with making certain that conversion is voluntary rather than the larger denominations are. Inauthentic conversion tends to become a drag on the smaller religious community. An individual who converts because of material inducements rather than for spiritual reasons is likely to constantly renew requests for additional material benefits, creating a drag on the overall resources of the group. Similarly, conversion by physical force creates needs for maintaining coercive pressures, which is not only costly but also demoralizing, and so forth.

Indeed, when we contemplate the disadvantages of coerced conversion to a religious group, we wonder why the phenomenon arises in the first place. One reason is excessive or misguided zeal. A second may be a desire for independent corroboration of the improper proselyter's own views (if someone else converts, my beliefs must be correct). A third reason may be that if one coerces outward conformity to religious beliefs, sincere belief may ultimately be induced, either later in the life of the target of coercion or later in the life of the target's children. This strategy demands extraordinary coercive pressure and probably cannot be accomplished without the active cooperation of the state. A fourth category of reasons has to do with administrative pressures. A mission leader needs to vindicate requests for ongoing funding or other forms of support, and the number of converts is a ready measure of success. Missionaries may feel a sense of competition with each other, which may create pressures for numbers. No doubt there are other institutional pressures that cause improper proselyting. This suggests that there may be value in refocusing discussions about improper proselyting. The controversy is not whether coercive conversion is good or bad as an ethical matter. The question is how we address the institutional or psychological pressures that lead to admittedly counterproductive excesses.

Invisible Sources of Coercion

Smaller groups tend to be acutely conscious of the subtle and somewhat invisible forms of coercion often exercised (whether consciously or unconsciously) by dominant groups. One of the early arguments for religious freedom was John Locke's claim that since religious beliefs could not be coerced, the state should not waste its efforts in trying to impose such beliefs. While it is true, in general, that the most one can hope to accomplish by coercion (at least in the short run) is inducing hypocrisy, Locke's theory overlooks the coercion that can be accomplished by maintaining ignorance. That is, coercion may not be very effective as a device for instilling sincerely religious beliefs, but it is extraordinarily effective in avoiding change of belief. It is extremely difficult to be converted to a belief of which one has never heard. In this connection, the Prophet Joseph Smith was the rarest of exceptions. Concerted efforts to filter the ideas to which believers are exposed or to tarnish ideas with negative stereotypes so that they are avoided are much more effective devices for conditioning belief than physical brainwashing.

In a parallel vein, just as material inducements may constitute an improper inducement to convert to a religion, so material disincentives may constitute impermissible inducements at the point of exit. My sense is that whatever material inducements proselytizing groups may use to encourage conversion pale by comparison to the economic and social disincentives larger groups can mobilize to deter an individual from leaving a religion: disinheritance, reduced job and educational opportunities, social isolation, and so forth. To the extent that coercion in religious matters is impermissible, the coercive mechanisms used by larger groups may be as deserving of scrutiny as the techniques used by smaller groups. I use the term *scrutiny* advisedly here because I believe that, in general, state intervention in these areas should be minimized.

Truth, Exclusivity, and Danger

There is a tendency to believe that religious communities that take truth seriously, particularly when they make exclusive claims to truth, constitute a danger to society. The argument seems to be that exclusive truth claims are themselves inherently dangerous. As Monsignor Minnerath states the problem, “If you have an exclusive concept of truth then you need to convert everybody to your faith in order to save them. Then you are likely to indulge even in violent means, for the good of your victims.”⁸ The only way to avoid this risk, the argument continues, is to profess an inclusive concept of religious truth.

While there are certainly belief systems that exemplify such dangers, the argument is radically overstated in the context of the modern pluralistic world. At least two additional beliefs are needed to transform a belief system that makes exclusive claims to truth into a social danger. First, if the belief system includes internal beliefs that the dignity of other human beings should be respected, even if they hold erroneous religious beliefs, we cannot assume that this exclusive religious truth claim is a social danger. Second, if a religion does not believe it is entitled to use coercive force to convert, whether that force is in private or public hands, the risk also does not arise. Much of the progress in fields of religious liberty made over the past three decades has resulted from the dramatic events of the Second Vatican Council and the effective internalization of religious freedom norms within the Roman Catholic tradition. The most effective way to achieve religious freedom is to find ways to help strengthen the already existing norms within virtually all religious traditions that call for toleration and mutual respect.

Ecumenism and Dialogue

Ecumenical efforts and dialogue can also promote understanding. But it is important to remember that whether ecumenical

8. Minnerath, *Proslytism*, note 9.

approaches should be adopted is itself a matter of religious belief and sometimes of profound disagreement. For religious traditions that desire to engage in ecumenical processes, encouraging such processes is no doubt helpful. But to assume that it is somehow ethically incorrect to take a different stand simply misunderstands the nature of religious freedom. If a particular religious group holds as one of its beliefs that it should not compromise its doctrines or that it is not authorized to enter into joint ministry with individuals of other faiths, this is itself a matter of conscience protected by religious freedom. It is as incorrect to invoke state power in support of ecumenism as it is to invoke state power in favor of any particular group (whether participating in or rejecting ecumenical discourse).

As a practical matter, however, it is often possible to promote the same beneficial levels of tolerance and understanding by facilitating cooperation on projects of common concern. This can include cooperative charitable and humanitarian aid projects. It can also involve common efforts in support of religious freedom. This is an area where indirect approaches to promoting goodwill and mutual understanding may be more effective than direct approaches.

Beware of Self-defeating Arguments

I have worked extensively over the course of the past decade in Eastern Europe and have repeatedly confronted arguments against proselytism with the following form, typically made by Orthodox priests in various countries where the Orthodox tradition is dominant: our people are not as educated about religion as the citizens of the West. This means that whenever a foreign missionary confronts them with new religious ideas, they are being subject to undue influence. Their susceptibility and ignorance mean that the attempt at religious persuasion is inherently coercive, and thus the activity is automatically impermissible proselyting. The difficulty with this argument is that it is self-defeating. If true, it also means that it is impermissible proselyting for the Orthodox priest to try to convert

his people (unless he concludes that he is insufficiently educated, too, but in that case he would have no claim to teach).

The Need to Avoid Overly Expansive Interpretations of Improper Proselytism

One of the passages from the European Court of Human Rights' *Kokkinakis* decision that I particularly enjoy reading with students is a paragraph from the opinion of Judge Valticos, the dissenting Greek judge in the case. It reads as follows:

Let us look now at the facts of the case. On the one hand, we have a militant Jehovah's Witness, a hard-bitten adept of proselytism, a specialist in conversion, a martyr of the criminal courts whose earlier convictions have served only to harden him in his militancy, and, on the other hand, the ideal victim, a naive woman, the wife of a cantor in the Orthodox Church (if he manages to convert her, what a triumph!). He swoops on her, trumpets that he has good news for her (the play on words is obvious, but no doubt not to her), manages to get himself let in and, as an experienced commercial traveler and cunning purveyor of a faith he wants to spread, expounds to her his intellectual wares cunningly wrapped up in a mantle of universal peace and radiant happiness. Who, indeed, would not like peace and happiness? But is this the mere exposition of Mr. Kokkinakis's beliefs or is it not rather an attempt to beguile the simple soul of the cantor's wife? Does the Convention afford its protection to such undertakings? Certainly not.

Fortunately, the European Court recognized that the last sentence was wrong. Normal efforts to engage in religious persuasion—even fairly activist efforts such as those of Mr. Kokkinakis—are clearly protected by the European Convention, as well they should be.

What is interesting about this paragraph is that it exemplifies the need to be very cautious about overly expansive interpretations of the various subcategories of improper coercion. In Judge Valtico's view, simply going door to door (even if characterized as "swooping" and "getting himself let in") is misconstrued as illegitimate physical

force. If there were ongoing harassment, intentional ignoring of requests not to approach a door, illegal trespassing, or the like, the matter might be different. But Kokkinakis's "militancy" is hardly a coerced conversion by the sword. The undue influence and naïveté argument also goes too far. I suspect Mrs. Kyriakis, the Greek woman whom Kokkinakis visited, was not exactly pleased with her husband's argument that she was a dimwit, and I suspect she was right to be outraged. One does not have to be a graduate theologian to be eligible to participate in religious discourse, and believers need not restrict their efforts to share their beliefs to persons with that level of training. Similarly, the fact that Kokkinakis claimed to have good news is obviously not fraud. Believers in minority religions face incredible burdens in overcoming stereotypes that undercut their credibility. It is natural that they maneuver to avoid such stereotypes long enough that genuine interpersonal dialogue can begin. The "wares cunningly wrapped" reminds one of worries about material inducements. There is an entire field to be wrestled with here: it is all well and good to proscribe conditioning access to material goods on conversion. But once conversion has occurred, particularly where every effort is made to confirm that the conversion is sincere, must a religious group discriminate against its own members in distribution of charitable and educational resources?

What all of this points to is the extraordinary need to be extremely cautious in expanding the *Kokkinakis* categories that are designed to identify improper proselyting. There are indeed situations in which efforts at religious persuasion veer into zones of impermissibly coercive behavior, but states should beware of drawing those boundaries in vague or broad ways because of the inevitable narrowing of first freedoms that otherwise results. The presumption in societies genuinely committed to human rights is that some tolerance for excessive and questionable zeal is a small price to pay to make certain that core rights of human dignity, expression, and freedom of religion are not compromised.

Conclusion

Let me conclude by going back to the Sherem-Korihor analogy I invoked at the beginning of this chapter. We will continue to face Sherems and Korihors in the days ahead. They will threaten not only core beliefs of the gospel and people's receptiveness to those core beliefs but also the canons of religious freedom as well. We are already seeing ways that the right to engage in religious persuasion is losing ground. It is thus vital that we do all that is possible to shore up understanding of this critical right. We need to learn to be as effective in teaching the truth of the eleventh article of faith as we are in teaching all the others. The eleventh article of faith is not just a bit of special pleading, thrown in to encourage others to leave us in peace so we can teach and practice all the other articles of faith: "We claim the privilege of worshipping Almighty God according to the dictates of our own conscience, and allow all men the same privilege, let them worship how, where, or what they may." This article of faith is a core gospel teaching. We need to be able to join with other forces for good in protecting it, in reminding others of its importance, in broadening the consensus that supports it, and in helping to implement it. We need to remind people that religious persuasion warrants, if anything, more, and certainly not less, than other forms of freedom of expression. We need to draw attention to the invisible infractions, as well as the more obvious ones. And in all of this, we need to be sure to do unto others as we would have them do unto us.

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